

Annual Report 2015–2016

Reaching more people in regional and remote areas





The Hon Gabrielle Upton MP
Attorney General
Governor Macquarie Tower
Sydney NSW 2000

Dear Attorney

Legal Aid NSW has pleasure in presenting to you the report of its activities for the year ended 30 June 2016. This report is submitted in accordance with section 13 (1) of the *Legal Aid Commission Act 1979* and section 10 (1) of the *Annual Reports (Statutory Bodies) Act 1984*.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bill Grant".

Bill Grant
Chief Executive Officer

October 2016

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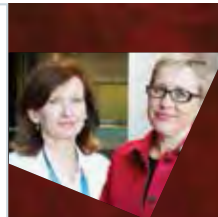
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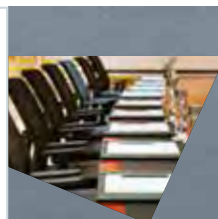
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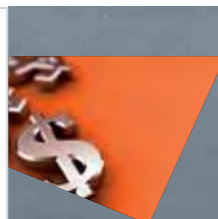
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Cover photo: Riverina Murray staff from Wagga Wagga and Albury—a joint effort to address unmet demand for legal help in the region. More information appears on page 86.

Overview

Legal Aid NSW is an independent statutory body, established under the *Legal Aid Commission Act 1979*, reporting to the Attorney General of New South Wales, the Hon Gabrielle Upton MP.

We are the largest legal aid agency in Australia. Our role is to deliver and coordinate legal aid services.

A Board of 10 members determines our policies and priorities. Board members are appointed by the New South Wales Attorney General for a period of up to three years.

In this report we refer to ourselves as Legal Aid NSW.



Every week our lawyers go out to meet clients where they are needed, covering 248 outreach locations.

What we do

We provide legal services across New South Wales, through a state-wide network of 24 offices and 248 regular outreach locations, with a particular focus on assisting socially and economically disadvantaged people.

We assist with legal problems through a comprehensive suite of services across criminal, family and civil law.

Our services range from high volume legal information, education, advice, minor assistance, dispute resolution and duty services, through to an extensive litigation practice.

We deliver a high volume of community legal education and advice services that are not means tested.

More intensive assistance, such as casework and legal representation, is means tested and sometimes merit tested.

We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.

We also work in close partnership with LawAccess NSW, Community Legal Centres, the Aboriginal Legal Service (NSW/ACT) Ltd and pro bono legal services.

We also work closely with other agencies that provide social and support services to disadvantaged and marginalised people, helping us achieve more integrated services that address clients' legal and non-legal needs.

Our values

We are committed to the NSW public service values:

- integrity
- trust
- service
- accountability.

These values are reflected in our Code of Conduct and govern the way we do our business.

Our objectives

Our main objective is to improve access to justice for the most disadvantaged people in our society, responding to their legal and non-legal needs. We aim to provide legal assistance that can help people break the cycle of disadvantage. To do this, we draw on the skills and dedication of our highly experienced employees and work alongside a growing network of stakeholder partners to deliver joint services.

About this report

This annual report reviews and reports on our activities and performance, including what we set out to do in our *Legal Aid NSW Plan 2015–2016*. It is structured around the four key objectives of the plan:

- To promote access to justice through early intervention and better targeting of legal assistance to disadvantaged people.
- To pursue excellence, innovation and efficiency in legal service delivery.
- To support and develop our people; and improve our systems to meet organisational goals.
- To build strong, effective service partnerships to respond to the legal and non-legal needs of our clients.

Achievements in this report are aligned with focus areas from the plan such as service expansion in regional and remote areas, early intervention strategies, better data collection and stronger partnerships so we can better respond to clients' changing legal needs.

This report incorporates all operational activities of our organisation, including joint initiatives. It reflects our commitment to effective corporate governance through openness and accountability. It provides an account of our revenue and how we have used public funds.

The report also looks to the year ahead and comments on the challenges facing Legal Aid NSW.

Last year's annual report received a Gold Award from the Australasian Reporting Awards—our ninth Gold Award.

This is our 37th annual report. This, and some earlier annual reports, are available on the Legal Aid NSW website in PDF format and easy-to-navigate HTML format. They can be found in the Publications section of www.legalaid.nsw.gov.au

In accordance with Public Service Commission directions, Legal Aid NSW no longer produces printed copies of its annual report.

Chair's report



The new Board brings significant skills and experience to its important task, and is well equipped and enthusiastic about its job of guiding Legal Aid NSW into the future.

I am pleased to introduce the 2015–2016 Annual Report on behalf of the Board of Legal Aid NSW.

This year, Legal Aid NSW started a number of important strategic initiatives, which will drive the organisation's direction for the next few years and are indicative of the vision of the Executive team.

The Board has been involved in approving and monitoring all important initiatives within the organisation, from approving the establishment of the new satellite office in Albury and focusing on delivering better services to people in regional and remote parts of New South Wales, to approving the Legal Aid NSW Plan, the Domestic Violence Strategy and endorsing a number of other important projects.

A matter of particular interest to the Board was monitoring the progress in implementing changes under the National Partnership Agreement on Legal Assistance Services, including jurisdictional planning with the Community Legal Centre sector.

This year saw a greater focus by Legal Aid NSW on the importance of targeting services to the needs of clients—many of whom experience a number of issues, including poor health, which affect the way in which they engage with legal services.

Attending a workshop on the client journey within Legal Aid NSW made

this clear to me, and I am confident that the work arising from this project will significantly and positively shape the organisation's future.

Providing legal help to the most vulnerable

During the year, the Board gave its approval to a number of policy changes which will help Legal Aid NSW to continue with its work of providing legal help to the most vulnerable members of society in line with its goals and objectives.

The Board approved technical revisions to the contributions policy, changes to some fee scales, and amendments to eligibility criteria for some legal matters.

For example, it agreed to a special disadvantage test for employment law matters and approved the continuation of the Local Court defended hearings policy, which was reviewed after its introduction in 2013. The Board also gave approval to new policies and fee scales for some care and protection matters.

The Board was pleased to give approval to the development of a new legal service type that is aimed at providing assistance to disadvantaged people in resolving a wide category of disputes at an early stage so as to avoid litigation. It is anticipated that this service will be of great assistance for people with complex

legal needs and will be established in such a way as to enable Legal Aid NSW to monitor the service and measure the outcomes achieved.

Stretching to achieve diversity

Legal Aid NSW is further working to enhance its workforce, by ensuring its highly qualified and professional staff are diverse and not disadvantaged because of disability, cultural background or other factors.

The Board was pleased to endorse the Diversity Action Plan, which guides Legal Aid NSW's internal and external policies and activities.

The Board is pleased that this year's Reconciliation Action Plan has achieved 'Stretch' status—ambitious targets for the employment of Aboriginal staff and other initiatives will ensure that Legal Aid NSW can serve clients from an Indigenous background even better in the future.

Using limited funds effectively and efficiently

Providing legal services to the people of New South Wales, Legal Aid NSW has to work within the limited budgets set by the Commonwealth and State Governments and use these funds effectively and efficiently.

The Board is continuing to monitor finances and performance against the benchmarks set in the National Partnership Agreement (NPA).

This year, Legal Aid NSW and Community Legal Centres NSW (CLCs) commenced jurisdictional planning—a process provided for under the NPA to plan for sustainable service delivery across the CLC sector in anticipation of Commonwealth funding decreases to occur in 2017–2018.

The Board is pleased with steps taken so far to find administrative efficiencies and continues to support initiatives to prepare for the funding decrease to minimise the impact on vulnerable clients across New South Wales.

The Board also took an active role in monitoring the introduction of Activity Based Costing into Legal Aid NSW. The roll-out of this tool to measure performance concluded on 30 June 2016. Legal Aid NSW is now well positioned to embark on the next phase and report on the costs of inhouse service delivery.

Managing risk through a strong audit strategy

In 2015–2016, six internal audits were conducted as approved by the Audit and Risk Committee's audit plan.

The Audit and Risk Committee added two new audits regarding the implementation of the contributions policy and Activity Based Costing.

The committee noted that the risks were also being appropriately managed.

Further, the committee reviewed the New South Wales Treasury Internal Audit and Risk Management Policy and will be implementing relevant actions resulting from the review over a two-year period.

Looking ahead

In June 2016, I was delighted to be reappointed by the New South Wales Attorney General for a further three years as Chair of the Board. At the same time, two Board members were reappointed and six new, well qualified members were appointed to the Board until 2019.

The new Board brings significant skills and experience to its important task, and is well equipped and enthusiastic about its job of guiding Legal Aid NSW into the future.

The new Legal Aid NSW Plan, which guides the organisation's future, promises that 2016–2017 will be another eventful year, which will include implementing the Client Service Strategy to improve the quality of client engagement and legal service delivery, the Domestic Violence Strategy and the new strategic framework for community legal education.

Legal Aid NSW continues to play an important role in the legal sector in New South Wales and its ability to help vulnerable clients is strengthened by the close ties to and cooperation with its partners in the legal and non-legal sector.

I wish to thank the Executive team and all Legal Aid NSW staff for their hard work in 2015–2016, which was a particularly successful and busy year. The Board applauds their commitment and dedication to providing legal services to the people of New South Wales.

I also acknowledge the work of the private profession and the commitment of the Public Defenders in providing legal aid services on behalf of Legal Aid NSW.



Craig Smith
Chair, Legal Aid NSW



CEO's report

Our new Client Service Strategy will guide us to better tailor our services to the needs of our clients.

This year has been an exciting and productive year at Legal Aid NSW in which we set the strategic direction for Legal Aid NSW for the next few years.

A key focus this year was developing strategies to improve the client experience, to better serve victims of domestic violence, and to address service delivery gaps in remote and regional New South Wales.

All our initiatives are guided by our charter, which requires us to provide legal services to socially and economically disadvantaged people in New South Wales.

Serving people across the state

Almost half of our clients (47%) come from rural and regional New South Wales, and 17,771 legal advice services were provided by our mobile lawyers, many of them in remote parts of the state.

After our review of the gaps in legal services in regional, rural and remote New South Wales, Legal Aid NSW this year expanded services to the people in South Western New South Wales, Far Northern New South Wales and Broken Hill.

We opened a new office in Albury, a satellite office of our office in Wagga Wagga; both now jointly make up the newly named Riverina Murray office of Legal Aid NSW.

We also placed a Legal Aid NSW full-time family lawyer in Broken Hill, employing 10 dedicated committals lawyers, mainly in regional areas, expanded services and partnerships in Moree, and increased our outreach locations across the state.

Putting clients at the centre of what we do

These initiatives are a way to deliver high quality, targeted and consistent services to our clients. Our new Client Service Strategy, developed this year, is ensuring we put clients at the centre of everything we do.

Over the next five years, as we implement the many initiatives outlined in this strategy, we will redesign our business processes and better tailor our services to the needs of our clients.

Supporting women experiencing domestic and family violence

We also strengthened our focus and services for victims of domestic and family violence. This work is driven by the Legal Aid NSW two-year Domestic Violence Strategy.

Many of our clients experience domestic and family violence, and have many legal problems ranging from apprehended domestic violence orders, and family law (including parenting, child support and divorce), to civil law matters (including victims support, housing and immigration).

A review of 100 Commonwealth-funded family law cases showed that 76% involved allegations of domestic violence.

In January 2016, we established a new specialist Domestic Violence Unit which provides wrap-around legal and non-legal support for victims of violence at crisis point. Legal Aid NSW also received additional Commonwealth funding to set up the new South West Sydney Domestic Violence Unit to help local women, including those from culturally diverse communities.

These units are client-centred and help clients tackle the full range of legal problems, bringing a trauma-informed approach to their work.

This year also saw the 20th anniversary of the Women's Domestic Violence Court Advocacy Program which is managed by Legal Aid NSW. The program manages 28 Women's Domestic Violence Court Advocacy Services which this year provided 145,341 services to 39,434 women across New South Wales.

Working with our partners to provide legal services

Working closely with other legal assistance services and private lawyers is critical to Legal Aid NSW providing services across the New South Wales.

Private lawyers provided 41.2% of all Legal Aid NSW case and duty

services. We strongly value their support and rely on them to help provide legal aid services across the state.

We partnered with community legal centres, the Aboriginal Legal Service (NSW/ACT) Ltd and Family and Community Services to deliver care and protection legal services under the Safe Home for Life reforms.

Increasingly, Legal Aid NSW is partnering with non-legal service providers, including community and health organisations, to better reach clients with legal needs. This year we were involved in 10 health justice partnerships at which we provided legal support in health settings.

Under the National Partnership Agreement, Legal Aid NSW is working with community legal centres and the Aboriginal Legal Service (NSW/ACT) Ltd to improve the coordination of legal service delivery. We also worked with Community Legal Centres NSW and community legal centres to negotiate the merger of three centres to form the new Western Sydney Community Legal Centre.

Equipping and developing our staff

This year we introduced a new induction process for lawyers joining Legal Aid NSW to increase their capacity to serve clients with a range of legal needs across the practice areas.

Our focus on staff health and well-being led to a revised Code of Conduct and training about the organisation's speak up culture.

The introduction of Individual Planning, our staff performance development program, provided a new tool for career planning and discussions between staff and their managers.

We introduced the New Leaders Program to nurture and equip future managers with the right knowledge and skills to lead and manage staff.

Our Stretch Reconciliation Action Plan set ambitious Aboriginal employment targets of 6% and continued the successful legal careers pathway and Aboriginal Field Officer programs.

Measuring our performance

We surpassed the 95% benchmark set by the Commonwealth and delivered 99.2% of our representation services to clients experiencing financial disadvantage. Over 78% of our alternative dispute resolution conferences resulted in full or partial settlement.

This year, because of changes under the new National Partnership Agreement, some service figures cannot be compared to last year. However, I can say unambiguously that, despite decreasing Commonwealth funding, Legal Aid NSW had a successful year, with increasing duty services and family dispute resolution conferences,

and more outreach locations across New South Wales.

I wish to thank the Board, and its Chair Craig Smith, for their leadership and dedication. I welcome the six new Board members who joined the Board in June 2016, and I wish to particularly thank the outgoing members of the Board for their years of service and support for Legal Aid NSW.

I would also like to thank the Executive team for their support and hard work during the past year, which included many significant strategic initiatives which required vision and commitment.

Most importantly, I want to thank Legal Aid NSW staff and partners in the private profession and legal assistance sector for their dedication to helping our clients.

In this, my fifth year at the helm of Legal Aid NSW, I still continue to be amazed and inspired by the work of our staff. They are at the frontline, making an invaluable contribution to helping our clients—including the most vulnerable and disadvantaged people in New South Wales—resolve their legal issues.



William Grant
Chief Executive Officer

What we did over the past year

We put clients at the centre of everything we do.

We stood in the shoes of our clients and partners to learn what we can do better.

Legal Aid NSW provides legal services to disadvantaged people across New South Wales. We are proud to provide these services. We also want to do things better.

A new Client Service strategy that puts clients at the centre of everything we do has the potential to transform the way we deliver our services. The strategy draws on consultations with clients, staff and our main partners. See page 26.

We addressed identified legal need in regional areas.

Service delivery gaps in remote areas were addressed by:

- placing a lawyer in Broken Hill and opening a new satellite office in Albury
- expanding partnerships, such as a new Cooperative Legal Service Delivery Program partnership in Moree
- providing more services for Aboriginal people in regional and remote areas

- adopting new approaches to the mixed model (private and inhouse) of service delivery.

See page 27.

We improved safety for the victims of domestic violence.

Legal Aid NSW developed a new Domestic and Family Violence Strategy across the organisation to ensure that we deliver high quality, client-centred and integrated services to people affected by domestic and family violence.

A new specialist Domestic Violence Unit began providing legal and non-legal support to victims of violence at crisis point. A Commonwealth-funded specialist service was also opened in South West Sydney to assist clients attending domestic violence list days at Bankstown and Liverpool Courts.

As a result of the NSW Government's *Domestic Violence Justice Strategy 2013–2017*, Legal Aid NSW Women's Domestic Violence Court Advocacy Services assisted 73% more women with early intervention and support at court. See pages 28 and 61.

Stronger partnerships linked people with health needs to timely legal assistance.

A growing number of health justice partnerships with health and welfare agencies provide on-site legal assistance to vulnerable people in health-related settings, including hospitals, community health centres and health outreach services in public housing estates. See page 52.

We have a new five-year funding agreement with the Commonwealth.

New performance indicators and benchmarks require that we provide 95% of our representation services to people experiencing financial disadvantage. We exceeded this with a rate of 99.2%. See page 16.

These achievements were guided by our *Legal Aid NSW Plan 2015–2016*. The facing page shows a more detailed overview of our achievements. We also developed a new plan for 2016–2017.

Operating revenue increased by 7.8%.

Financial summary

| | 2014 | 2015 (\$M) | 2015 | 2016 (\$M) | Change |
|--------------------|-------|------------|-------|------------|--------|
| Operating revenue | 253.4 | | 273.2 | | 7.8% |
| Operating expenses | 257.4 | | 283.4 | | 10.1% |
| Total assets | 105.7 | | 98.9 | | (6.4%) |
| Total liabilities | 82.0 | | 106.0 | | 29.3% |

Achievements against the *Legal Aid NSW Plan 2015–2016*

The *Legal Aid NSW plan 2015–2016* was ambitious in scope with many actions requiring significant planning, development and implementation. Despite this we achieved what we set out to do¹. The actions highlighted on the facing page are examples of what we did particularly well.

All actions in the Plan have specified measures of success, or targets*.

| Access to justice | Excellence in legal services | Supporting our people | Strong partnerships |
|--|--|--|---|
| Objective: To promote access to justice through early intervention and better targeting of legal assistance to disadvantaged people | Objective: To pursue excellence, innovation and efficiency in legal service delivery | Objective: To support and develop our people and improve our systems to meet organisational goals | Objective: To build strong, effective service partnerships to respond to the legal and non-legal needs of our clients |
| <ul style="list-style-type: none"> Implemented the 2016 component of the <i>NSW Aboriginal Reconciliation Action Plan 2015–2018</i> (pp 28, 70) Expanded our inhouse capacity to conduct more committal matters across New South Wales (p 36) Expanded civil and family law services to Aboriginal communities in 11 regional and remote areas (Target 10) (p 28) Developed a new <i>Domestic and Family Violence Strategy 2016–2018</i> across all areas of legal service delivery (p 28) Developed a proposal for improved service delivery to meet the recommendations of the <i>Review of legal service gaps in remote NSW</i> (p 27) | <ul style="list-style-type: none"> Implemented Activity Based Costing where lawyers in all legal practices record the amount of time spent on the delivery of legal aid services (p 83) Completed a strategic framework for the delivery of community legal education (p 44) Commenced implementation of the new <i>National Partnership Agreement on Legal Assistance Services 2015–2020</i> (p 15) Developed a <i>Client Service Strategy 2016–2020</i> to ensure quality and consistency of services to clients (p 26) Implemented the <i>Diversity Action Plan 2015–2016</i> to promote diversity and inclusiveness and improve client service and support for staff (p 33) | <ul style="list-style-type: none"> Implemented the 2016 part of the <i>Aboriginal Employment and Career Development Strategy 2015–2018</i> (p 78) Analysed results from the UNSW report <i>Creating a Supportive Culture for Legal Services</i> to implement options for improved staff health and wellbeing (p 76) Developed and launched the New Leaders' Program to develop capabilities to manage people effectively and improve performance (p 80) Developed a new induction module for lawyers in all legal practices, ready for launching in November 2016 (p 80) Developed and submitted a business case for a new case management system (p 85) Implemented the new data governance framework (p 85) Developed a strategy to capture data and information that demonstrates the value and quality of Legal Aid NSW services (p 85) | <ul style="list-style-type: none"> Identified new initiatives to improve access to legal services in correctional facilities through the use of technology (p 83) Collaborated with the legal assistance sector to implement the requirements of the new <i>National Partnership Agreement on Legal Assistance Services 2015–2020</i> (pp 59, 68) Developed local partnerships with the Department of Family and Community Services (FaCS) and Community Legal Centres to implement care and protection reforms, achieving a 10% increase in referrals from FaCS (p 60) Developed a framework to establish regional service delivery plans for Legal Aid NSW offices which was trialled in five regional offices (p 87) |

The year ahead 2016–2017

| | | | |
|---|--|--|--|
| <ul style="list-style-type: none"> Implement the <i>Reconciliation Action Plan 2015–2018</i> Develop a new model of legal service delivery to assist high conflict families in the family law system resolve their dispute Expand legal assistance services in the Riverina and Murray regions of NSW Implement the <i>Legal Aid NSW Domestic and Family Violence Strategy 2016–2018</i> Roll out the <i>Safer Pathway</i> part of the Domestic and Family Violence Reforms to more sites in NSW | <ul style="list-style-type: none"> Implement the new <i>Client Service Strategy 2016–2020</i> to improve the quality of service delivery, client engagement and access to services Identify the impact of the expanded inhouse committals practice Implement the Community Legal Education Strategic Framework to assist people identify and address legal issues early, and to improve access to justice | <ul style="list-style-type: none"> Develop a <i>Work Health and Safety Plan</i> to improve staff safety and wellbeing Develop and pilot the delivery of training and resources for staff providing services to people living with mental illness Implement the Activity Based Costing Management Model to improve data quality and test costing capability Develop a new case management system to support staff in meeting future business needs and deliver improved client services | <ul style="list-style-type: none"> Roll out the new framework for Regional Service Delivery Plans for Legal Aid NSW offices Collaborate with the justice cluster to improve the criminal justice system and develop and implement reforms and initiatives to reduce backlogs in the District Court Implement the <i>National Partnership Agreement on Legal Assistance Services 2015–2020</i> |
|---|--|--|--|

* Measures of success/targets are published internally only.

¹ We were unable to roll out the *Safer Pathway* element of the domestic and family violence reforms to additional sites in New South Wales as the new sites were not confirmed by Government until June 2016. This rollout will now be undertaken in 2016–2017.

Past and present | our history

New South Wales has a long history of providing legal aid for criminal, family and civil law problems.

In almost 100 years, legal aid has developed from a charity to a key element of the justice system.

1918

Poor Persons Legal Remedies Act—first formal legal aid scheme

1941

The Public Defender's Office represents disadvantaged people in serious criminal cases

1943

The Legal Assistance Act 1943 set up the Public Solicitor's Office—the first time in the western world that lawyers were employed to give legal aid to low income earners

1974

"Shopfront lawyers" in the new Australian Legal Aid Office provide services under Commonwealth law

1979

The NSW Government establishes the Legal Services Commission (now known as Legal Aid NSW)

1987

State and Commonwealth legal aid offices merge to form the Legal Aid Commission of NSW

1990s

Expansion includes alternate dispute resolution and specialist services for children, women experiencing domestic violence, prisoners, and people with mental health problems.

2016

Increasingly, our lawyers go out to communities where they are needed. We work in partnership with other agencies so people can be linked to our services at an earlier stage. We address clients' legal and non-legal needs through client-centred and holistic services.

Key legislation governing our work

Our organisation is established under the *Legal Aid Commission Act 1979* (the Act). The Act establishes Legal Aid NSW as an independent statutory body with a mandate to provide effective, efficient and economical legal services that are available and accessible to disadvantaged people in New South Wales.

The *Government Sector Employment Act 2013* (the GSE Act) provides a framework for employment and workforce management. We have complied with the GSE Act and introduced a new performance planning and staff development system.

The health and safety of people in our workplace is conducted in accordance with section 18 of the *Work Health and Safety Act 2011*.

Our financial statements are prepared in accordance with the provisions of the *Public Finance and Audit Act 1983*.

How Legal Aid NSW is connected to its partners in the Justice Sector

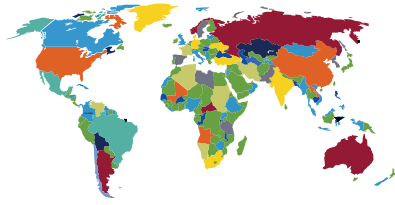


Fact file

Our clients



Aboriginal
11.5%



Born in non-English speaking countries
12.5%



Female
26.0%



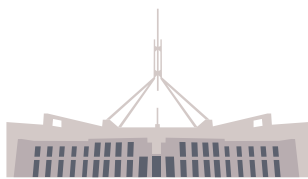
Under 18
13.7%



Aged 18–60
84.1%



Over 60
2.2%



On Commonwealth benefits
47.5%



With dependants
12.3%



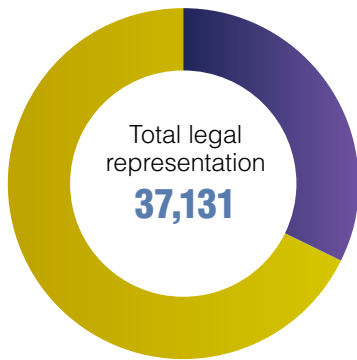
Rural and regional
47%*

*Includes Newcastle and Wollongong

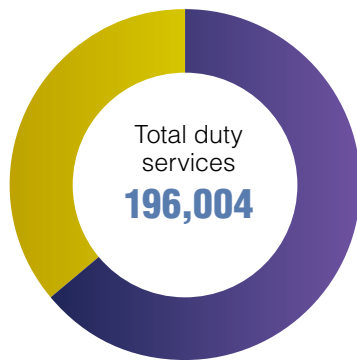
Note: Based on total case grants and inhouse duty services



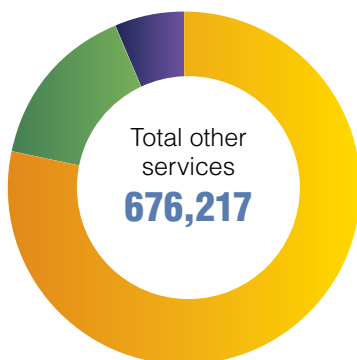
Services to clients



- Inhouse 11,837
- Private lawyers 25,294



- Inhouse 125,239
- Private lawyers 70,765



- Information services 528,798
- Legal advice 104,547
- Minor assistance 42,872

Total = 909,352 services

Our staff



- Regional offices 554
- Central Sydney office 562



- Lawyers 586
- Administrative and corporate services 530

79 Legal Aid NSW inhouse lawyers have Law Society of NSW specialist accreditation for expertise in their field.

41.2% of our case and duty services were provided by private lawyers. See Appendix 6.

See Section 3 and Appendices 1 and 2 for further details about our staff profile.

Total = 1,116 employees

Our finances

Our total income was \$273.2 million and we spent \$283.4 million.



- Criminal law services 45.8%
- Family law services 28.2%
- Civil law services 14.0%
- Community partnerships 12.0%

Measuring performance

Indicators and targets help improve services to clients.

Legal Aid NSW uses a range of methods to measure performance and continues to strengthen its focus on performance measurement.

Progress towards better measurement of performance

Legal Aid NSW consistently monitors and reviews its performance to ensure we are meeting our organisational goals, improving the quality of our services and demonstrating the value of our work.

We developed an Outcomes Framework to capture appropriate data and information to measure the impact of our services on our clients, the community and the justice system and developed a complementary monitoring and evaluation framework. The Outcomes Framework will establish new measures and benchmarks of performance for the future.

New performance indicators have been introduced in the *National Partnership Agreement 2015–2020*. We have exceeded the key perfor-

mance indicator benchmark. See page 16.

We continue to enhance our business intelligence tool by providing interactive online dashboards for our criminal, family and civil law practices allowing staff to access timely, accurate data that meets their planning and service delivery requirements.

We provide duty lawyers in every Local Court in New South Wales. Duty lawyers are either inhouse or private lawyers paid by Legal Aid NSW.

| Key performance indicators | 2013 14 | 2014 15 | 2015–16 |
|---|---------|---------|---------|
| Community awareness of legal rights and responsibilities | | | |
| Client satisfaction rating | N/A* | 87.0% | N/A* |
| Average waiting time (weeks) for advice appointments | 0.77 | 0.87 | 0.87 |
| Number of information services provided | 654,958 | 564,958 | 528,798 |
| Rate per 100,000 of NSW population accessing information services | 8,740 | 7,441 | 6,873 |
| Number of advice and minor assistance services provided | 140,362 | 150,396 | 147,419 |
| Rate per 100,000 of NSW population accessing advice and minor assistance services | 1,873 | 1,981 | 1,916 |
| Number of publications distributed | 712,395 | 707,409 | 729,120 |
| Rate per 100,000 of people accessing publications | 9,507 | 9,317 | 9,477 |
| Accessibility of legal aid | | | |
| Means test income limit as a % of national minimum weekly wage | 51.1% | 60.1% | 60.9% |
| Percentage of Local Court sittings serviced by duty solicitor schemes | 100% | 100% | 100% |
| Representation service standards | | | |
| Percentage of satisfactory comprehensive inhouse file reviews | 96.8% | 97.1% | 98.0% |
| Number of Legal Aid NSW lawyers with specialist accreditation | 76 | 63 | 79 |
| Number of Legal Aid NSW lawyer attendances at training sessions | 3,306 | 3,118 | 2,783 |
| Number of private lawyer attendances at Legal Aid NSW training sessions | 1,313 | 882 | 700 |

*N/A=surveys conducted every 2 years

| Service delivery targets | 2014 2015 performance | 2015 2016 target | 2015 2016 performance | 2016 2017 target |
|--|-----------------------|------------------|-----------------------|------------------|
| Legal advice services | 96,410 | 96,500 | 104,547 | 105,000 |
| Information services | 564,958 | 565,000 | 528,798 | 530,000 |
| Inhouse and assigned duty services | 174,562 | 175,000 | 196,004 | 196,500 |
| Conferences—family dispute resolution | 2,676 | 2,700 | 2,796 | 2,800 |
| Community legal education sessions | 2,975 | 3,000 | 2,243 | 2,300 |
| Outreach advice services | 14,769 | 14,800 | 17,771 | 17,800 |
| Locations with regular outreach | 210 | 210 | 248 | 260 |
| Locations with regular outreach for Aboriginal communities | 34 | 35 | 45 | 48 |

✓ We exceeded all but two of our service delivery targets for 2015–2016.

Reporting against the National Partnership Agreement

Commonwealth funding to Legal Aid NSW is governed by a national partnership agreement.

The *National Partnership Agreement on Legal Assistance Services (NPA) 2015–2020*, started on 1 July 2015. The new five-year agreement covers Commonwealth funding for both Legal Aid Commissions and Community Legal Centres (CLCs).

The objective of the NPA is a national legal assistance sector that is integrated, efficient and effective, focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.

Outcomes include:

- legal assistance services are targeted to priority clients with the greatest legal need
- legal assistance service providers collaborate with each other, governments, the private legal profession and other services, to provide joined-up services to address people's legal and related problems
- legal assistance services are appropriate, proportionate and tailored to people's legal needs and levels of capability
- legal assistance services help people to identify their legal problems and facilitate the resolution of those problems in a timely manner before they escalate
- legal assistance services help empower people to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems

Measuring performance

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

New benchmarks and milestones highlight priority clients.

Progress towards the objectives and outcomes is informed by new performance indicators, performance benchmarks and milestones. Service definitions and counting rules under the NPA are now defined by the *National Legal Assistance Data Standards Manual*. The manual contains practice guidance to legal assistance service providers to help collect consistent and comparable data across the legal assistance system.

Performance indicators are different from those required by the NPA which were in place from 2010 to 2014. Comparisons with NPA data in previous years are therefore not possible.

A number of the performance indicators and the benchmarks focus on the proportion of services delivered to 'priority clients'. For example, each six months of funding is subject to Legal Aid NSW demonstrating that 95% or more of representation services (grants) are delivered to people experiencing financial disadvantage. Not all performance indicators are reported every year. For example, client satisfaction surveys are required every two years.

We submit a detailed data report every six months. Our systems and processes have been updated to capture the additional demographic data required under the NPA.

In addition to reporting on our own services, we also coordinate reporting on behalf of the state for

services delivered by Community Legal Centres.

A new key milestone under the NPA is collaborative service planning. The aim of service planning is to target services to where they are most needed. Further reporting against NPA milestones for Community Legal Centres, including the implementation of collaborative service planning can be found on page 60.



THE YEAR AHEAD

- ➔ Conduct a client satisfaction survey.

Selected NPA performance indicators and benchmarks

| Performance indicator | Percentage | Benchmark |
|---|------------|-------------|
| Proportion of representation services to people experiencing financial disadvantage | 99.2% | 95% or more |
| Proportion of alternative dispute resolution conferences held by Legal Aid NSW resulting in either partial or full settlement | 78.2%* | N/A |

*This is the percentage for Commonwealth conferences only. The combined total for State and Commonwealth conferences was 78.5%.

✓ We exceeded the benchmark for representation services.

What we did in the past five years

Total client services

| | |
|-----------|-----------|
| 2011 2012 | 931,141 |
| 2012 2013 | 972,650 |
| 2013 2014 | 1,003,224 |
| 2014 2015 | 925,253 |
| 2015 2016 | 909,352 |

Duty services (representation appearances at courts and tribunals)

| | |
|-----------|---------|
| 2011 2012 | 171,744 |
| 2012 2013 | 172,188 |
| 2013 2014 | 171,765 |
| 2014 2015 | 174,562 |
| 2015 2016 | 196,004 |

Outreach legal advice services provided by mobile lawyers

| | |
|-----------|--------|
| 2011 2012 | 11,446 |
| 2012 2013 | 12,781 |
| 2013 2014 | 15,558 |
| 2014 2015 | 14,769 |
| 2015 2016 | 17,771 |

Legal advice services

| | |
|-----------|---------|
| 2011 2012 | 86,271 |
| 2012 2013 | 92,854 |
| 2013 2014 | 98,939 |
| 2014 2015 | 96,410 |
| 2015 2016 | 104,547 |

Minor assistance services

| | |
|-----------|--------|
| 2011 2012 | 25,076 |
| 2012 2013 | 35,865 |
| 2013 2014 | 41,790 |
| 2014 2015 | 53,986 |
| 2015 2016 | 42,872 |

Community legal education sessions

| | |
|-----------|-------|
| 2011 2012 | 2,211 |
| 2012 2013 | 2,515 |
| 2013 2014 | 3,160 |
| 2014 2015 | 2,975 |
| 2015 2016 | 2,243 |

Aboriginal clients: percentage of total case and inhouse duty services

| | |
|-----------|-------|
| 2011 2012 | 10.2% |
| 2012 2013 | 10.3% |
| 2013 2014 | 10.2% |
| 2014 2015 | 11.3% |
| 2015 2016 | 11.5% |

Family law mediation conferences

| | |
|-----------|-------|
| 2011 2012 | 2,667 |
| 2012 2013 | 2,665 |
| 2013 2014 | 2,726 |
| 2014 2015 | 2,676 |
| 2015 2016 | 2,796 |

See pages 18–19 for an explanation of these services.

Legal Aid NSW is helping more people through better targeted, responsive services

Legal Aid NSW is continuing to improve the reach of its services to disadvantaged communities across New South Wales as shown in the five-year performance charts on page 17.

This year we have assisted more people through services that are more complex and substantial in nature, such as case grants, duty services, legal advice, including outreach advice services, and family law mediation conferences. Some less complex services such as information services, minor assistance and community legal education have decreased this year, though they show an overall increase over a five year period.

Our focus is on the most disadvantaged people who need our services, such as Aboriginal communities, clients with complex needs and those who face difficulty in accessing our services.

OBJECTIVE: PROMOTING ACCESS TO JUSTICE

Total client services

The count of total client services peaked in 2013–2014, before we introduced new protocols to streamline telephone calls from prisoners.

Those protocols reduced the volume of incoming calls from prisoners, and in information services being delivered. Information services are large in volume but very low in complexity.

The volumes of both duty and advice services, which are more substantial and resource-intensive than information services, have increased significantly over the past five years and their highest ever service volumes were recorded in 2015–2016. Grants of aid were also higher in 2015–2016 than in the previous two years. Minor assistance services were lower because of changed data recording practices in preparation for the introduction of new service types during 2016–2017.

Duty services

Duty service volumes were substantially higher in 2015–2016 than in any other year. This was mainly because of large increases in criminal law duty services provided by both inhouse and private lawyers. The higher service volumes were spread across a wide variety of geographic locations and offence

types, with the largest increases for inhouse lawyers relating to driving offences, including driving under the influence of drugs; possession and use of prohibited drugs; domestic violence related offences; and stealing from retail stores.

Outreach advice services

Legal Aid NSW has continued to increase its emphasis on reaching clients throughout New South Wales, including in areas where there is no nearby Legal Aid NSW office—particularly in those areas with more disadvantaged populations. Legal Aid NSW establishes outreaches in accordance with the *Best practice principles for Legal Aid NSW outreach services*. Outreaches are planned in response to evidence of legal need in an identified client group, community or place that lacks access to appropriate legal services.

In 2015–2016, we achieved our highest total outreach advice service figure for any year to date. Our network of mobile lawyers, our specialist Civil Law Service for Aboriginal Communities and our collaboration with health and welfare agencies through health justice partnerships, where on-site legal advice especially in civil and family law is provided in health-related settings, have in part contributed to this increase.

Legal advice

The volume of these services increased across all law types as demand for these services grew and our outreach services expanded. Our capacity to meet this demand has also improved, with more lawyers employed than in earlier years. For example, the specialist Civil Law Service for Aboriginal Communities, and family law specialist services, expanded their services to Aboriginal people across New South Wales through outreach in many Aboriginal communities. These expanded services were an initiative in the *Legal Aid NSW Plan 2015–2016*.

Minor assistance

Many services which have previously been recorded as minor assistance will in future become part of two new service types to be introduced during 2016–2017, once final system adjustments and other preparations have been completed. Our preparations for these changes have seen lower volumes of minor assistance recorded as separate services. The numerical decrease reflects changed recording practices, rather than an actual decrease in services provided to clients.

Community legal education sessions

Community legal education (CLE) sessions have decreased this year as other avenues of information and education are publicised through our comprehensive website resources, and more efficient modes of service delivery, such as

webinars have been introduced, replacing in some instances, traditional face-to face delivery of CLE. CLE and information services were reviewed this year and a new structure will be implemented in 2016–2017.

Aboriginal clients—Percentage of services

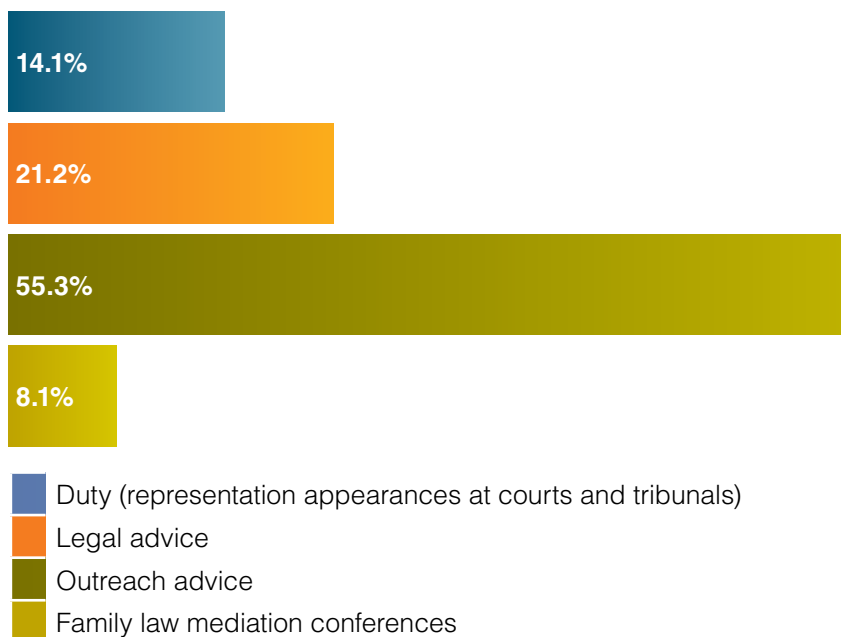
Aboriginal people continue to experience significant socio-economic disadvantage and substantial over-representation in the criminal justice system, as well as high levels of legal need relating to civil law matters such as consumer and tenancy law. Legal Aid NSW has continued its efforts to make its services more available and accessible to Aboriginal clients. We continue to have a higher proportion

(5.1%) of Aboriginal staff, exceeding the Government benchmark, and we also have a specialist Civil Law Service for Aboriginal Communities. There has been a steady rising trend in the percentage of our services provided to Aboriginal people.

Family law mediation conferences

The steady increase in demand for these services saw more family mediation conferences held in 2015–2016 than in any other year to date. Family dispute resolution conferences help resolve disputes at an early stage allowing parties to negotiate a settlement without the need to go to court.

Significant increases across services since 2011–2012



Our services—a snapshot

We provide a wide range of services to our clients

The following pages show a snapshot of our client services for 2015–2016. Three-year comparison tables can be viewed in Appendix 6.

Details about our achievements in client service delivery are summarised in the *Legal Aid NSW Plan 2015–2016* (page 9) and expanded upon in Section 1 of this report.

INFORMATION ABOUT THE LAW AND LEGAL SERVICES

Provided

528,798
information services

A 6.4% decrease on last year*

Our information services are free and can be accessed by the general community. Our staff can help with initial inquiries about a legal problem and legal processes, and provide printed information to help clients understand their situation and the availability of legal aid. Our staff help clients work out what to do next, and the best place to go if they need more help.

Information over the phone is available through LawAccess NSW, a free legal information, referral and limited advice service administered by the NSW Department of Justice, and partly funded by Legal Aid NSW.

** The decrease is largely due to new protocols that streamlined phone calls from prisoners, reducing the number of calls from prisoners.*

PUBLICATIONS AND COMMUNITY LEGAL EDUCATION

Distributed

729,120
publications

A 3.1% increase on last year

Provided

2,243
community legal education sessions

A decrease of 24.6% on last year*

We provide free publications and legal education kits to help people in New South Wales understand their legal rights and responsibilities.

Our resources are available on our website under Factsheets and Resources and can be ordered online at *Publications > Order a publication*.

We conduct community legal education sessions at venues across the state for the public and community workers. These are tailored to suit the needs of particular audiences.

** The decrease is due to more efficient modes of service delivery such as webinars replacing traditional face-to-face delivery of community legal education.*

LEGAL ADVICE AND MINOR ASSISTANCE

Provided

147,419
advice and minor
assistance services

A decrease of 2% on last year*

Free legal advice and minor assistance services are not means tested.

These services are available to everyone in New South Wales in 248 outreach locations around the state, as well as at our 24 offices.

During a short interview, our lawyers help clients to identify their problem, inform them of their legal rights and obligations and help them to understand what course of action they can take.

Lawyers may also draft letters or other documents for clients and make telephone calls for them to help resolve their problem. We refer to this as minor assistance.

Often this is all that is needed to help people resolve their legal issues, but clients who are due to appear in a court or tribunal may apply for a grant of legal aid for legal representation.

** A change in counting methodology contributed to this decrease.*

DUTY LAWYER SERVICES

Provided

196,004
duty services

A 12.3% increase on last year

125,239 provided inhouse and 70,765 by private lawyers

Legal Aid NSW provides lawyers in a number of courts and tribunals throughout New South Wales. We refer to these as duty lawyers. The duty lawyer service is free.

Duty lawyers advise and/or represent disadvantaged people appearing before the Local and Children's Courts on criminal charges. A duty lawyer is provided to all people in custody for a first appearance bail application.

Duty lawyer services are available for children and adults involved in care and protection matters at every specialist Children's Court in New South Wales, and at many regional courts when they sit as Children's Courts.

Duty lawyers are also available at Local Courts for victims of domestic and family violence.

We also provide duty lawyer services for disadvantaged people involved in proceedings under the *Family Law Act 1975* (Cth) and child support legislation. These services are provided in the Family and Federal Circuit Courts. In some cases, they can assist in preparing urgent applications for court, where a child is at risk of harm.

Legal Aid NSW also provides duty lawyer services for people detained under the *Mental Health Act 2007*. Our Mental Health Advocacy Service and regional civil lawyers provide duty services at the Mental Health Review Tribunal and at hospitals.

Duty lawyer services are available at the NSW Civil and Administrative tribunal in Liverpool and Sydney, where our lawyers help people understand their claims and how the tribunal can help them. We offer telephone advice to people in rural and regional areas who are unable to attend either the tribunal or one of our offices.

Our services—a snapshot continued

LEGAL REPRESENTATION

Provided representation in

37,131 matters

A 5.1% increase on last year

11,837 provided inhouse and 25,294 assigned to private lawyers.

Legal Aid NSW provides legal representation in criminal law, family law and civil law matters to people who meet eligibility tests. Our policies can be viewed on our website: www.legalaid.nsw.gov.au at *For lawyers > Policy Online*.

Clients can apply for a grant of legal aid through one of our offices or a private lawyer or by completing a form. We have a means test for grants of legal aid for legal representation so that services are targeted towards those who need them most. Most people granted legal aid are required to pay a contribution towards the costs of their legal representation.

For more information visit *Get legal help > Apply for legal aid* on our website.

HOTLINE FOR YOUNG PEOPLE

Received

15,153 calls

A 1.71% decrease on last year

Provided

5,786 legal advice services

A 1.4% increase on last year

3,754 minor assistance services

A 6.1% increase on last year

3,773 legal information services

A decrease of 8.6%* on last year*

Our telephone hotline for young people provides legal advice, minor assistance and information to young people under 18. It operates from 9am to midnight weekdays, with a 24-hour service from Friday 9am to Sunday midnight and public holidays. Many of these calls facilitate the operation of the *Young Offenders Act 1997* where, after legal advice, young people may make admissions to police and may be given a caution or warning or referred to a youth justice conference by police, rather than being charged with offences and brought before a court.

**We improved the screening/referral processes to ensure that the service meets the current needs of children. This includes referring Hotline callers who may have previously been provided with information services in the first place, to Hotline lawyers for preliminary legal advice.*

FAMILY DISPUTE RESOLUTION

Held

2,796 conferences

A 4.5% increase on last year

We reached full or partial settlement in 78.5%*.

We provide family dispute resolution (FDR) conferences in family law matters to help resolve disputes at an early stage. Parties are given the opportunity to negotiate a settlement without the need to go to court. If they can agree, consent orders may be drafted and filed in the Family or Federal Circuit Court.

FDR is also available for matters late in litigation. If it is appropriate, the Court or Legal Aid NSW refers parties to FDR before legal aid is granted for representation at a final hearing.

We also provide mediation services for children and adults in care and protection matters, including contact disputes and adoption.

At least one of the parties must have a grant of legal aid before an FDR conference is organised.

**This includes family law conferences in both the State and Commonwealth jurisdictions. The Commonwealth only rate was 78.2%.*

SPECIALIST SERVICES

We ran 17 specialist units and the newly established Domestic Violence Unit to help clients who have experienced domestic and family violence with their legal and non-legal needs.

Our specialist units provide services for particular client groups or in particular areas of law. They are staffed by experts in their field.

Specialist services include:

- Adult Drug Court Service
- Child Support Service
- Children's Civil Law Service
- Children's Legal Service (criminal matters)
- Client Assessment and Referral Unit
- Civil Law Service for Aboriginal Communities
- Commonwealth Crime Unit
- Coronial Inquest Unit
- Domestic Violence Unit (includes South West Sydney Domestic Violence Unit)
- Early Intervention Unit (family law)
- Employment Law Service
- Homeless Legal Outreach Program
- Mental Health Advocacy Service
- Prisoners Legal Service
- Sexual Assault Communications Privilege Service
- Veterans' Advocacy Service
- Work and Development Order Service
- Youth Koori Court

There is information about these services on our website at www.legalaid.nsw.gov.au > *What we do*.

1 Client services

This year we worked on improving the way we deliver our services, to make them more accessible, and to engage more effectively with clients.



In this section

26 Highlights this year: how we made a difference to clients and communities

32 Policies help narrow the 'justice gap'

33 Meeting the needs of diverse clients

35 Highlights from our practice areas

44 Community legal education

46 Contributing to law reform

Working towards safer outcomes for victims of domestic violence—Hanan Amer, Maha Najjarine and Alira Morey are joined by the CEO of Legal Aid NSW, Bill Grant and the Federal Member for Banks, David Coleman at the launch of the South West Sydney Domestic Violence Unit. See page 29.



Key achievements

- ★ A Client Service Strategy has set a clear direction for the next five years (page 26).
- ★ Services were expanded in Broken Hill, Moree and Albury (page 27).
- ★ A Domestic and Family Violence Strategy provides a roadmap for integrated services to meet the needs of clients experiencing domestic violence (page 28).
- ★ A new Domestic Violence Unit provides legal and non-legal support to clients experiencing domestic violence (page 29).
- ★ Changes to the means test and employment law policy increased eligibility for grants of legal aid (page 32).
- ★ More criminal law matters were settled in the early stages (page 36).
- ★ Mediations scored a high success rate and were applied to new areas (page 38).
- ★ We made 32 law reform submissions (page 46).



The year ahead

- ➔ Implement the first stage of the new *Client Service Strategy 2016–2020* to improve the quality of service delivery, client engagement and access to services.



Key challenge

- ★ Ensure our new Client Service Strategy achieves the full participation of staff.

Highlights this year: how we made a difference to clients and communities

Although we continued to provide services to a broad range of clients, we gave emphasis to strategies that target vulnerable clients with complex needs. The first step was to introduce practical ways of addressing identified justice gaps.

We concentrated our efforts on new and better ways of providing clients with the help they need—where they need it and when they need it. Our aim was to contribute to safer and better informed communities. We did this through:

- developing a Client Service Strategy that puts clients at the centre of everything we do
- providing more legal services for the residents of regional and remote areas
- adopting new and better ways of helping clients break the cycle of domestic violence.

OBJECTIVE ACCESS TO JUSTICE

Putting ourselves in our clients' shoes we delivered a strategy for the next five years

One of the key actions in the *Legal Aid NSW Plan 2015–2016* was to develop a Client Service Strategy to ensure high quality, targeted and consistent services to clients. Our intention is to transform how we deliver services by putting our clients at the front and centre of everything we do.

We engaged ThinkPlace Consultants to help develop the strategy, using a co-design model. We consulted widely with our clients, staff and stakeholders to identify what we do well and what we need to improve.

The *Client Service Strategy 2016–2020* sets out a common vision for how we want to transform our services over the next five years. There are six strategic focus areas.

› Redesign client entry into Legal Aid NSW services

We will redesign client entry into Legal Aid NSW services to ensure that our clients experience high quality and consistent services across all channels, including face-to-face, phone and the web. This includes reviewing the way clients make appointments, the physical environment of our offices, and our website.

› Tailor, coordinate and integrate services based on client needs

We will design a triage approach for assessing a client's needs and provide the most appropriate service to meet those needs. We will identify all the legal needs of a client and make referrals as appropriate.

› Improve our capacity to provide efficient and effective client centred services

Staff will be trained and resourced to provide high quality client service. Our business processes and systems will be reviewed to ensure they are client-centred.

› Maximise stakeholder engagement

Many of our clients with complex legal and non-legal needs have dealings with a number of government and non-government agencies. We will work strategically with partner agencies to provide joined-up services for vulnerable clients with complex needs.

› Improve communication to and education of our clients

We will review our communication products, including forms, letters, brochures and our website to ensure they are client-centred and effective.

› Strengthen the way we manage service delivery

We will monitor, evaluate and report on our services to our clients.

Smart technology provides clients with quick access

As part of our Client Service Strategy, we looked at how technology can help us improve our services to clients. This is aligned to a government-wide focus on digital transformation.

We undertook work on an online system that allows clients to apply for a grant of aid if they cannot access a lawyer. This might be due to disability or because they live in a remote location.

Client Communication Project—a project to rewrite our client letters in plain language

We started a project to rewrite our letters to clients about their grants of legal aid in plain language.

A reader-focused letter written in a way that can be easily understood is good client service. It can also benefit the organisation by reducing time spent explaining the content of letters to clients. Letters that are written clearly and simply may also reduce client complaints.

Staff across the organisation were consulted about which letters cause the most confusion for clients and difficulties for other staff. The letters will be user-tested with clients and our stakeholders.

Reshaping service delivery in regional and remote areas

During 2015–2016, Legal Aid NSW reviewed the way we provide legal services to disadvantaged people in a number of remote and rural locations to identify potential gaps. This was a recommendation of the *Review of legal service gaps in remote New South Wales* carried out last year.

The locations we reviewed were:

- South West: Wentworth, Dareton, Balranald
- Far West: Broken Hill, Wilcannia
- North West: Bourke, Brewarrina, Walgett, Lightning Ridge
- North: Moree, Boggabilla, Toomelah

Research and on the ground experience shows that:

- clients in remote locations often experience very high levels of disadvantage and other demographic indicators of legal need, along with isolation from services
- traditional models of servicing are not sustainable.

Legal Aid NSW consults with local community and legal services about the best way to provide additional legal services in Broken Hill.



Our approach was to focus on remote clients and include:

- a greater inhouse presence in some of these communities, such as placing a lawyer in Broken Hill on a full-time basis and establishing a new satellite office in Albury. We have also expanded our committals practice in remote and rural New South Wales.
- more outreach advice clinics where lawyers go to meet clients in their own communities.
- local partnerships, such as a new Cooperative Legal Service Delivery Program partnership in Moree.
- new approaches to the 'mixed model', such as the pilot of remote preferred providers in Moree and Broken Hill.
- a realignment of Regional Outreach Clinic Program locations across New South Wales.

Targets exceeded for delivering services to Aboriginal communities

The *Legal Aid NSW Stretch Reconciliation Action Plan 2015–2018* includes a number of targets in expanding services that were either met or exceeded.

We exceeded targets for expanding civil and family law services to regional and remote communities with:

- four new locations for joint civil and family law services (Forster/Tuncurry, Moree, Bourke/Brewarrina/Walgett, and Tabulum)
- three more locations for family law services (Port Macquarie, Broken Hill and Evans Head)
- four new locations providing civil law services (Dubbo, Nowra, Taree and Boggabilla/Toomelah).

More outreach advice clinics took us into communities

Legal Aid NSW continues to strengthen and expand the use of outreach legal advice services to access disadvantaged communities. Over the last five years, regular outreach locations increased by 62%, from 153 regular outreach locations in 2011–2012, to 248 locations across New South Wales in 2015–2016.

The majority of these—185—are in rural, regional and remote locations. Locations with regular outreach services for Aboriginal communities have increased from 20 in 2011–2012 to 45 in 2015–2016. This includes services provided by the Legal Aid NSW Civil Law Service for Aboriginal Communities to regional and remote Aboriginal communities.

Legal Aid NSW partners with community and government organisations to provide outreach services in locations that are accessible to our clients. These include homeless services, Aboriginal Medical Services, migrant resource centres, neighbourhood and community centres, Centrelink, courts and correctional facilities. Some outreach clinics are conducted remotely using web-based video conferencing facilities.

Every week our lawyers go out to meet clients where they are needed

| | |
|--|-----|
| Regular legal outreach services | 248 |
| Services for Aboriginal communities* | 45 |
| Regular outreach services in regional and remote areas | 185 |
| Based in Centrelink offices | 5 |
| Clients can access civil law advice** | 169 |
| Clients can access family law advice** | 109 |
| Clients can access criminal law advice*** | 40 |

*Includes services provided by the Civil Law Service for Aboriginal Communities (CLSAC) at locations 6–8 times per year in each location

** Some locations offer advice in more than one area of law

*** Includes outreach to correctional centres as well as seven criminal law advice outreach services.

We attend 248 outreach locations

Safety for victims of domestic violence: a priority for the whole organisation

As part of the *Legal Aid NSW Plan 2015–2016*, we developed a new *Domestic and Family Violence Strategy 2016–2018* across all areas of service delivery. Its purpose is to ensure that Legal Aid NSW delivers high quality, client-centred and integrated services to people affected by domestic and family violence.

Proposed actions include improving specialist services, more training and resources for staff and private lawyers; amending our conflict of interest and grants policies to increase access to services for victims of domestic and family violence; and improving our service delivery to defendants in domestic and family violence matters.

The CEO is the corporate sponsor of the strategy, and the Legal Aid NSW Domestic and Family Violence Committee is responsible for monitoring and reviewing its implementation.

A summary of the strategy can be found on our website under *What we do > Domestic and family violence*.

Legal and non-legal support for victims of violence at crisis point

In January 2016, Legal Aid NSW established a specialist Domestic Violence Unit, providing legal and non-legal support to victims of violence at crisis point, using a trauma-informed approach. This approach is based on understanding and responding to the impacts of trauma, creating opportunities for clients to rebuild a sense of control. We also launched the Commonwealth-funded South West Sydney Domestic Violence Unit to help women in South West Sydney, including women from culturally diverse communities.

We are well placed to provide these services. Many of our clients, especially in family law matters, have experienced domestic violence. A file audit in early 2016 found that 76% of all Legal Aid NSW family law cases involve allegations of domestic violence. We also identified the cycle of domestic violence in our 2013 study of people who are frequent users of Legal Aid NSW services. The study found 72% of these regular

clients had a history of abuse or neglect at home, including being victims of family violence.

In its first six months (January to June 2016), the Domestic Violence Unit provided 710 duty services, 532 advice services and 234 minor assistance services.

Legal services have been provided to clients about a wide range of legal problems, including apprehended domestic violence orders, family law (parenting, recovery applications, property, divorce, contraventions, child support, care and protection, forced marriage and Hague convention matters), civil law (victims support, immigration, housing, police complaints, credit/ debt and social security matters) and criminal law (matters where the defendant is the primary victim and has had an ADVO applied against them or domestic violence-related charges), as well as in relation to fraud and dishonesty offences (for example, in situations when a victim seeks to change or withdraw their evidence and there is a risk of a criminal charge).

Social work support has included risk assessment, safety planning, court support, as well as warm referrals and practical assistance for clients to access counselling, housing and Centrelink.

The full team of the specialist Domestic Violence Unit attended the launch of the South West Sydney Domestic Violence Service with CEO Bill Grant and Director of Family Law, Kylie Beckhouse.





CASE STUDIES

How our trauma-informed service works

Mother keeps her baby

When Piu, a recent migrant from China, went to hospital to give birth, the hospital noticed severe injuries all over her body presumed to be caused by her violent partner. Piu's baby was born with a disability and Community Services became involved with Piu and her baby. Our wrap-around trauma-informed service meant we could help Piu in a number of ways, including:

- obtaining an apprehended domestic violence order at court to protect Piu
- legal advice about care and protection issues, including the best way for Piu to work with Community Services to keep her baby in her care
- social work follow up to help Piu follow the safety plan, apply for victim's support for counselling in Mandarin, and obtain financial assistance
- advocating with police to ensure the ADVO included Piu's baby and following up on her ex-partner's breaches of the ADVO
- referring Piu to the Legal Aid NSW specialist immigration service for help with her visa.

Piu's baby remains in her care.

Help with housing, court support and safety planning

Irma was in a violent relationship with Peter and tried to leave the relationship. When Peter found out she was trying to leave, he and his cousin assaulted Irma and locked her out of their home without any belongings. Their three young children were inside.

The police charged Peter with assault. Our services included:

- applying for orders to protect Irma
- applying for the return of Irma's children
- assisting her with parenting and property proceedings
- a social worker applying for housing and victims support, including counselling as well as urgent financial assistance to arrange new furniture and whitegoods
- undertaking a risk assessment and putting in place a safety plan for Irma and the children along with providing ongoing court support.

Female defendant but primary victim


Celia was the victim of violence from Harry over a 20-year relationship. They have a child together.

Police were called to an incident at their home. Harry claimed that Celia scratched his face. Police charged Celia with assault occasioning actual bodily harm and intimidation and applied for an apprehended domestic violence order against her. Celia had to leave the home and could not see her child.

Celia told the Domestic Violence Unit lawyer that she had actually been the victim of serious physical and sexual violence by Harry for years. Harry had also been extremely controlling of her and on the night in question, tried to strangle her and tried to take her phone to stop her from calling police. Celia feared for her life and defended herself.

The Domestic Violence Unit represented Celia in defence of the criminal charges and the ADVO. The medical evidence confirmed Celia's injuries were consistent with strangulation; and the Triple 000 calls were played in court. The Court accepted Celia's account of violence. The charges and the ADVO against Celia were successfully dismissed.

We went on to assist Celia with family law issues.

 *Note: These are not the clients' real names.*



More women supported by domestic violence services

The NSW Government's *Domestic Violence Justice Strategy 2013–2017* provides New South Wales justice agencies with a clear framework to improve the criminal justice system's response to domestic violence.

The strategy sets out standards of service for agencies working to ensure victims' safety and access to support is improved, and perpetrators are held to account and change their behaviour.

Under the strategy, from 1 July 2015, the NSW Police Force refers all women victims of a domestic violence incident to one of the 28 Women's Domestic Violence Court Advocacy Services (WDVCASs) across New South Wales.

The strategy has provided early safety intervention and support for more women at court. The number of women receiving support from the 28 WDVCASs rose steeply—by 73% over the previous year.

It Stops Here: Standing Together to End Domestic and Family Violence in New South Wales is a whole-of-government reform package launched in 2014 by the Hon Pru Goward, Minister for the Prevention of Domestic Violence and Sexual Assault. The reforms aim to improve the New South Wales response to domestic violence.

The reform package has five elements, including the centrepiece *Safer Pathway* service delivery model. *Safer Pathway* aims to ensure that all victims of domestic violence receive a timely, effective and consistent response, regardless of where they live. *Safer Pathway* is a comprehensive, system-wide structure, rather than an individual service, and is underpinned by new information-sharing provisions contained in Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007*.

Safer Pathway commenced in two launch sites, Orange and Waverley, in September 2014 and expanded to four additional sites, Broken Hill, Bankstown, Tweed Heads and Parramatta, in July 2015. From 1 July 2015 to 30 June 2016, the six sites have received a total of 9,540 referrals. More information appears on pages 61–62.



THE YEAR AHEAD

- ➔ Recruit a Client Service Director to oversee the implementation of the Client Service Strategy.
- ➔ Expand legal service delivery in remote New South Wales, in particular the Riverina and Murray regions.
- ➔ Implement the Legal Aid NSW *Domestic and Family Violence Strategy 2016–2018*, including establishing new domestic violence advice clinics in Bankstown and Burwood.
- ➔ Roll out *Safer Pathway* to more locations in New South Wales.

Our policies help to narrow the ‘justice gap’

In 2015–2016, Legal Aid NSW amended some policies to increase eligibility for our services to those who most need legal assistance.

Changes to the Legal Aid NSW means test make more appropriate allowance for living expenses, especially for applicants from struggling working families. Raising the income threshold and allowable assets under the means test narrows the ‘justice gap’ as more people become eligible for legal aid.

OBJECTIVE ACCESS TO JUSTICE

Changes to our eligibility policies—allowable income and cash assets

We introduced changes to the means test in August 2015 and January 2016 that raised the threshold for income and allowable deductions. We also increased the allowable cash assets.

The allowable income after deductions is now \$400 per week, up from \$385. Child care deductions increased from \$250 to \$325. The allowable cash assets for single people and families were also increased. For a single person the amount increased from \$1,310 to \$2,800 and for families it was increased from \$2,638 to \$4,200. The following stories explain how the means test works for two different household types:

› Ben and Jane—Household income of \$107,000

Ben and Jane are married with three young children. Ben works full time as a teacher earning \$75,000 (\$1,107 per week after tax); Jane works 30 hours a week in market research earning \$32,000 per year (\$552 per week after tax). They also receive a small amount of Family Tax Benefit Part A.

Ben and Jane live in Kogarah, paying \$500 per week rent for a three bedroom house. Their other main expense is child care: with one child in full time day care and the older two in after school care. Total net child care costs are \$360 per week.

With a combined income of \$107,000, Ben and Jane satisfy the Legal Aid NSW income test. With their only assets being a 2011 Subaru worth \$18,000 and savings of around \$4,000, Ben or Jane will be eligible for a grant of aid with an initial contribution of \$565.

› Ankica—Single mother earning \$80,000

Ankica is single and supports her two children from her salary of \$80,000 (\$1,170 per week after tax), plus child support payments of \$115 per week. She also receives Family Tax Benefit Part A and Part B.

Living in Armidale, it costs Ankica \$320 per week to rent a house. One of the children is in full time long day care, and the other in out of school hours care, costing Ankica a total of \$330 per week. With a modest car and \$4,000 in the bank, Ankica satisfies the means test, with an initial contribution of \$1,150.

Changes to employment policy

We expanded the eligibility criteria for employment matters by introducing a new test called the Social Disadvantage Test. The new test looks at financial and personal vulnerability and targets vulnerable and socially disadvantaged workers.

› Petra—Financially vulnerable factory worker

Petra, a 48-year-old factory worker, is paid the minimum hourly wage, has three children and pays rent. She was employed for nine years in a small business. Petra injured her back at work. Her employer advised her not to lodge a workers compensation claim. She needed to take time off to manage the recurring pain. While on sick leave, she received a note from her employer stating that he accepted her resignation. The notice backdated Petra’s ‘resignation’ by 24 days (the time limit under the *Fair Work Act 2009* for filing dismissal claims is 21 days).

Financially vulnerable due to her disability, risk of long term unemployment and unstable housing she was a person at social disadvantage. We assisted Petra to lodge a general protections claim with the Fair Work Commission and helped her to reach a confidential financial settlement with her employer.



THE YEAR AHEAD

- ➔ Target policies to meet the legal needs of the most disadvantaged people across New South Wales, in a challenging funding environment.
- ➔ Review client eligibility policies to ensure they are current, accessible and consistent with our corporate objectives; and as part of this, ensure legal aid services are available to people who are at risk of or experiencing domestic and family violence.

Meeting the needs of diverse clients

Legal Aid NSW continues to broaden and strengthen its focus on becoming an inclusive and diversity-confident organisation.

We provide many services to a range of diverse clients.

The Diversity Action Plan 2015–2016 prioritises our actions for people from multicultural backgrounds, people with disability, younger people, older people, women, people of diverse genders and sexualities, and people living in rural and regional areas. Clients and staff are included in the plan.

A summary of performance highlights from the Diversity Action Plan appears in Appendix 9.

FACT FILE

Case grants and inhouse duty services to clients born in non English speaking countries

12.5%

Amount spent on interpreters and translators

\$974,127

OBJECTIVE ACCESS TO JUSTICE

Clients received services tailored to their needs

We made wide use of interpreters and translators, both face-to-face and over the phone, for client interviews and community legal education sessions. We spent \$974,127 on these services. We delivered 317 face-to-face community legal education workshops for multicultural clients, 600 for young people, 77 for older people, and 550 for people in rural and regional areas of New South Wales.

Publications in other languages and easy English

We published new information about our services in 25 languages. We published legal information in easy English about help at court for victims of domestic and family violence. Easy English is aimed at people with low English literacy, learning disability or poor educational outcomes.

Accessible information for the Deaf community

Two new family law videos on the Legal Aid NSW website in Auslan (Australian Sign Language) explain how mediation can help solve a family law dispute and child support issues. They are part of a series of videos in Auslan providing information about Legal Aid NSW services as well as common legal issues. These resources are also available on the Legal Aid NSW YouTube channel.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Highlights included:

- including Legal Aid NSW diversity and inclusion principles and practices in panel lawyer application documents and the training module for panel lawyer selection committees
- developing a framework to improve the skills and knowledge of staff who work with clients with mental illness
- amending forms and client databases to include disability data.

OBJECTIVE STRONG PARTNERSHIPS

Multicultural radio project wins award

Borrowers Beware, a joint project between Legal Aid NSW and the Seniors Rights Service was recognised with the 2016 ZEST Award for an Exceptional Community Partnership Project Across a Region. The project used community radio to educate Arabic, Croatian, Serbian and Macedonian-speaking elderly people on the dangers of borrowing money against their home for the benefit of their children.

Explaining legal words for interpreters and bilingual workers

We conducted five training sessions on basic legal terminology to enhance the knowledge of NAATI accredited interpreters who work in legal settings. We also provided support to a research project conducted by the University of NSW on interactions between lawyers and interpreters.



THE YEAR AHEAD

- ➔ Expand legal services to refugees settling in New South Wales in partnership with specialist non-government and government refugee services.
- ➔ Expand community legal education on domestic and family violence for asylum seekers, newly arrived migrants and Settlement Services staff in partnership with Settlement Services International.
- ➔ Develop and review resources to improve communication with people with limited English skills.
- ➔ Publish easy English information about police powers and family law.
- ➔ Complete an online form so people can apply for a grant of legal aid online.

Exceptional award for an exceptional team: Nalika Padmasena (Seniors Rights Service), Dana Beiglari (Legal Aid NSW), Diana Bernard (Seniors Rights Service) and Rebekah Doran (Legal Aid NSW).



Highlights from our practice areas

CRIMINAL LAW PRACTICE

Our criminal law practice provides legal information, advice and minor assistance, duty services and representation in criminal courts at each jurisdictional level across the state.

These services operate from our offices and 40 outreach locations.

Specialist advice, information, minor assistance, duty services and representation are provided through the Children’s Legal Service, Prisoners Legal Service, the Adult Drug Court of NSW and the Commonwealth Crime Unit.

The practice offers community legal education throughout New South Wales and contributes to law reform initiatives.

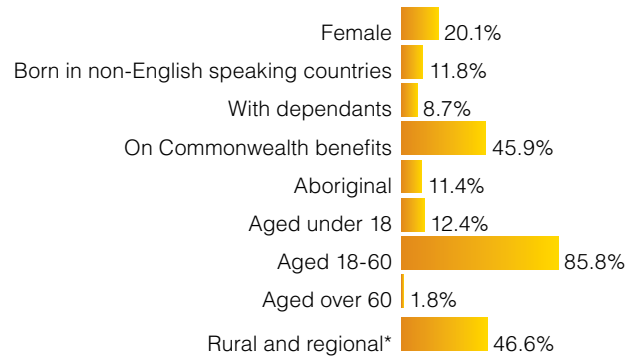
FACT FILE

- Total staff: 312
- Total expenditure: \$129.8M
- Proportion of overall expenditure on criminal law services: 45.8%

Over 40% of clients represented by our committals practice at Goulburn had their matters finalised in the Local Court—a significant saving to the justice system.

Criminal law client profile

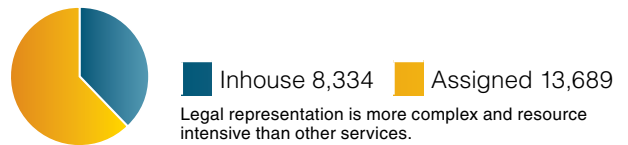
Based on total case grants and inhouse duty services



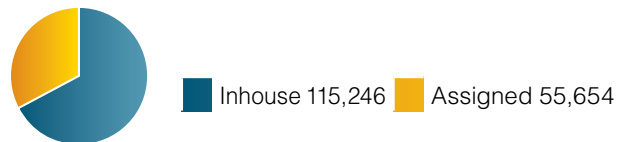
*Includes Newcastle and Wollongong

We provided 475,097 criminal law services to clients in 2015–2016

Legal representation: 22,023



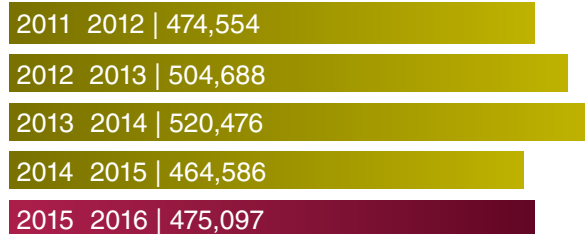
Duty services: 170,900



Other services: 282,174



Criminal law client services over 5 years



OBJECTIVE ACCESS TO JUSTICE

Early settlements are a significant saving to the justice system

The practice met its objective of conducting more committal matters across New South Wales. A committal is a hearing before a Magistrate for the purpose of deciding whether a person charged with an indictable offence should be committed for trial or sentence. It is a significant step in the process to conduct early negotiations or to test evidence. The addition of 10 regional positions means that we now represent clients in committals in over 20 additional Local Courts including Armidale, Bourke, Brewarrina, Broken Hill, Cobar, Condobolin, Goulburn, Grafton, Grenfell, Griffith, Lightning Ridge, Moree, Walgett and Young.

For example, starting in June 2016, twice a month, a lawyer travels to Moree to appear in committal matters, including for serious children's indictable offences. Where clients plead not guilty, Legal Aid NSW endeavours to retain the matters at the quarterly District Court sittings, ensuring continuity of representation for our clients. The Aboriginal Legal Service (NSW/ACT) Ltd (ALS) provides office space for the Legal Aid NSW lawyer and we appear in many matters where the ALS is unable to for reasons of conflict.

As a result, a significant proportion of matters have been resolved by a plea to a less serious charge in the Local Court. For example, since January this year just over 40% of clients represented by the committal lawyer at Goulburn have had their matter finalised in the Local Court. In one instance, a charge of aggravated kidnapping was finalised within five months of charge with guilty pleas to two offences in the Local Court, as opposed to 12 to 18 months to have the matters finalised on indictment. Early settlements are a significant saving to the justice system.

A 13% increase in duty lawyer services

There was a substantial increase in the number of criminal law duty services, spread across most offence types and court locations. While this increase cannot be easily attributed to a single factor, there were large increases in driving offences, including driving under the influence of alcohol or drugs, possession and use of prohibited drugs, domestic violence-related offences and stealing from retail stores.

Early advice aims to minimise breaches of orders

A new service aims to resolve issues that may lead to Apprehended Domestic Violence Order breaches by actively engaging with clients who are subject to these orders. The Domestic Violence Defendants Advice Service provides defendants with prompt, flexible legal advice at an early stage.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Targeted trial call-overs bring parties together earlier

Legal Aid NSW criminal lawyers worked with the Public Defenders to successfully negotiate matters with the Office of the Director of Public Prosecutions at special call-overs to allocate trial dates. Most recently in Parramatta, 30 legally aided matters that may have gone to trial were settled or resolved by a guilty plea. At the Wagga Wagga and Newcastle call-overs, a combined total of 90 legally aided matters were resolved at call-over.

Other criminal law initiatives

Other criminal law initiatives appear under the section headings:

- Community legal education, page 44
- Contributing to law reform, page 46

Responding to changing laws

Amendments to importation provisions in the Criminal Code started in early 2016. These changed the fault element for attempt drug importation offences from knowledge to recklessness and recast offences relating to the importation of precursors such as ephedrine. These amendments altered decades of precedent and have significant evidentiary implications at trial. These changes have particularly impacted matters dealt with by the Commonwealth Crime Unit and the advice given to their clients when facing these types of charges.

Housing NSW changed its policy to enable clients in custody to maintain their current tenancy for six rather than three months. This has a huge impact on people serving shorter non-parole periods, many more of whom will now be able to return to secure accommodation immediately on release. This is an important factor in reducing recidivism.

By working collaboratively, the criminal law practice helps to achieve long-term rehabilitation for vulnerable clients.



CASE STUDIES

Rehab helps client stay off drugs

Our client was referred to the Hunter Drug Court after pleading guilty to two break and enter offences. After spending most of his 20s and 30s in custody, he celebrated his 41st birthday at Silverwater Correctional Centre, anticipating a gaol sentence of around three or four years.

When our client's partner was diagnosed with a life threatening illness and hospitalised, our client provided great moral and practical support. While completing the Drug Court Program, and despite the emotional toll of his partner's ill-health, our client put into effect the guidance that he was being given by the multi-disciplinary Drug Court team. Instead of lapsing into drug use and criminal behaviour, he successfully drew on the prevention strategies he had learnt while on the Program.

Promising rehabilitation for young offender with disabilities

Our Children's Legal Service represented a 16-year-old boy with schizophrenia, an intellectual disability, and substance abuse disorder who had been charged with very serious offences of violence. The evidence against him was overwhelming, but there were ongoing issues with his fitness to stand trial and his capacity to enter a plea to the charges. Several psychiatric reports found him unfit to plead.

He was eventually found fit to enter a plea, having undergone much positive treatment and change during the legal process.

The sentencing court accepted our client had good prospects of rehabilitation. He was sentenced to imprisonment for three years, with a non-parole period of 20 months, much of which he had already served by the time of his sentencing.

He has been doing very well in the community and has permanent work.

The practice conducts cases in the higher courts, including precedent cases in the Court of Criminal Appeal.

Clarifying the meaning of 'grievous bodily harm'

Swan v R [2016] NSWCCA 79

Mr Swan was convicted by a jury in the District Court of recklessly inflicting grievous bodily harm under the *Crimes Act 1900*, section 35(1) over an assault in Cessnock in 2013 and sentenced to imprisonment.

Mr Swan appealed his conviction to the Court of Criminal Appeal. The only issue on appeal was whether he had been convicted of the appropriate offence. He argued that the injuries did not amount to 'grievous bodily harm' and that he should have been convicted of the lesser charge of assault occasioning 'actual bodily harm'.

The Court agreed, his conviction on the more serious charge was quashed, and a conviction on the lesser charge was entered. The more serious charge carried a standard non-parole period of five years imprisonment while the Court was not constrained by any standard non-parole period for the lesser offence.

In this decision, the Court of Criminal Appeal clarified what constitutes 'grievous bodily harm' and tightened the objective test for injuries alleged to be 'grievous'. The Court rejected the suggestion that the personal, economic and social circumstances of the victim play any part in assessing the objective seriousness of injury.

Decisions such as these provide significant guidance to Courts, the Crown and defence lawyers in considering the appropriateness of a particular charge and in advising clients about an appropriate plea. This can assist in negotiations between the parties and ultimately in the avoidance of unnecessary trials.



THE YEAR AHEAD

- ➔ Pursue more efficient ways of dealing with indictable matters in the Local Court as part of wider reforms.
- ➔ Contribute to measures to reduce the District Court trial backlog.
- ➔ Develop two health justice partnerships, ensuring that vulnerable clients with drug and alcohol issues have their legal issues identified earlier.

FAMILY LAW PRACTICE

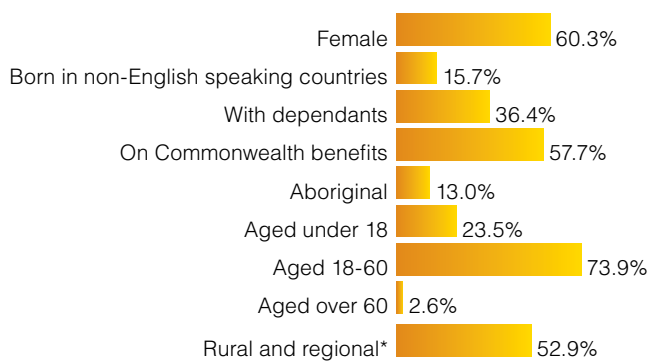
Our family law practice provides legal advice, information, minor assistance, duty services, dispute resolution and case representation in family law matters, including child support and care and protection matters, at our offices and 109 outreach locations across the state.

FACT FILE

- Total staff: 224
- Total expenditure: \$79.9M
- Proportion of overall expenditure on family law services: 28.2%

Family law client profile

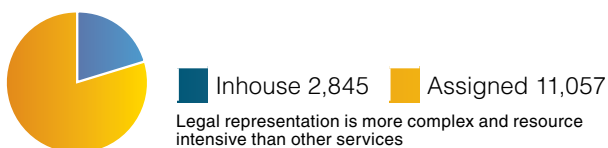
Based on total case grants and inhouse duty services



*Includes Newcastle and Wollongong

We provided 189,721 family law services to clients in 2015–2016

Legal representation: 13,902



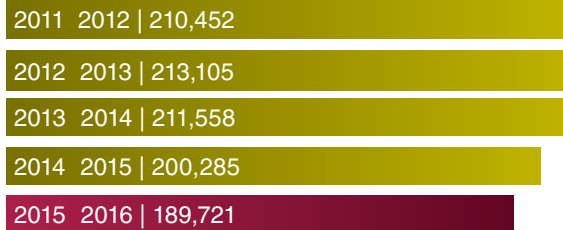
Duty services: 10,148



Other services: 165,671



Family law client services over 5 years



OBJECTIVE ACCESS TO JUSTICE

An increase in mediations, care and protection services and a strong domestic violence focus

The practice increased the scope and volume of its services during the year:

- 2,796 mediations held by our family dispute resolution service—the highest number ever achieved and a 4.5% increase on last year. Work was expanded to include mediations in child protection matters involving contact disputes, with over 50 of these sessions achieving excellent resolutions.
- An 18.2% increase in our inhouse care and protection casework services, taking in an additional 152 new files compared to last year.
- A 13% increase in our duty services in domestic violence and child protection court lists.
- New domestic violence services, providing clients with wrap-around, trauma-informed assistance (pages 28–31).
- A new health justice partnership at Blacktown Hospital (page 52).
- An additional five specialist outreach services around the state for Aboriginal people.
- Better access to family law services for people living in the Far West by employing an inhouse lawyer in Broken Hill.
- A new duty service for matters under the *Education Act 1990* in Mt DrUITT Local Court, targeting disadvantaged clients.

Other family law initiatives

Details of other highlight projects from the family law practice appear in this chapter under the section headings:

- Safety for victims of domestic violence, page 28
- Community legal education, page 44
- Contributing to law reform, page 46

We increased care and protection casework services by 18.2% and duty services in domestic violence and child protection court lists by 13%.

Responding to changing laws

We developed initiatives to respond to changes to the *Child Protection (Working with Children) Act 2012* which have impacted upon many authorised carers and the children in their care. Legal Aid NSW has developed a number of resources and training programs to support lawyers dealing with this amendment.

We worked with the Supreme Court of NSW to develop clear and consistent practice directions for adoption proceedings in New South Wales. On 1 July 2016, the Supreme Court of NSW issued the first Practice Note in relation to Adoption. This important initiative provides links to forms, precedents and resources and will greatly assist parties and their legal representatives to understand the case management of adoption proceedings in New South Wales.

We contributed to the development of a Cultural Care Plan for use in the Children's Court for indigenous children and children from diverse cultural backgrounds. The plan aims to ensure appropriate planning around the cultural identity of children found to be in need of care and protection in New South Wales.

The following case studies illustrate the complex nature of casework within this practice.



CASE STUDIES

Aboriginal elder supported to retain care of nephews

Civil and Administrative Tribunal NSW— Matter of BXQ v Children's Guardian [2016] NSWCATAD 102

Our Dubbo office represented an Aboriginal elder, who was given parental responsibility for three of his nephews in 2004. He was refused a working with children's check clearance because of a notification against him in 2007 for allegedly inappropriately disciplining children in his care. He maintained that the report related to one of the older (now adult) nephews who had substantial behavioural difficulties at the time.

We sought a review of the decision before the NSW Civil and Administrative Tribunal. We obtained expert evidence to show that the elder posed no risk to the safety of children. The Tribunal stayed the decision to refuse the working with children check clearance and our client's nephews remained in his care.

Supreme Court ruling on termination of pregnancy

Application of a Local Health District; Re a Patient Fay [2016] NSWSC 624

A Local Health District applied to the Supreme Court for urgent review of a decision of the NSW Civil and Administrative Tribunal to refuse an application for special medical treatment for a 19-year-old woman with an intellectual disability.

Fay was almost 22 weeks pregnant. She had preeclampsia with severe hypertension in pregnancy and was at risk of death, renal failure and cerebral haemorrhage. Given the serious health risks, her medical team recommended a termination of pregnancy. Fay and her mother were unwilling to consent to the termination, unless a life-threatening situation came into play.

Case continues on page 40.

The treating team considered that by then it would be too late, and questioned Fay's capacity to give consent.

The Judge appointed a Legal Aid NSW lawyer as the young woman's separate representative, to consider Fay's capacity to instruct a lawyer. Our lawyer formed the view that Fay was unable to provide instructions.

The critical issue before the Court was whether Fay had capacity to understand the nature of the risks to her health and her capacity to give consent.

When Fay's condition worsened, the Court reconvened at the hospital. The Judge gave permission for the procedure to be carried out. In giving his decision, the Judge commented on the importance of the separate representative's interview.

Ayesha becomes a ward of the Court for protection from forced marriage

Our client grew up in Pakistan with her father. Ayesha (not her real name) moved to Australia to live with her mother and step father. While on a trip to Pakistan, Ayesha's mother pressured her to marry. When Ayesha refused, her mother assaulted her and took her passport away before returning to Australia without her.

Ayesha was assisted to return to Australia. Legal Aid NSW helped obtain orders to prevent Ayesha from being taken out of Australia to be married. When Family and Community Services (FaCS) declined to take Ayesha into care, we applied to the Supreme Court for Ayesha to become a ward of the court.

This is the first case where a young person has made their own application to successfully become a ward of the court.

FaCS then filed an application in the Children's Court to take Ayesha into care. We represented Ayesha in these proceedings.

Ayesha ultimately decided that she wished to return to her father's care in Pakistan. Orders were made in the Supreme Court, Federal Circuit Court and Children's Court for this to happen.

At this point, Ayesha decided to return to her father's care in Pakistan. Our social worker prepared a wishes report expressing Ayesha's views for the Court.

Orders were made in the Supreme Court, Children's Court and Federal Circuit Court to enable Ayesha to return to her father's care in Pakistan.

One day Ayesha would like to come back to Australia to attend University.



THE YEAR AHEAD

- ➔ Develop a new model of legal service delivery aimed at assisting high conflict families in the family law system to resolve their disputes.
- ➔ Implement new representation services under the National Partnership Agreement, including early resolution assistance and other services.

CIVIL LAW PRACTICE

Our civil law practice helps people resolve legal problems such as housing, employment, debt and Centrelink problems. Civil law advice clinics operate in our offices and 169 outreach clinics across New South Wales.

Civil lawyers are also on duty to provide assistance at the Administrative Appeals Tribunal, Mental Health Review Tribunal and NSW Civil and Administrative Appeals Tribunal (tier 1 and 2).

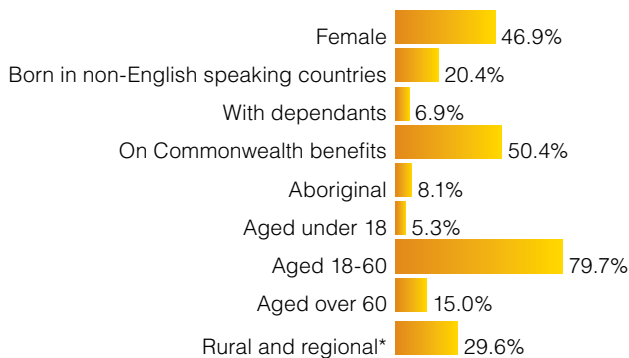
FACT FILE

- Total staff: 179
- Total expenditure: \$39.6M
- Proportion of overall expenditure on civil law services: 14.0%

We increased our outreach locations from 140 to 169 to reach more people in the community.

Civil law client profile

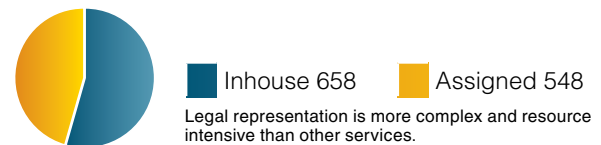
Based on total case grants and inhouse duty services



*Includes Newcastle and Wollongong

We provided 244,534 civil law services to clients in 2015–2016

Legal representation: 1,206



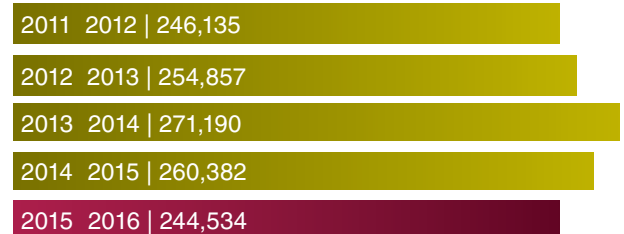
Duty services: 14,956



Other services: 228,372



Civil law client services over 5 years



OBJECTIVE ACCESS TO JUSTICE

Services expanded into communities and tribunals

This year, the Civil Law Service for Aboriginal Communities expanded civil law services to Aboriginal people across New South Wales. The team delivered tailored outreach in more than 15 communities, including Lake Cargelligo, Murrin Bridge, Condobolin, Bourke, Brewarrina, Moree, Boggabilla, Toomelah, Tabulam, Maclean, Coraki, Box Ridge, Malabugilmah, Yamba, and Mt Druitt. The service is expanding to reach more communities on the South Coast and in Western New South Wales.

Duty services were extended in the Administrative Appeals Tribunal to include matters being resolved at the tier 1 stage to more registries of the NSW Civil and Administrative Tribunal (NCAT). A service was also provided at the appeal panel of NCAT in tenancy matters.

Students at private colleges were easy prey

We helped over 190 clients with complaints about VET FEE-HELP providers breaching consumer laws. The results we achieved included having clients unenrolled from courses, having the VET FEE-HELP debt remitted or having their enrolment and course credits transferred to a more appropriate course provider.

The practice also worked with the Department of Education and the Australian Competition and Consumer Commission to advocate for systemic changes and to raise awareness of this issue through community legal education.

OBJECTIVE STRONG PARTNERSHIPS

Law clinics in health settings catch problems early

Many civil law problems arise from the combination of poverty and vulnerability that may be compounded by a change in financial circumstances or health status. The practice has adopted an integrated service model—partnering with community and health organisations who are best placed to identify legal problems early and provide wrap-around and coordinated support in community settings. The practice is involved in 10 health justice partnerships across New South Wales in community and hospital settings, including:

- *RedLink*—located in the Redfern public housing estate, which provides a health, housing, legal, and wellbeing program. A weekly law clinic, in partnership with Redfern Legal Centre, helps residents with legal issues such as fines, tenancy, debt and credit and family relationships.
- *Miller Health Justice Partnership*—a weekly clinic at Bidyari Aboriginal Health Centre in the suburb of Miller, an area of profound disadvantage with a high Aboriginal population. A lawyer and a South West Sydney Local Health District psychologist and social worker provide an integrated service to clients.

Clearing outstanding fines debt

The Work and Development Order (WDO) Service helps people to clear their fines through unpaid work, courses, counselling, treatment programs and other activities. The service is a partnership between Legal Aid NSW, the Aboriginal Legal Service (NSW/ACT) Ltd, State Debt Recovery and the Department of Justice.

Clients who are eligible for a Work and Development Order (WDO) include people who have mental illness, cognitive impairment, intellectual disability or serious

addiction, as well as people who are experiencing homelessness or acute financial hardship.

Lawyers provide legal services and community legal education at fines clinics and outreach events in metropolitan and regional locations.

In the past four years, 45,000 WDOs have been undertaken by vulnerable clients across New South Wales, clearing more than \$55 million in outstanding fines debt. Around 1,700 service providers are now participating in the scheme and have integrated WDOs into their regular operations. A recent evaluation of the WDO scheme by the NSW Department of Justice found the WDO Service at Legal Aid NSW to be highly effective.

The WDO Service partnered with Local Courts NSW and State Debt Recovery on a three-month pilot project to increase participation in the WDO scheme in the Mt Druitt area. Mt Druitt has the highest fines debt by postcode in New South Wales, at around \$17 million as of 24 March 2016. Mt Druitt Local Court staff help assess client eligibility for a WDO and make on the spot referrals to State Debt Recovery through a designated hotline. Clients are then linked to suitable WDO sponsors in the community by State Debt Recovery or Legal Aid NSW.

Keeping young people out of the criminal justice system

Working in partnership with the Aboriginal Legal Service (NSW/ACT) Ltd, lawyers provided a dedicated duty service for the Youth Koori Court pilot at Parramatta Children's Court, dealing with issues like housing and debt. See page 54. We contributed to new guidelines outlining alternative ways of responding to the behavioural issues of young people in residential care. See page 53.

Responding to changing laws

Although the legislative changes were made in December 2014, the mandatory visa cancellation regime is continuing to impact on our work. Since the changes there has been close to a doubling of advice and minor assistance in this area, predominantly dealing with clients who are in custody or immigration detention. We are also dealing with more requests for representation to challenge decisions in the Administrative Appeals Tribunal (AAT) or Federal Court.

Our work in relation to the National Disability Insurance Scheme continued to grow as the scheme was rolled out across New South Wales. We conducted numerous community legal education sessions to community and other workers, consulting stakeholders and the National Disability Insurance Agency, as well as arguing test

cases in the AAT which seek to clarify the practical application of the scheme.

The following cases illustrate the range of legal problems that are undertaken in this practice. In some matters, the good outcomes bring benefits for the broader community and help achieve systemic change.



CASE STUDIES

Unfair business practices target Aboriginal communities

We assisted clients in dispute with traders operating in Central West New South Wales who provide rental contracts for household goods. One trader engaged in unlicensed trading, providing contracts mainly to Aboriginal communities that failed to meet responsible lending obligations, failed to meet disclosure requirements, and breached the 48% cap on interest. This resulted in consumers paying up to 370% of the value of the goods.

For 55 clients with 280 lease contracts between just two traders we:

- settled 81 disputes relating to 280 contracts and recovered over \$237,000 of overpayments for our clients
- negotiated a further 13 disputes with the first trader
- worked with the Australian Securities and Investments Commission (ASIC) to address the systemic conduct identified. We understand ASIC are now working towards an outcome for other affected clients.

Compensation for sexual harassment victim

Our client was a 20-year-old woman with anxiety and depression. While working as a waiter in a restaurant chain she was sexually harassed by a co-worker. She reported the incidents to her employer, who took no action to address the situation and reduced her shifts. We negotiated a settlement at a mediation before the NSW Anti-Discrimination Board. Our client received compensation and the employer agreed to train their staff and management about sexual harassment, discrimination and bullying.

Debt waived for a victim of family violence

Donna is a young single mother who sought our help to deal with \$25,000 worth of debts incurred during a violent domestic relationship. Donna was on Centrelink benefits, lived in a regional area, suffered from a mental illness and had experienced sexual abuse as a child. She wanted to go bankrupt as she could not see how she could pay her debts. Given her age, bankruptcy would have affected her ability to obtain private rental and access to credit when she got back on her feet. We negotiated with her creditors to waive her debts on the basis of her current personal circumstances. Donna is now debt free.

Decision to evict a mother of nine successfully overturned on appeal

In December 2015, the NSW Civil and Administrative Tribunal terminated our client's tenancy and ordered her to pay over \$8,000 in rental arrears. Our client is a mother of nine children living in Aboriginal social housing in a remote Aboriginal community. She was one of a large number of tenants the landlord was attempting to evict from their properties.

We sought a stay of these orders so our client and her children could remain in their home.

We also represented our client in an appeal against the decision. The termination and money orders were overturned by the NSW Civil and Administrative Tribunal Appeal Panel. The Panel upheld the appeal, setting aside the original orders and dismissing the original application for termination.

Other civil law initiatives

Details of other highlight projects from the civil law practice appear in this chapter under the section headings:

- Community legal education, page 44
- Contributing to law reform, page 47



THE YEAR AHEAD

- ➔ Improve civil law services in Western Sydney, particularly in the Blacktown/Mt Druitt areas.
- ➔ Develop and implement a civil law state-wide service delivery plan for prisoners.

Community legal education

The Community Legal Education (CLE) Program provides targeted education for priority client groups and human services staff working with our priority client groups.

OBJECTIVE ACCESS TO JUSTICE

In 2015–2016, we focused on new arrivals, young people and families, and Aboriginal people.

Highlights included:

- rolling out the *Best for Kids* education strategy for young people and families. Five videos for children and young people on the enhanced website www.bestforkids.org.au had 13,437 visits and 33,942 page views. These videos are also hosted on YouTube where they received 4,010 page views. The rollout included 22 CLE sessions in 20 locations.
- building awareness of our services with Aboriginal communities by participating in over 20 community engagement activities at Aboriginal community events. Activities ranged from information stalls at NAIDOC week events to a colour-in competition at the Aboriginal Footy Knockout.
- developing an education strategy for new arrivals about changes to visa processing. We delivered 30 CLE sessions in eight locations.
- providing more culturally appropriate education about consumer law for Aboriginal people in priority communities. New topics include paying for funerals and door to door sales.
- rolling out a domestic violence education program for new arrivals at settlement services including Migrant Resource Centres and Adult Migrant English Program providers. There were 25 sessions at six locations.
- delivering education sessions for interpreters and bilingual workers about common legal terminology and reference tools. Six sessions were delivered in five locations. A total of 146 interpreters and bilingual workers participated in these sessions.
- delivering five law webinar master classes for specialised human services workers. Topics included: mortgage master class for financial counsellors, child support master class for family

dispute resolution mediators and a master class for staff at Work and Development Order sponsor agencies.

- rolling out an education strategy for young people on the criminal law consequences of sexting and cyber bullying. The strategy uses an interactive multimedia 'choose-your-own-adventure' style animation. Over 8,000 young people and their teachers and workers attended 185 workshops in 51 schools.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

A review of our CLE activities—conducted by the Law and Justice Foundation of NSW—made a number of recommendations for a more coordinated approach to CLE across the organisation.

OBJECTIVE SUPPORTING OUR PEOPLE

Professional development and on-the-job training were the key focus to supporting our staff in 2015–2016.

One highlight was using mentoring pairs to deliver new education projects. Pairing experienced staff with newer employees helped to develop and strengthen skills through on-the-job coaching. Eight mentoring pairs were established, delivering activities across four projects.

OBJECTIVE STRONG PARTNERSHIPS

Many of our CLE projects were developed and delivered through partnerships with other legal and non-legal services.

Highlights included:

- linking up with other services through the NSW Forced Marriage Network to deliver an awareness and prevention program about forced marriage. Activities included the development of a factsheet, online content and 11 presentations to vulnerable client groups and human service workers.
- delivering CLE sessions at Migrant Resource Centres through our Settlement Services International partnership.

- teaming up with other agencies to provide information about common legal problems during Law Week. Activities included a road show that visited Bourke and Brewarrina and targeted events at public libraries coordinated through a partnership with the Legal Information Access Centre at the State Library of New South Wales.
- an education program to raise awareness with hospital staff before the launch of the Blacktown Hospital Health Justice Partnership in June 2016. CLE sessions were provided to Nursing Unit Managers, Social Workers, Emergency Department staff and an induction of Medical Officers. More details appear on page 52.



THE YEAR AHEAD

- ➔ Implement the recommendations of the CLE strategic framework.
- ➔ Establish a CLE steering committee to improve the coordination of our CLE.

New online videos explained the law to young people and families.

The *Best for Kids* website explains a complicated justice system to young people. Celebrating its launch were children and young people who starred in the videos, joined by National Children's Commissioner Megan Mitchell and Kylie Beckhouse (far right), Director Family Law, Legal Aid NSW.



Contributing to law reform

Legal Aid NSW is in a unique position to contribute to law reform at state and national levels due to our experience and expertise in representing socially and economically disadvantaged people who have come in contact with the justice system.

In 2015–2016, Legal Aid NSW made one family law, 10 criminal law, 18 civil law and three general law reform submissions. Further details appear in Appendix 7.

OBJECTIVE ACCESS TO JUSTICE

Criminal law—a voice in statutory reviews and policy reform

Legal Aid NSW participated in a number of interagency committees and forums addressing bail, prisoners' issues and domestic violence. The criminal law practice has had representatives on the Bail Act Monitoring Group at the Department of Justice over the last financial year. We have participated in the Domestic Violence Evidence in Chief (DVEC) Reforms Implementation and Monitoring Group when the use of DVEC recordings in defended hearings started on 1 June 2015. Reducing domestic violence is one of the NSW Premier's 12 key priorities and we have contributed to amended draft domestic and personal violence legislation.

We contributed to statutory reviews of pre-trial disclosure in District Court trials and to wider efforts to improve efficiencies in the District Court to reduce the backlog of trials, including participating in the proposed establishment of an early plea of guilty scheme.

We engaged with the NSW Department of Justice on proposed sentencing reforms and contributed to the review of high risk violent offender provisions. A draft Bill was assented to on 7 June 2016.

In 2015–2016, we made submissions to NSW Parliamentary inquiries and the NSW Sentencing Council.

In October 2015, we made a submission to the Parliamentary Inquiry into the Security Classification and Management of Inmates Sentenced to Life Imprisonment, and we gave evidence to the inquiry in November 2015. The inquiry's recommendations supported the need to address the care needs of elderly prisoners serving life sentences, which we advocated for in our submission and in evidence to the inquiry.

Criminal lawyers played an active role on the Law Society of NSW Juvenile Justice Committee and Criminal Law Committee, considering and reviewing laws and policies affecting people in the criminal justice system.

In late 2013, Legal Aid NSW established the Criminal Law Policy Consultation Group, comprised of a broad cross-section of Legal Aid NSW lawyers. Now in its third year, this group plays a key role in capturing 'frontline' experience of Legal Aid NSW lawyers and informing contributions to law reform processes. The Group met quarterly and commented on draft legislation.

Family law—a wide portfolio includes children's issues and domestic violence

Legal Aid NSW made a submission to the Family Law Council on the subject of 'Families with complex needs and the intersection of the family law and child protection systems' in October 2015. This was the second part of a wider consultation on the intersection of family law and child protection systems upon which an earlier submission had been made in April 2015.

We contributed to a number of law reform submissions, including submissions which cut across the criminal, family and civil practice areas. We also participate in a number of interagency law reform committees. One example of the cross-divisional contribution to law reform was a supplementary submission to the NSW Parliamentary Inquiry into Reparations for the Stolen Generations (see below under Civil Law).

Legal Aid NSW lawyers were actively involved in a number of committees looking at domestic violence legal issues, and Legal Aid NSW has provided comments to the Department of Justice about the NSW Government's *Domestic Violence Justice Strategy 2013–2017* and the Domestic Violence Disclosure Scheme.

We were also actively involved in child support issues and represented on the Department of Human Services Child Support State Stakeholder Engagement Group.

We contributed to developing the Law Society of NSW principles for the representation of children. We are also a member of the Children's Court Advisory Committee and Children's Court of NSW Stakeholder Working Group.

We are monitoring the Working with Children Check legislation.

Civil law—a state-wide protocol to divert young people from the criminal justice system

Legal Aid NSW made 18 submissions in 2015–2016 in what has been an extremely busy civil law reform year. These include submissions relating to consumer law, residential tenancy law, mental health law, elder abuse, workplace relations, willingness to work, and life insurance. We also contributed to a number of law reform initiatives and working groups.

We made submissions to the Australian Human Rights Commission, NSW Law Reform Commission, Consumer Affairs Australia and New Zealand, NSW and Senate Parliamentary Inquiries, the Royal Commission into Institutional Responses to Child Sexual Abuse, NSW Fair Trading, NSW Treasury, NSW Financial Services Council, NSW Independent Pricing and Regulatory Tribunal, and the Australian Government Productivity Commission.

We made a submission to the NSW Parliamentary Inquiry into Reparations for the NSW Stolen Generations. Staff appeared as witnesses before the Inquiry in February 2016. After taking questions on notice two further submissions were given to the Inquiry and on 23 June 2016 the final report of the Inquiry was tabled. Entitled 'Unfinished Business' the report contains 35 recommendations, and quotes extensively from the Legal Aid NSW submission.

Legal Aid NSW made a submission to a review of Australian Consumer Law in May 2016. In October 2015, we made a submission to the Treasury about a review of small amount credit contract laws. Our lawyers attended the Treasury in February 2016 to discuss the issues raised in the interim report.

We were also involved in the 'Hand-Up Project Advisory Group' which is a pilot project of Bridge Housing for managing rent arrears. Legal Aid NSW participated in the National Legal Assistance Forum Fines and Traffic Working Group. We are also represented on the Work and Development Order Scheme Governance Group, which includes representatives from the Department of Justice, State Debt Recovery and the Aboriginal Legal Service (NSW/ACT) Ltd.



THE YEAR AHEAD

- ➔ Contribute to law reform on issues that affect socially and economically disadvantaged people's involvement in the justice system, including any law reform initiatives in response to domestic violence.
- ➔ Capture the frontline experience of our staff to inform our contributions to law reform.

Legal Aid NSW is a key stakeholder in reforming laws that affect our clients.

2 Collaborating with our partners

Collaborative partnerships are an essential part of providing client-centred services and using resources most efficiently.



In this section

50 Key partners at a glance

52 Working together for good community outcomes

56 Private lawyers

59 Community programs

64 Regional partnerships

68 Justice forums

70 Aboriginal community partnerships

◀ A health justice partnership links patients to early legal assistance. Christine Newman, deputy director of the Centre for Population Health and Ruth Pilkinton, senior lawyer from the Legal Aid NSW Early Intervention Unit launch the service at Blacktown Hospital. See page 52.



Key achievements

- ★ A new health justice partnership started at Blacktown Hospital (page 52).
- ★ A new protocol addresses young people's 'drift from care to crime' (page 53).
- ★ Programs for defendants aim to reduce domestic violence reoffending (page 54).
- ★ A new website resources Independent Children's Lawyers across the country (page 55).
- ★ The number of panel lawyer audits increased by 240% (page 58).
- ★ Community Legal Centres' performance exceeded new partnership benchmarks (page 60).
- ★ More women received support for domestic violence-related issues with the help of our new Domestic Violence Unit and roll-out of *Safer Pathway* (page 61).
- ★ Aboriginal cultural awareness seminars developed the skills of our partners (page 71).



The year ahead

- ➔ Working with community legal centres to plan services in the light of a substantial decrease in Commonwealth funding for CLCs.



Key challenge

- ★ Jointly planning our services with our partners to provide better services more efficiently.

Key partners at a glance

We work closely with legal and non-legal service providers to improve access to legal services for disadvantaged communities. This year:



Private lawyers
provided **41.2%** of all Legal Aid NSW case and duty services.



LawAccess NSW
made **45,521** referrals to Legal Aid NSW offices.*



National Legal Aid
developed a national website to enhance the quality of practice of Independent Children's Lawyers.



NSW Legal Assistance Forum members
worked together to increase access to legal services for parents and children involved in Compulsory Schooling Order Proceedings in the Children's Court and *Education Act* prosecutions in the Local Court.



Aboriginal Legal Service (NSW/ACT) Ltd
delivered Aboriginal cultural awareness seminars at Legal Aid NSW conferences.



Cooperative Legal Service Delivery Program
developed a new regional partnership in Moree to give people access to additional legal services.



Community Legal Centres
Legal Aid NSW assumed a greater responsibility for direct program management of CLCs, taking over from the Commonwealth Government.



Women's Domestic Violence Court Advocacy Services
assisted **73%** more women than last year with early intervention and support at court as a result of the new NSW Government Justice Strategy.

*This is down from 60,300 referrals last year due to fewer calls from prisoners after Legal Aid NSW streamlined the referral service; and reduced funding to LawAccess NSW from the Public Purpose Fund. This has also prompted the implementation of strategies aimed at diverting more customers to LawAccess NSW online resources, where appropriate.

PRIVATE LAWYERS

We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients. See page 56.

LAWACCESS NSW

LawAccess NSW is a free service that helps customers over the phone to manage their legal problems. It provides them with legal information, managed referrals and, in some instances, legal advice. LawAccess NSW is available to everyone in New South Wales. It is administered by the Department of Justice, and partly funded by Legal Aid NSW.

A person can contact LawAccess NSW, receive legal information over the phone and may be referred to Legal Aid NSW for further advice or to access a duty service or outreach service.

The main areas people sought help with in 2015–2016 were debt, family law parenting arrangements, neighbours, wills, apprehended domestic violence orders, property settlement, employment and car accidents.

NATIONAL LEGAL AID (NLA)

This forum of the eight independent legal aid commissions in each of the Australian states and territories engages nationally with governments, stakeholders and the community about best practice in legal aid and related issues. See page 68.

NSW LEGAL ASSISTANCE FORUM (NLAF)

This forum brings together the agencies responsible for legal assistance services to collaborate in targeted working groups on improving legal services for disadvantaged people in New South Wales. See page 69.

ABORIGINAL LEGAL SERVICE (NSW/ACT) Ltd

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd share a statement of commitment that both agencies work together to address the legal needs of Aboriginal people in New South Wales. The Aboriginal Legal Service is also a member of the Legal Aid NSW Aboriginal Justice Committee. See page 70.

COOPERATIVE LEGAL SERVICE DELIVERY (CLSD) PROGRAM

The CLSD Program is a regionally-based approach to legal service delivery. It develops partnerships between regional legal, community and government agencies to increase collaboration between legal assistance and related services. See page 64.

COMMUNITY LEGAL CENTRES (CLCs)

Legal Aid NSW administers funding to 36 generalist and specialist Community Legal Centres in New South Wales. See page 59.

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY SERVICES (WDVCASs)

The Women's Domestic Violence Court Advocacy Services work with the NSW Police Force, Victims Services, Local Courts and legal, health, welfare and accommodation services in the community.

The service provides an integrated response to domestic violence. The 28 WDVCASs are administered by the Women's Domestic Violence Court Advocacy Program. See page 61.

Working together for good community outcomes

Cross-sector partnerships help identify clients' legal problems earlier and provide integrated services.

OBJECTIVE ACCESS TO JUSTICE

Health justice partnerships link patients to early legal assistance

Research has shown that medical and legal issues are often linked. Many of our clients have health issues that can be caused or exacerbated by their legal problems, or they have legal problems which are caused or exacerbated by their health issues. It is also the case that people are more likely to approach a health worker with an issue than a lawyer.

Legal Aid NSW has established a number of health justice partnerships with health and welfare agencies. These practical collaborations provide on-site legal assistance to vulnerable people in health-related settings including hospitals, community health centres and health outreach services in public housing estates. They attempt to reach people who are at most disadvantage in the justice system.

Legal Aid NSW now participates in 10 partnerships, with more in the planning stage. Current locations include HealthOne at Sutherland Hospital, Greenway Housing Estate in North Sydney, Bungee Bidgel Aboriginal Health Clinic in Hornsby Hospital, Bidywari Aboriginal Health Centre in Miller, Blacktown Hospital, RedLink at the Redfern Housing Estate, and Sydney West Aboriginal Health Service (formerly Aboriginal Medical Service) in Mt Druitt.

Legal Aid NSW also supports a health justice community of practice—a cross-sector working group that brings together experts in the health, legal and community service sector with an interest in the health justice partnership model.

The purpose of the group is to work together and explore opportunities for collaboration to improve health, wellbeing and legal outcomes of disadvantaged communities.

Western Sydney first: free legal service at Blacktown Hospital

A legal advice clinic was launched at Blacktown Hospital in June 2016 linking patients to timely legal assistance.

The family law advice service is mainly available to women attending the antenatal and maternity unit at Blacktown Hospital, but will also help other in-patients, day patients, their family members and staff. A family lawyer attends Blacktown Hospital every Tuesday and works closely with hospital social workers and other staff. She assists patients experiencing issues such as domestic violence, and child protection with Family and Community Services.



CASE STUDY

Aniela's story

Our client was 26 weeks pregnant with her fourth child. She had a long history of domestic and family violence and substance abuse issues. Her three older children were in the care of the Minister in two different family placements, and Aniela's arrangements for seeing the children were causing her concerns. We assisted her to improve contact with her older children and worked with her hospital social workers to put in place appropriate referrals to services to help Aniela with counselling, parenting courses, housing and drug treatment.

We advised Family and Community Services (FACS) of the way Aniela was addressing their concerns and reinforced how her earlier life experience had affected her parenting capacity. While FACS took Aniela's baby into care soon after the child's birth, she still has regular contact with her baby for breast feeding and bonding and there is a plan for the baby to be restored to her care.

A lawyer represented Aniela at court and obtained letters from the hospital social workers to support her court case.

Helping stop young people's 'drift from care to crime'

Legal Aid NSW has played a central role in an agreement between Police and out of home care agencies on a way to better respond to challenging behaviours by children and young people in out of home care.

Legal Aid NSW has long identified concerns over the use of callouts to police as a behaviour management tool by providers of out of home care. This is an unnecessary and frequent interaction with the criminal justice system for a group of vulnerable young people.

Legal Aid NSW was central to bringing together relevant stakeholders, including the NSW Police Force and representatives of organisations that provide out-of-home care in Western Sydney, to develop guidelines outlining alternative methods of responding to young people in residential care.

Legal Aid NSW partnered with the NSW Ombudsman's Office to facilitate the development of a statewide *Protocol to reduce the Criminalisation of Young People in Residential Out-of-Home Care*.

The Protocol has recently been signed, and is being endorsed by NSW Police, Family and Community Services and the Association of Children's Welfare Agencies. Legal Aid NSW is a member of the statewide steering committee which will oversee its implementation.

This work has the potential to positively affect the lives of approximately 500 young people who live in residential out-of-home care across New South Wales.

The Protocol and associated training and monitoring directly address key factors in the 'drift from care to crime' whereby young people in out-of-home care are caught up in the criminal justice system—in this case through the overuse of apprehended violence orders and police call-outs.



CASE STUDY

Jerry's story

Jerry is 13 years old and has an extensive history of interactions with the care system. He was born with opiate withdrawal and was removed from his mother when he was six years old due to abuse, neglect and psychological harm, and placed in foster care.

At the age of 12, Jerry was placed in residential out-of-home care. In the first five months of the placement, police were called 58 times as carers used police to manage Jerry's absconding, property damage and challenging behaviour. There were numerous charges before the Children's Court which resulted in significant periods of time spent in custody.

Legal Aid NSW, NSW Police, Juvenile Justice, FACS, and the non-government agency which provided his out-of-home care met to discuss Jerry's case, his history, his relationships, his complex needs, his contact with police and the Protocol.

The out-of-home care provider agreed to develop a behaviour management plan to ensure a consistent and therapeutic response to his challenging behaviour and agreed to examine policies around police involvement.

In the following three months, call outs to police significantly reduced and the period of time that Jerry spent in custody fell by 78%.

OBJECTIVE STRONG PARTNERSHIPS

New protocols with partner agencies support clients

Information sharing and clear referral pathways are helping to deliver better services to clients. Examples include:

- In February 2016, Legal Aid NSW signed a new information sharing agreement with Family and Community Services (FACS). The agreement allows lawyers who are appointed to act on a child's best interest in family law proceedings to contact FACS and obtain information about a child's engagement with FACS. The protocol allows children's lawyers to make enquiries and obtain information about children who might be at risk and convey this information to family courts.
- At the end of the financial year, there were 1,990 District Court trials on hand in New South Wales. This continues a clear pattern of an increased workload over the past several years. In September 2015, Legal Aid NSW and the Office of the Director of Public Prosecutions signed a memorandum of understanding about committal matters in a renewed effort to reduce trial delays throughout the state. In January, a senior advocate was appointed at Central Sydney to negotiate pleas with a senior prosecutor on indictable charges handled in Sydney. Similar negotiations are taking place at all regional centres. Legal Aid NSW is monitoring the effectiveness of this initiative.
- **Better referral pathways bring clients to our attention**

Our family law practice took a lead role in improving referrals of forced marriage matters between key agencies—the Australian Federal Police Human Trafficking Team, Salvation Army Freedom Partnership and Anti-Slavery Australia and Legal Aid NSW.

Through the new Domestic Violence Unit (see page 29), we were able to build strong service partnerships to better respond to the legal and non-legal needs of our clients. Clear and effective referral pathways and relationships between the Domestic Violence Unit, local Women's Domestic Violence Court Advocacy Services, NSW Police, domestic violence service providers such as Staying Home, Leaving Violence, Settlement Services International, Family Relationship Centres, and Family and Community Services were established.

We contributed to the Premier's priority of reducing domestic violence reoffending

Legal Aid NSW has collaborated with stakeholders such as the Department of Justice, Community Corrections and the Men's Referral Service as part of the implementation of the Premier's priority of reducing domestic violence reoffending. A senior lawyer was appointed to determine how our lawyers can help meet this priority. One strategy has been to increase appropriate referrals to domestic violence behaviour change programs. There is some evidence that these programs lower reoffending.

Legal Aid NSW lawyers have a unique opportunity to engage with domestic violence defendants in a setting where trust has been established. Lawyers can identify suitable clients and direct them towards domestic violence behavioural change programs.

Legal Aid NSW has conducted educational sessions to alert lawyers to these possible referral pathways. Resource materials setting out the referral pathways have been circulated to lawyers and given to private lawyers doing Legal Aid NSW work.

Cross-agency partnering improves services to children and parents

We worked closely with partners such as FACS, courts and Community Legal Centres to deliver a range of services in the area of care and protection. This included:

- working with FACS to redesign the Parental Responsibility Contract in a south western Sydney pilot
- working with the Children's Court to develop the Cultural Care Plan
- liaising with the Department of Education to improve the provision of legal services in *Education Act 1990* (school non-attendance) matters
- improving services to parents in custody through the Court Ordered Contact Working Group
- contributing to the Association of Children's Welfare Agencies training tools for case workers.

Youth Koori Court pilot—one year on

The Youth Koori Court is a pilot program for Aboriginal young people which started in February 2015 and operates from Parramatta Children's Court. It is a sentencing court that aims to reduce the risk factors that lead to young people reoffending and provides greater Aboriginal involvement in the court process by ensuring that it is culturally relevant.

The young people who have participated in the court have experienced significant disadvantage and social exclusion and have complex needs such as intergenerational trauma, homelessness, removal from the family home and drug and alcohol issues.

In the first year of this pilot, 30 young Aboriginal people were referred to the Legal Aid NSW Children's Civil Law Service for help with legal issues like fines, debt, housing, and leaving care plans if they were in out-of-home care.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Resourcing our partners gives clients a better service

Legal Aid NSW led the development of a national website for Independent Children's Lawyers—www.icl.gov.au. It was launched in February 2016 and over 300 lawyers have registered to date across the country.

Key features include significant cases (editorial content provided by the Family Law Section of the Law Council of Australia), social science research including webinars and forums, and a national Independent Children's Lawyer mentoring program.

Over 800 lawyers and other professionals attended our popular criminal, family, care and civil law conferences (see page 81).

The Cooperative Legal Service Delivery Program Unit hosted a two-day workshop for the CLSD Program

Services and CLSD Program Regional Coordinators in April 2016. The workshop aimed to build on the Services' capacity for collaborative practice and working across differences, the key skills of an effective CLSD Program Regional Coordinator.

The Regional Outreach Clinic Program (ROCP) delivered a two-day training workshop for lawyers providing advice services in regional and remote New South Wales. ROCP lawyers were trained in employment, social security, domestic violence, housing and consumer law issues likely to affect our clients in regional areas.



THE YEAR AHEAD

- ➔ Expand our health justice partnerships by establishing new family law services in rural and regional health settings and at a major metropolitan Women's and Children's Hospital.
- ➔ Participate in the steering committee overseeing the implementation of the Protocol for young people who live in residential out-of-home care across New South Wales.
- ➔ Provide mandatory and specialised training on domestic and family violence for Legal Aid NSW staff and private lawyers on Legal Aid NSW panels.
- ➔ Explore expanding the Youth Koori Court to Dubbo.



▶ Celebrating the launch of the Independent Children's Lawyer website: Gabrielle Canny, then head of National Legal Aid; Justice Judith Ryan, Family Court; Craig Kelly MP for Hughes (representing Attorney-General Senator George Brandis); Anne Hollonds, Director of Australian Institute of Family Studies and Kylie Beckhouse, Executive Director, Family Law, Legal Aid NSW

Private lawyers

Legal Aid NSW works in partnership with private lawyers, who receive funding from us to represent legally aided clients in assigned matters.

Private lawyers are appointed to Legal Aid NSW panels under sections 49 to 52B of the *Legal Aid Commission Act 1979*.

In 2015–2016, private lawyers provided 41.2% of Legal Aid NSW case and duty services. More details appear in Appendix 6.

The Grants Division of Legal Aid NSW (Grants) receives, determines and manages legal aid applications from private lawyers and the Legal Aid NSW inhouse practice. Applications are submitted and managed electronically. Grants has regular telephone contact with lawyers and clients.

FACT FILE

Total staff in Grants Division: 76

Total applications for legal aid processed: 46,253

- in criminal law: 26,359
- in family law: 17,953
- in civil law: 1,941

Number of lawyers appointed to 12 Legal Aid NSW panels*: 1,892

Percentage of legally aided case and duty services provided by private lawyers: 41.2

*This includes lawyers appointed to more than one panel.

Number of private lawyers on Legal Aid NSW panels 2015 2016*

| | |
|---|-------|
| General Criminal Law | 1,203 |
| General Family Law | 790 |
| Care and Protection | 261 |
| Serious Criminal Law | 169 |
| Mental Health Advocacy | 139 |
| Children's Criminal Law | 131 |
| General Civil Law | 126 |
| Independent Children's Lawyer | 126 |
| Specialist Barrister Panel (Criminal Appellate Matters) | 90 |
| Specialist Barrister Panel (Complex Criminal Law) | 75 |
| Domestic Violence | 52 |
| Veterans' Law | 4 |

*This includes lawyers appointed to more than one panel.

All of the numbers include current active panel members whose appointment start dates are before 30 June 2016.

OBJECTIVE ACCESS TO JUSTICE

We welcomed more lawyers to our specialist panels

Panels operate in all areas of law, including general panels in criminal, family and civil law. There are specialist panels for care and protection, independent children's lawyers, serious criminal law, children's criminal law, mental health advocacy, veterans' law and domestic violence matters and for barristers briefed in complex criminal matters and criminal appellate matters.

Legal Aid NSW panels host 1,892 individual private lawyers who are current members of one or more panels.

Panel lawyers assist Legal Aid NSW to deliver legal services to eligible clients appearing at courts throughout the state.

In 2015–2016, there were 423 appointments of new lawyers to our panels.

In addition, we reappointed 369 current panel members whose five-year appointments to various panels expired throughout the year. This means that panel lawyers will continue to be available to represent legally aided clients.

Lawyers are invited to take part in a new service delivery strategy

Legal Aid NSW is increasing legal advice and representation services for the residents in and around Moree and Broken Hill to better support the local community.

Moree and Broken Hill are in a region of the state which has a high level of unmet legal need, and the new services will help address this need and give local residents somewhere to turn for help resolving their legal problem.

The new services include a remote preferred legal provider scheme to give local people better access to legal representation in care and protection proceedings.

Under this pilot scheme, Legal Aid NSW selects a group of lawyers as 'preferred providers' to represent children, parents and others, like kinship carers, on behalf of Legal Aid NSW in child protection matters.

Lawyers have been invited to apply and the pilot will take place in 2016–2017 in Moree and Broken Hill.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Reviews highlight areas for improvement

After reviewing the Children's Criminal Law Panel, we reopened it to new applicants and current members seeking reappointment for 2015–2016. This panel was previously limited to particular Children's Courts but is now state-wide. The practice standards for this panel were revised to support better compliance by panel lawyers.

We reviewed the Domestic Violence Practitioner Scheme Panel and developed a proposal for how this panel will operate in future. We pay private lawyers to assist women and children experiencing domestic violence in court proceedings. The panel is due to be reopened in the second half of 2016.

Back up scheme expanded to more courts

Under the Criminal Law Back Up Duty Scheme, private lawyers provide a range of duty back up at Local Courts. This year, the scheme was expanded to cover Kempsey, Nowra, Port Macquarie, Taree and Wauchope, in addition to the 49 courts already covered.

A strong focus on audits improved our performance

Legal Aid NSW conducts regular audits to maintain professional standards and ensure private lawyers comply with our policies and guidelines. Audits also provide a way of ensuring we are making efficient use of public money.

We increased the number of panel lawyer audits by 240% from the previous year. In 2015–2016, we audited 503 panel lawyers and 2,046 files/claims and requested refunds of \$84,076.

We improved the way we manage and record audits using the new audit module in our grants management system. A new analysis tool helped to identify audit targets.

Spot check audits and good communication resulted in better compliance with practice standards

Spot check audits were a priority. This year, we focused on claims for court time, attendance at family dispute resolution, commercial agent fees, conduct money, travel and interpreter fees. In total 1,990 claims were audited.

An increased audit presence and improved communication through our monthly online newsletter, *Legal Aid News*, resulted in a substantial improvement in overall compliance by panel lawyers.

This year we did spot check audits on claims for fees for court attendance and on claims for the disbursements of commercial agents and conduct money. We had previously audited these types of claims in 2013–2014. In relation to both the fees and the disbursements, the average amount of refund requested per audited claim reduced. For example, the average refund requested for court time claims reduced from \$65 to \$17 over the two years since the last audit.

File review audits result in requests for refunds

In addition to spot check audits, we conducted file audits. From the General Criminal Law Panel, General Family Law Panel, Care and Protection Panel and Independent children’s Lawyer Panel, 56 files were audited for nine panel lawyers, resulting in refund requests of \$12,839.

Monitoring breaches of agreements

Legal Aid NSW investigates apparent breaches by panel lawyers of panel service agreements and refers matters to the Monitoring committee. The Committee, which comprises nominees from the Law Society of NSW, the NSW Bar Association and Legal Aid NSW, makes recommendations to Legal Aid NSW about lawyers who have breached panel service agreements.

During 2015–2016, we investigated 55 serious complaints about panel lawyers and referred one lawyer to the Monitoring Committee who was subsequently found to have breached the service agreement and was suspended from a panel. More than 45% of serious complaints related to the General Criminal Law Panel—the largest of the panels.

OBJECTIVE STRONG PARTNERSHIPS

Seminars and technology provide practical support to private lawyers

We held free seminars for private lawyers on Legal Aid NSW policies and procedures and the use of the Grants Online system in Broken Hill, Batemans Bay, Bega, Nowra and Central Sydney. The Central Sydney session was webcast to enable panel lawyers from around the state to participate. Grants Division staff also presented a session at the annual criminal law training day held by Lismore Legal Aid office.

We updated Grants Online to make it easier for lawyers to accept offers of work via Grants Online on mobile devices such as smartphones.



THE YEAR AHEAD

- ➔ Implement recommendations of the reviews of the Domestic Violence Panel and Specialist Barrister Panel (Complex Criminal Law).
- ➔ Reopen each of the above panels for applications once reviews are completed.
- ➔ Develop options for future directions of criminal law panels, taking into account key changes in the criminal justice area.
- ➔ Review the Panel Lawyer Audit Strategy.
- ➔ Increase the number of panel lawyer audits.
- ➔ Commence the ‘preferred provider’ pilots in Broken Hill and Moree.

Maintaining professional standards and using public money efficiently

| Year | Number of lawyers audited | Number of files/spot check audits | Refunds requested |
|------------------|---------------------------|-----------------------------------|-------------------|
| 2013–2014 | 225 | 1,514 | \$152,213 |
| 2014–2015 | 116 | 602 | \$11,713 |
| 2015 2016 | 503 | 2,046 | \$84,076 |

2016–2017 target: Audit 800 lawyers and 4,000 files.

✓ **Legal Aid NSW increased the number of panel lawyer audits by 240% from the previous year.**

Community programs

COMMUNITY LEGAL CENTRES

Legal Aid NSW administers State, Commonwealth and Public Purpose Fund funding for 36 Community Legal Centres (CLCs) in New South Wales.

CLCs provide free legal services to disadvantaged people. They are independent, non-profit organisations that are generally incorporated bodies managed by a board or management committee.

Legal Aid NSW also administers funding for Children's Court Assistance Schemes that operate at seven Children's Courts under the auspice of four CLCs.

FACT FILE

- 36 centres assisted 55,460 people
- Provided 79,398 advice services to clients
- Opened 8,930 new cases and completed 8,523 cases
- Of the completed cases, 1,363 were major cases (complex/lengthy matters)
- Delivered 1,032 education programs
- Made 5,350 referrals to Legal Aid NSW
- Received 2,906 referrals from Legal Aid NSW

Over 95% of major casework was directed to financially disadvantaged clients—exceeding the new benchmark of 85%.

Funding in 2015–2016

A total of \$19,707,543 was paid to CLCs through the program comprising:



- Commonwealth funding
- State funding
- Public Purpose Fund (PPF) funding

Note: See Appendix 5 for actual figures.

We also paid \$883,500 to 22 CLCs in January 2015 for 18-month Care Partner arrangements under the 'Safe Home for Life' reforms. An additional \$8,342.11 was paid to CLCs in 2015–2016 to attend care and protection training and conferences.

For the first time, the Commonwealth Government included funding for Community Legal Centres as part of the *National Partnership Agreement on Legal Assistance Services*, starting from 1 July 2015. This means that the Commonwealth no longer has responsibility for the direct management of CLCs and is not a party to individual Service Agreements with CLCs. The program management role that Legal Aid NSW has undertaken expanded to include responsibility for a range of policy, managerial and administrative functions that had previously been a Commonwealth responsibility.

More details about CLC funding can be found in Appendix 5.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

We exceeded service targets for priority clients

New Community Legal Services Program Service Agreements (CLSP Service Agreements) were made between Legal Aid NSW and each CLC to reflect new requirements under the NPA, including introducing a benchmark requiring at least 85% of all major casework to be targeted towards clients who are defined as 'financially disadvantaged'. CLCs in New South Wales exceeded this benchmark with over 95% of major casework directed to this client group.

Targeting priority groups under the new agreement is consistent with two-year strategic targets for each CLC that were implemented in 2014–2015 to increase service delivery to identified priority clients. As a result of these targets, the following increases in service delivery to priority clients were achieved in 2015–2016:

- Increased service delivery to clients with low English proficiency from 8.4% in 2013–2014 to 12.6% in 2015–2016, representing an increase from 4,678 to 7,435 clients.
- Increased service delivery to Aboriginal clients from 5.8% in 2013–2014 to 6.2% in 2015–2016, representing an increase from 3,166 to 3,643 clients.
- Increased service delivery to clients with a disability from 17.5% in 2013–2014 to 18.8% in 2015–2016, representing an increase from 9,005 to 11,108 clients.

New standards enforce culturally appropriate services

A new service standard was introduced as part of the CLSP Service Agreements in 2015–2016 to make sure that CLCs provide culturally appropriate services to Aboriginal people and communities and provide a culturally safe environment for Aboriginal clients and staff. All CLCs have developed and started to implement plans to meet this standard by the end of 2016–2017.

Early intervention reforms

In January 2015, Legal Aid NSW entered into Care Partner Service Agreements with 22 CLCs to pilot early intervention and alternative dispute resolution in response to the *Safe Home for Life* reforms to care and protection legislation. This involved establishing local partnerships with Family and Community Services. A review of the Care Partner Program was completed in May 2016 and the recommendations will be implemented in 2016–2017.

Over 95% of major casework was directed to financially disadvantaged clients—exceeding the new benchmark of 85%.

Increasing efficiency in anticipation of reduced funding

Legal Aid NSW and Community Legal Centres NSW have worked with CLCs on a number of projects to reduce administrative costs and plan for sustainable service delivery across the CLC sector, anticipating the Commonwealth funding decreases that will occur in 2017–2018. Projects that started in 2015–2016 include:

- centralising a financial management function at CLCNSW which small CLCs can procure on a 'fee for service' basis rather than retaining individual staff in each centre;
- brokering for reduced rent and identifying savings for sector-wide IT requirements;
- co-locating and amalgamating CLCs to achieve economies of scale; and
- researching opportunities for other sources of revenue.



THE YEAR AHEAD

- ➔ Introduce a new case management and reporting system for the CLC sector, allowing CLCs to collect data in line with the Data Standards Manual under the National Partnership Agreement.
- ➔ Implement more strategies for sector sustainability, anticipating the Commonwealth funding decrease in 2017–2018.
- ➔ Negotiate the allocation of funding for each CLC for 2017–2018 given the significant decrease in available Commonwealth funding.

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM (WDVCAP)

Legal Aid NSW administers NSW Government funding for 28 Women's Domestic Violence Court Advocacy Services (WDVCASs) and their peak representative body, the Women's Domestic Violence Court Advocacy Service NSW Inc.

WDVCASs provide information, advocacy and referrals to women seeking legal protection from domestic violence through an Apprehended Domestic Violence Order (ADVO) at 114 Local Courts across the state.

WDVCASs are also key partners in the implementation of the New South Wales Government's *It Stops Here: Standing Together to End Domestic Violence in New South Wales* domestic and family violence reforms through their hosting of Local Coordination Points. This year, from 1 July 2015, they also joined their Justice partners in implementing the *NSW Domestic Violence Justice Strategy 2013–2017*.

FACT FILE

- Provided services at 114 Local Courts
- Provided 145,341 services to 39,434 clients—a 42% increase in services from last year to 73% more clients
- Assisted clients to obtain 12,160 final Apprehended Domestic Violence Orders, a 6% increase on last year
- Accepted 100,674 client referrals from the NSW Police Force and NSW Local Courts through an online platform, the Central Referral Point
- Made 125,196 referrals of clients to other services, an increase of 47% on last year
- 11.1% of WDVCAS clients identified as Aboriginal or Torres Strait Islander
- 16.8% of clients were from culturally diverse backgrounds
- 7.7% of WDVCAS clients identified as having a disability

Funding in 2015–2016

In 2015–16, \$10,743,611 was paid in grants through the Program to incorporated, not for profit, non-government service providers under a triennial funding agreement.

This amount includes \$1,314,670 paid by NSW Treasury through Women NSW to support the six Local Coordination Points hosted by WDVCASs as part of the NSW Government *It Stops Here: Standing Together to End Domestic Violence in New South Wales* domestic and family violence reforms.

The total grant amount also includes a 20% increase to base WDVCAP funding provided for the period 1 January–30 June 2016, to support the 28 WDVCASs to meet the increase in demand for services as a result of the NSW Domestic Violence Justice Strategy.

Details of grant allocations are in Appendix 4.

OBJECTIVE ACCESS TO JUSTICE

More women had access to justice

As a result of the reforms, details of all domestic violence incidents attended by NSW Police are registered on a Victims Services electronic platform, the Central Referral Point. The Central Referral Point then electronically refers a woman's details to the WDVCAS located closest to her postcode.

In addition, *It Stops here: Safer Pathway* aims to address serious threats to a victim's safety through a coordinated, streamlined response. *Safer Pathway* commenced at two launch sites, Orange and Waverley, in September 2014 and was expanded to Parramatta, Bankstown, Broken Hill and Tweed Heads on 1 July 2015.

In these locations, Women's Domestic Violence Court Advocacy Services proactively support women experiencing domestic violence and organise Safety Action Meetings at which individual cases are discussed to ensure the women are safe and have the necessary support.

We assisted 73% more women with early intervention and support at court.

Early safety intervention and support for more women at court

The numbers of women receiving support from the state's 28 WDVCSs rose by 73% after the introduction of the NSW Government's strategy. This large increase means that many more women used the courts to seek apprehended domestic violence orders and received the ongoing support of WDVCS workers during their court experience. They also received help with other related issues such as housing, and counselling.

Number of women supported by WDVCSs

| | | |
|------|------|--------|
| 2014 | 2015 | 22,775 |
| 2015 | 2016 | 39,434 |

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Official recognition for the achievements of workers

In 2015–2016 the contribution of a number of WDVCS workers was officially acknowledged.

In October 2015, Tanya Whitehouse of Macarthur WDVCS was presented with the Law and Justice Foundation's Justice Medal by the NSW Attorney General.

In May 2016, Josie Gregory of Northern Sydney WDVCS was honoured as the 2016 Willoughby Local Woman of the Year, receiving her Award from the NSW Treasurer and Member for Willoughby Gladys Berejiklian. Also in May 2016, Kerry Mobbs, Coordinator of the South Eastern WDVCS at Queanbeyan received an award for 'Service to the Community' from the Member for Monaro, John Barilaro.

This year also saw the Program itself receive recognition from the NSW Police Force. The Award was made by Assistant Commissioner Mark Murdoch APM for the WDVCS's "Ongoing commitment and support to working in partnership with the NSW Police Force to reduce domestic and family violence and improve outcomes for victims and their families."

OBJECTIVE STRONG PARTNERSHIPS

Safety Action Meetings show unprecedented collaboration

As a result of the NSW Government's justice strategy and the continued roll-out of *Safer Pathway*, 2015–2016 saw the strengthening of existing WDVCS partnerships and the creation of many new collaborative relationships.

Throughout the state, the referral networks so essential to the success of the justice strategy ensured women received the range of support services they needed to be safe, while new local and regional alliances were forged to further the interests of women and children who have experienced domestic violence.

In the six *Safer Pathway* sites, people identified as being at serious threat using a risk assessment tool, were referred to Safety Action Meetings where government and non-government agencies worked together to develop safety action plans aimed at lessening or preventing serious threats to a victim's life, health or safety. The Safety Action Meetings organised by the six Local Coordination Points have provided a model of unprecedented collaboration between government and non-government partners.

WDCVAP commissioned a training video showing the effectiveness of Safety Action Meetings. It was made in Broken Hill using Safety Action Meeting participants and simulated case studies.



- ➔ Roll out more *Safer Pathway* sites.
- ➔ Work in partnership with Victims Services to ensure a redesigned platform for the Central Referral Point helps women who have experienced domestic violence receive timely support.

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Celebrating 20 years of supporting over 320,000 women


In June 2016, the WDVCAP marked its 20th anniversary with the theme *20 years of making a difference*. The Program's biannual forum provided the ideal platform to celebrate the achievements of the hundreds of dedicated workers who have provided advocacy and support to domestic violence victims over two decades.

The NSW Attorney General, Gabrielle Upton MP launched the celebrations. During the forum, over 300 attendees learned about the early days of the Program when the law was not as supportive of domestic violence victims and WDV CAS workers operated from card tables set up in courthouse vestibules.

Distinguished guests from the NSW Police Force, the Family Court of Australia, and Health NSW shared their experiences of working in the domestic violence field and contemplated the benefits of reforms and changes which have taken place since they began their careers.

.....

How we made a difference—workers past and present record their personal contribution on a timeline spanning 20 years.



Regional partnerships

People living in regional, rural and remote areas can have difficulty accessing legal services.

Legal Aid NSW played a leadership role in supporting regional coalitions and outreach programs to improve service delivery to people disadvantaged by distance.

COOPERATIVE LEGAL SERVICE DELIVERY PROGRAM

FACT FILE

- 70 CLSD Program projects commenced or completed
- 33% delivered in Aboriginal communities
- 80% of wills clinics held for Aboriginal communities
- 10 joint service clinics operating across regional and remote New South Wales
- 62 education sessions in 26 locations in regional and rural NSW

Legal Aid NSW manages the Cooperative Legal Service Delivery Program (CLSD).

The CLSD Program comprises regionally-based partnerships between legal and related non-legal services that aim to improve access to legal services for disadvantaged people in regional and remote New South Wales. CLSD Program partnerships aim to better target the needs of disadvantaged people, improve coordination of legal services and extend regional capacity through cooperation.

There are currently 12 CLSD partnerships across regional New South Wales, each with a funded Program Regional Coordinator based at a local organisation. Each CLSD Program partnership has four face to face meetings a year, and works collaboratively on projects to meet identified and emerging legal and related non-legal needs. The CLSD Program Unit based in Sydney provides administrative and strategic support to the CLSD Program partnerships across the state.

CLSD Program partnerships include representatives from Legal Aid NSW regional offices, Community Legal Centres, the Aboriginal Legal Service (NSW/ACT) Ltd, Family Violence Prevention Legal Services, Local Courts, tenancy, domestic violence, youth, disability and financial counselling agencies, local community, neighbourhood and settlement services as well as private and pro bono legal services, government departments, health services and local libraries.

OBJECTIVE ACCESS TO JUSTICE

Projects targeted barriers to justice

The CLSD partnerships operate on the premise that disadvantaged people with complex legal and non-legal needs and low legal capability require integrated services to successfully negotiate barriers to justice.

Each CLSD Program partnership determines service priorities by drawing on local data and demographics to identify local legal needs and gaps. The CLSD Program administers funding for collaborative, needs-based projects. In 2015–2016, there were over 40 CLSD Program partnership meetings across the state, including three strategic planning days.

In 2015–2016, the CLSD Program partners took part in 70 projects in regional, rural and remote New South Wales. CLSD program initiatives included community legal education, development of legal resources, workshops, training and outreach advice services.

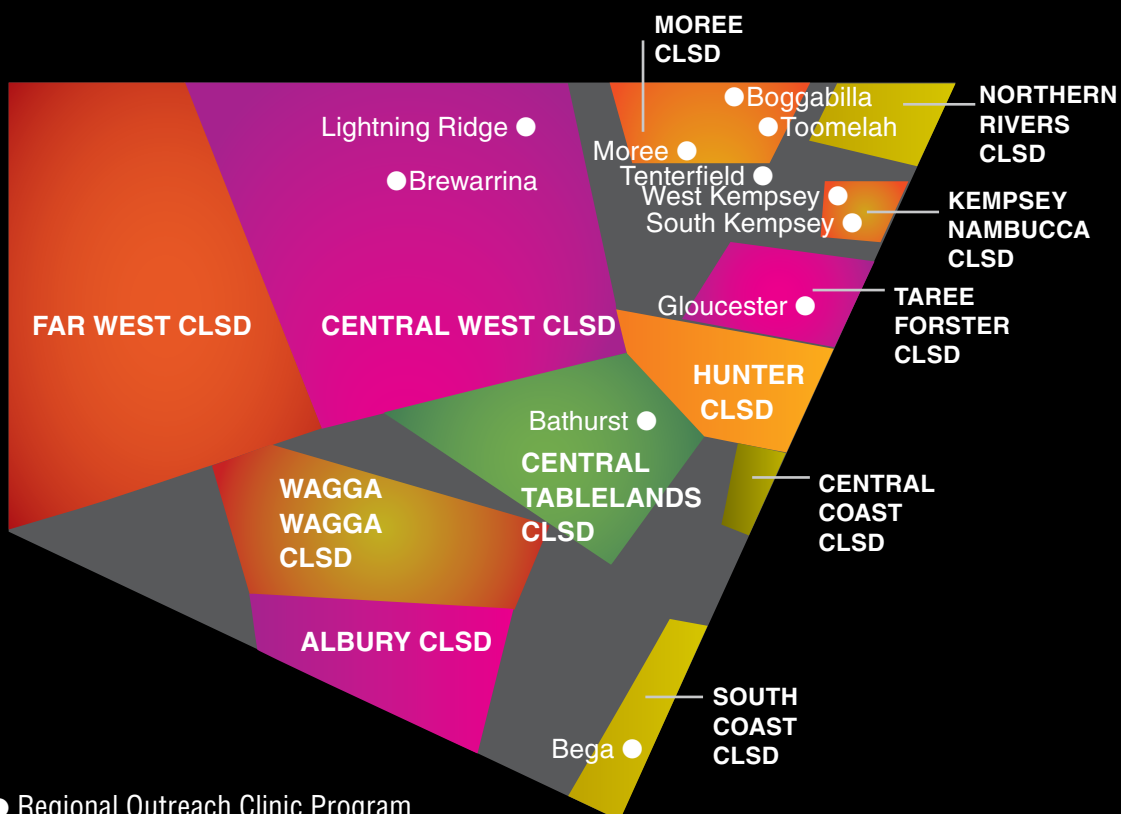
Highlight projects included:

- 13 wills clinics (10 for Aboriginal community members)
- *'Ice in the Community'*: community legal education sessions in Taree and Forster on the legal, health and family impacts of the drug ice co-presented by Legal Aid NSW, Mid North Coast Community Legal Centre, Aboriginal Legal Service (NSW/ACT) Ltd, NSW Police Force, NSW Health, Interrelate and local Aboriginal Medical Services
- joint service outreaches to Bourke, Brewarrina and Walgett
- Connecting Health and Justice Forum in Nowra—attended by over 200 people.



Building strong community networks representatives from Legal Aid NSW, the Aboriginal Legal Service, Fair Trading NSW, Pathfinders and Grandmothers Against Removal at the Dhiyaan Centre in Moree in April 2016.

CLSD Program and Regional Outreach Clinic Program locations as at 30 June 2016. The CLSD Program operates in 12 regions.



● Regional Outreach Clinic Program clinics are held in 11 locations

Addressing legal service gaps in Central West and Northern New South Wales

Improving services in Moree, Toomelah and Boggabilla was a major commitment. The program worked closely with Legal Aid NSW, the Aboriginal Legal Service (NSW/ACT) Ltd and other services to set up the new CLSD Program partnership in Moree.

For the last few years, the Central West CLSD Program partnership has organised an annual Law Week joint service outreach to Bourke and Brewarrina. From 17–20 May, Legal Aid NSW joined other services, helping with birth certificate applications, wills, fines, water and electricity issues, Centrelink, discrimination and care and parenting issues.

Moree is the latest CLSD Program regional partnership, making a total of 12 CLSD Program partnerships across the state.

OBJECTIVE STRONG PARTNERSHIPS

Partnerships adopt a “no wrong door” approach to addressing our disadvantaged clients’ legal and related non-legal needs

Working on the understanding that our disadvantaged clients have complex legal needs that are also affected by non-legal issues, CLSD Program partners focus on providing targeted, timely, appropriate and joined-up services. The CLSD Program projects draw upon the collective resources and knowledge of legal and non-legal local services to address locally identified needs, and promote access to legal help. Where service gaps are identified, the CLSD Program helps to bring outside expertise into local communities. For example, we have worked with local migrant services who have identified exploitative employment practices in various locations including Bathurst and Albury, and brought in employment law experts from Sydney to provide training to workers and support agencies.

The CLSD Program partners with government agencies, including LawAccess NSW, the NSW Ombudsman, Office of Liquor, Gaming and Racing Gambling support services and Community Justice Centres, the Energy and Water Ombudsman, State Debt Recovery, the Anti-Discrimination Board, the Australian Human Rights Commission and Office of Fair Trading, to distribute information about the availability of these state-wide services in regional communities. The CLSD Program

regional partnerships also collaborate with non-government agencies including financial counselling, health, tenancy, youth, disability and neighbourhood services to address the non-legal needs that exacerbate our clients’ legal issues. Agencies participating in CLSD Program partnerships adopt a “no wrong door” approach to addressing the legal and non-legal needs of our disadvantaged clients. Cross-agency referrals through CLSD partnerships are more informed and client-focused. Agencies collaborating through the CLSD partnerships have closer working relationships and know which agency is best placed to help clients with their specific needs.

Pro bono support helps deliver more services to disadvantaged communities

The CLSD Program partners with Sydney-based and local private law firms to provide pro bono legal services in regional, rural and remote New South Wales. This work takes on many forms including referrals of individual client matters to Pro bono firms in areas of law that are outside Legal Aid NSW, Community Legal Centre and Aboriginal Legal Service expertise or guidelines, community legal education on issues like legal privilege and legal issues for parents and carers of people with impaired capacity, and wills and planning ahead clinics for Aboriginal community members.

Over the past 12 months, some of our Sydney-based CLSD Program partner pro bono firms collectively provided well over \$2 million in pro bono services through regional New South Wales.

REGIONAL OUTREACH CLINIC PROGRAM

FACT FILE

- 674 advice and minor assistance services in 9 locations
- 17.4% delivered in Aboriginal communities

Under the Regional Outreach Clinic Program (ROCP), Legal Aid NSW funds private and Community Legal Centre lawyers to provide legal advice and minor assistance services to communities that have little, or no, access to public legal services, and where it would not be feasible or efficient for us to provide a regular outreach services. The Program also aims to increase the uptake of grants of legal aid for representation in regional New South Wales.

The work of the ROCP is guided by a steering committee that scopes and decides ROCP locations.

OBJECTIVE ACCESS TO JUSTICE

Reviews make sure we provide services to areas that need them the most

ROCP services are continuously reviewed and re-aligned to complement the inhouse outreach activity. As at June 2016, ROCP clinics were operating in Bathurst, Bega, Gloucester, Lightning Ridge, West and South Kempsey, Moree and Tenterfield.

ROCP clinics operate from host agencies that include local neighbourhood centres, Local Courts, public libraries and family support services. In some cases the ROCP lawyers participate in a joint-service roster, to provide a more frequent service at the one location. This has been the case in Kempsey, Gloucester and Bathurst where ROCP lawyers work alongside other Legal Aid NSW, Community Legal Centre and pro bono outreach lawyers.

OBJECTIVE EXCELLENCE IN SERVICE DELIVERY

Providing flexible services

An objective of the ROCP is that its services are part of a flexible suite of Legal Aid NSW services. ROCP lawyers are expected to provide high quality legal advice in areas of law usually delivered by inhouse lawyers. ROCP lawyers attend annual training sessions on new and emerging areas of law provided by our inhouse experts, and are briefed on new policy and practice developments. All ROCP lawyers are also invited to attend Legal Aid NSW conferences.



THE YEAR AHEAD

- ➔ Expand and support an increase in pro bono partnerships through the CLSD Program.
- ➔ Provide support to the new CLSD Program partnership in Moree, Boggabilla and Toomelah, in partnership with the Aboriginal Legal Service (NSW/ACT) Ltd.
- ➔ Pursue systemic issues through partnerships and collaborations under the New South Wales Legal Assistance Forum (NLAF).
- ➔ Explore new ways to engage and employ ROCP lawyers to complement inhouse service delivery when inhouse capacity is limited.
- ➔ Scope and establish new ROCP clinics in Goulburn and Tweed Heads.
- ➔ Re-establish ROCP services in Toomelah and Boggabilla and reconfigure ROCP services on the Mid North Coast to new “gap” locations of Laurieton and South West Rocks.

Justice forums

Legal Aid NSW is a member of several state and national forums that work collectively to find better ways of dealing with key legal issues affecting people's legal rights.

OBJECTIVE STRONG PARTNERSHIPS

National Legal Aid—advising the Commonwealth Government

National Legal Aid (NLA) provides a forum for Legal Aid Commissions to engage at a national level with governments, stakeholders and the community about best practice in legal aid and related issues.

NLA comprises the CEOs of the Legal Aid Commissions in each of the states and territories in Australia. NLA is supported by working groups with representatives from each of the legal aid commissions.

NLA met in November 2015 and March 2016. CEOs of the Legal Aid Commissions discussed issues of national strategic significance and advised the Commonwealth Government on the impact of its law and policies.

Initiatives undertaken during 2015–2016 included:

- working with the Commonwealth Attorney-General's Department to develop the *National Legal Assistance Data Standards Manual* as required under the *National Partnership Agreement on Legal Assistance Services*. This manual provides a common set of service definitions and counting rules for Legal Aid Commissions.
- working with the Australasian Institute of Judicial Administration and the University of Queensland School of Law to advise on developing the National Domestic and Family Violence Bench Book. NLA is represented on the advisory group for the Bench Book, which is a comprehensive online tool promoting best practice in judicial decision-making in cases involving family and domestic violence.

- undertaking an analysis of legally aided family law cases which found that domestic violence is a factor in 79% of legally aided Commonwealth family law matters in Australia
- updating and redeveloping the NLA website
- liaising with the Law Council of Australia on the 'Legal Aid Matters' campaign.

NLA also provided submissions to the Australian Government on:

- the National Disability Advocacy Program
- the 2016–2017 Federal Budget
- the Draft Parenting Orders Handbook
- the Review of the 2007 Guidelines for Family Law Courts and Children's Contact Services
- Family Law Council reference on families with complex needs.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Independent Children's Lawyers—a quality agenda

The Legal Aid NSW family law practice led an NLA project to develop a national website to enhance the quality of practice and understanding of the role of Independent Children's Lawyers (ICLs). The website www.icl.gov.au was launched in February 2016. Forty four per cent of ICLs across Australia are now registered on the website.

Legal Aid NSW is also responsible for the national ICL training program and is participating in research being undertaken by Southern Cross University about child participation in family law and other proceedings. We also participated in the development of an online survey for children who are appointed an ICL. The survey is taken on an iPad and aims to uncover what children find useful and what they would have preferred when participating in family law proceedings.

OBJECTIVE STRONG PARTNERSHIPS

Projects focus on better access to legal services for vulnerable clients

The NSW Legal Assistance Forum (NLAF) brings together key legal services across the government, non-government and private sectors in NSW. It aims to improve service delivery to socially and economically disadvantaged people through better planning, program design and service delivery by providers of legal assistance services.

NLAF members are:

- Aboriginal Legal Service (NSW/ACT) Ltd
- Community Legal Centres NSW (CLCNSW)
- Department of Justice NSW
- LawAccess NSW
- Law and Justice Foundation of NSW
- Law Society of NSW
- Legal Aid NSW
- Legal Information Access Centre (LIAC)
- NSW Bar Association
- Public Interest Advocacy Centre (PIAC)
- Justice Connect.

The Commonwealth Attorney-General's Department attends two NLAF meetings per year.

Bill Grant, CEO of Legal Aid NSW, was chair of NLAF until December 2015. The current chair is Nassim Arrage, Chair of CLCNSW. Legal Aid NSW staff participate in or convene all NLAF working groups.

NSW Attorney General, Gabrielle Upton MP, attended the June 2016 NLAF meeting and acknowledged its important role in facilitating collaborative relationships between New South Wales legal assistance services.

OBJECTIVE ACCESS TO JUSTICE

Working groups are advocates for change

NLAF had three working groups in 2015–2016—the *Education Act Prosecutions Working Group*, the *Prisoners' Forum* and the *Fines and Traffic Working Group*.

Highlights included:

- The *Education Act Prosecutions Working Group* addressed concerns about the availability of legal assistance for children and parents being prosecuted under the *Education Act 1990*. The group worked successfully with the Department of Education to improve the referral of listed matters to Legal Aid NSW so that parents and children have access to legal representation.
- The *Fines and Traffic Working Group* consulted with Births, Deaths and Marriages, Department of Justice and the Department of Premier and Cabinet about how to improve access to identity documents for Aboriginal people in New South Wales. As a result of these consultations, the NSW Registry of Births, Deaths and Marriages are looking at this issue, and will attend NLAF working group meetings.
- The *Fines and Traffic Working Group* has advocated for a review of the regulations relating to new bicycle laws and fines in order to differentiate between the prescribed penalties for adults and children.
- The *Prisoners' Forum* prepared an issues paper on post-release transport issues for prisoners. The issue raised in this paper will be looked at by Corrective Services NSW as part of a review of Pre-release Planning Procedures.



THE YEAR AHEAD

- ➔ Contribute to developing strategic priorities for National Legal Aid for the next three years.
- ➔ Work with the Department of Education to improve the referral of listed matters to Legal Aid NSW to ensure that parents and children have access to legal representation.
- ➔ Widen representation on NLAF to include family violence legal prevention services.

Aboriginal community partnerships

The Aboriginal Legal Service (ALS) (NSW/ACT) Ltd is our key partner in delivering legal services to Aboriginal people in New South Wales.

Legal Aid NSW shares a very close and positive working relationship with the ALS.

The ALS is a key member of the Aboriginal Justice Committee chaired by the Director, Aboriginal Services Unit.

The Aboriginal Services Unit of Legal Aid NSW is responsible for managing the relationship between Legal Aid NSW and the ALS.

OBJECTIVE ACCESS TO JUSTICE

Plan supports culturally responsive legal services

This year's launch of the *Legal Aid NSW Reconciliation Action Plan 2015–2018* (The RAP) was a step forward to strengthen the relationship between Legal Aid NSW, the ALS and Aboriginal and Torres Strait Islander communities.

The RAP sets goals that encourage us to aim higher, with practical commitments to improve access to justice for Aboriginal and Torres Strait Islander communities.



The new RAP builds upon our 2013–2015 plan, continuing our successful strategies to increase access to our services, ensuring they are culturally responsive, and employing and retaining Aboriginal and Torres Strait Islander people across the organisation.

The RAP is based on extensive consultation with key legal services and Aboriginal communities. It is an opportunity for Legal Aid NSW to work in true partnership with Aboriginal and Torres Strait Islander communities and organisations to contribute to the cause of reconciliation and social justice in New South Wales.

The Legal Aid NSW RAP achieved 'stretch' status, which Reconciliation Australia only gives to those RAPS with long term, measurable targets that commit real resources to achieve their goals.

"I commend Legal Aid NSW for being a leader within the justice sector of the New South Wales government in the development of their Reconciliation Action Plan...As a key provider of legal representation services, with particular regard to their strong working relationship with the Aboriginal Legal Service (NSW/ACT) Ltd, Legal Aid NSW is particularly well placed to contribute to the principles of reconciliation."

Justin Mohamed

CEO, Reconciliation Australia

Lawyers Merinda Dutton and Carl Freer from the Legal Aid NSW Civil Law Service for Aboriginal Communities contributed to reaching the targets outlined in the new Reconciliation Action Plan.

Ensuring culturally competent services

We maintained a close working relationship with the ALS in accordance with our joint Statement of Commitment. Under the Statement of Commitment, Legal Aid NSW provided additional services to assist ALS lawyers in Taree, Coffs Harbour and Grafton. We also took appropriate referrals, particularly when ALS client conflict may lead to serious consequences within a community.

Reconciliation Champions went out into communities

A group of Legal Aid NSW Reconciliation Champions helped to meet targets and goals from our *Reconciliation Action Plan 2015–2018*. These dedicated members of staff attended Aboriginal community events such as NAIDOC Week, Aboriginal Rugby League Knockout in Dubbo, Yabun Survival Day Festival in Sydney, and Ella 7's Rugby tournament in Coffs Harbour, making sure that Aboriginal people found out about Legal Aid NSW services.

Aboriginal Field Officers provide more flexible services

The Aboriginal Field Officer project, conducted in collaboration with the ALS, aims to provide flexible and practical help to Aboriginal people with their family and civil law matters. Field Officers have made a major contribution to making sure our services are culturally-appropriate and responsive. The program was evaluated and found to be highly effective in improving links between local Aboriginal communities and Legal Aid NSW regional offices and increasing the number of Aboriginal people using our services.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Aboriginal cultural awareness training at our annual conferences

Practice-specific Aboriginal cultural competency workshops were held at the 2016 criminal and family law conferences. The full day workshops are a new model developed to cater to the specific needs of each practice area and have been developed by Aboriginal cultural competency experts and coordinated by our Aboriginal Services Unit.

Legal Aid NSW hosted 70 ALS lawyers at the criminal law conference and supported three ALS lawyers attending at an Australian Advocacy Institute course run for Legal Aid NSW criminal and family lawyers.

OBJECTIVE STRONG PARTNERSHIPS

Partnerships start from the ground up

This year, we established partnerships with locally owned and managed Aboriginal community organisations through our new cultural awareness training with regional offices. This has included Bara Barang Aboriginal Corporation Central Coast (Gosford office) and Mirri Mirri Cultural Awareness Training, NSW Far North Coast (Lismore office).

Our care and protection lawyers worked with the ALS to provide care and protection services to Aboriginal families and established a protocol with Family and Community Services to ensure that Aboriginal families can be represented by the ALS whenever possible. Since 2007, Legal Aid NSW has funded ALS lawyers to provide legal services to Aboriginal clients in the care and protection jurisdiction of the Children's Court outside metropolitan Sydney.

The family law practice provided family law and care and protection advice and assistance in a number of regions of New South Wales to meet the needs of Aboriginal and Torres Strait Islander people. Family lawyers delivered regular outreach services to the towns of Bourke, Brewarrina, Walgett and Nyngan and Port Macquarie where they have linked in with a number of services focused on assisting Aboriginal people. Services that focused on the needs of Aboriginal families were also delivered in Broken Hill, Moree and Wilcannia.

The civil law practice provided targeted civil law services to Aboriginal people across New South Wales in partnership with local Aboriginal community and community organisations. Lawyers provide an integrated service to help Aboriginal people with a range of civil law problems including housing, consumer and Centrelink issues. Services are accessible and responsive to the needs of Aboriginal people.



THE YEAR AHEAD

- ➔ Respond to the internal review of the Aboriginal Field Officer Program to ensure the program provides vital links between Legal Aid NSW and Aboriginal communities that have been identified as having the highest need across the state.
- ➔ Sign a new Statement of Commitment with the Aboriginal Legal Service (NSW/ACT) Ltd.

3 Managing our organisation

Meeting the needs of the most disadvantaged people in our community, who have multiple and complex legal and non-legal needs, requires a skilled workforce and adequate resourcing.



In this section

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| OUR PEOPLE | 75 | Supporting staff to provide the best possible services to clients |
| | 76 | Improving staff health and wellbeing |
| | 78 | Workforce diversity and equity |
| | 80 | Learning and development |
| | 81 | Professional and personal achievements |
| ORGANISATIONAL CAPABILITY | 83 | Efficiency measures |
| | 88 | Information technology |
| | 89 | Environmental responsibility |

Celebrating the opening of our first satellite office in Albury are Deanne Parks, Nicole Dwyer, Dione Garwell and Carmel Hickey. See page 86.



Key achievements

- ★ Over 90% of staff completed the first stage of a new performance planning and development process (page 75).
- ★ A new framework supports a 'speak up' culture and respectful behaviours (page 75).
- ★ The cost of new workers compensation claims decreased by 90.1% (page 76).
- ★ With 5.1% of our staff identifying as Aboriginal, we are well above the Government benchmark of 2.6% (page 78).
- ★ Managers learned good leadership skills (page 80).
- ★ New heads of regional offices developed tailor-made regional service delivery plans (page 80).
- ★ An activity based costing system allows us to begin reliably costing inhouse service delivery (page 83).
- ★ A data collection framework measures the impact of our services on clients and the community (page 85).



The year ahead

- ➔ Develop a work health and safety plan to improve staff safety and wellbeing.



Key challenge

- ★ Develop a new case management system to support staff in meeting future business needs and deliver improved client services.

Our people

During the year, Legal Aid NSW continued to invest in our people. This investment acknowledges that staff work in a challenging context and need to be highly skilled and well supported.

FACT FILE

- 1,116 staff, 554 in regional offices and 562 in our Central Sydney office
- 586 lawyers and 530 administrative and corporate services staff
- 57 Aboriginal staff
- 284 men and 832 women
- 79 lawyers with specialist accreditation

Staff numbers over 5 years

| Year | FTE* figures** Financial year end | Actual staff number Financial year end |
|-----------|--------------------------------------|---|
| 2015 2016 | 1,028.95 | 1,116 |
| 2014–2015 | 945.85 | 1,046 |
| 2013–2014 | 903.91 | 994 |
| 2012–2013 | 871.25 | 959 |
| 2011–2012 | 882.72 | 965 |

*FTE: full-time equivalent

** See Appendices 1 and 2 for more details

Staff movements over 5 years

| Staff movements | 2011 2012 | 2012 2013 | 2013 2014 | 2014 2015 | 2015 2016 |
|-------------------|-----------|-----------|-----------|-----------|-----------|
| New ongoing staff | 12 | 18 | 15 | 54 | 56 |
| Staff departures | 44 | 52 | 57 | 66 | 165 |
| Promotions | 21 | 21 | 32 | 11 | 51 |

Note: Under the *Government Sector Employment Act 2013*, permanent staff are referred to as 'ongoing'.

Supporting staff to provide the best possible services to clients

OBJECTIVE SUPPORTING OUR PEOPLE

Over 90% of staff completed their first self-review

In line with Public Service Commission priorities and good practice, we introduced a performance and planning system called Individual Planning, involving informal and formal feedback meetings between managers and staff.

By the end of December 2015, 92% of staff had completed the first stage. We launched the second stage—the mid-cycle review—in March 2016. Employees undertook a self-review and managers provided their own review of progress. To date, 83% of staff have completed the second stage. The end of cycle review will be launched in July 2016 and will include an overall rating process as required by the Public Service Commission.

Encouraging a 'speak up' work culture and respectful behaviour

We established a best practice framework to ensure ethical, professional and respectful behaviours are promoted within Legal Aid NSW.

We developed an integrated Workplace Standards Package of documents and resources—with the Legal

Aid NSW Code of Conduct at its core—to support staff to identify, report, resolve and record behaviour, actions or inactions that may be inconsistent with expected standards.

The package supports our staff to 'speak up' about workplace issues and misconduct and have their concerns heard and appropriately resolved. It also provides tools for resolving unsatisfactory performance and supporting employees to improve their performance.

In the past year, we received 21 workplace complaints, classified by People and Organisational Development (Human Resources) Workplace Standards. Lack of respect was the main issue (34% of complaints), followed by unprofessional behaviour (16%) and bullying (12 per cent). Informal resolution settled 43% of matters but formal investigations took place in 29% of matters. The majority (69%) were resolved through counselling and 15% resulted in changes to the way we work.

Over 90% of staff completed the first stage of a new performance planning and development process.

Improving staff health and wellbeing

OBJECTIVE SUPPORTING OUR PEOPLE

Wellbeing strategies have led to improvements in staff health

Legal Aid NSW partnered with the University of NSW to undertake a three-year study exploring staff mental health and stress levels among lawyers and administrative staff and the effectiveness of workplace interventions in addressing health-related issues. Released early in 2016, *Creating a Supportive Culture for Legal Services* found some small but significant improvements in mental health and stress levels among Legal Aid NSW employees over the three survey periods. These improvements were strongest in the 2015 survey, and the authors predict that the results may 'become more pronounced over the longer term and may hint at bigger improvements in the general wellbeing of staff'.

The study raised issues our staff face – such as the fact that they work in a challenging environment, under time constraints, and in high-pressure court environments. Despite this, most staff said they were satisfied with their decision to work at Legal Aid NSW, and many said the most satisfying aspect of their work was “serving disadvantaged people, representing children and making a genuine difference in terms of social justice”.

The Wellcheck debriefing program which began last year was used by more employees with some regional offices arranging for counsellor attendance. This program helps staff manage their stress levels in one-on-one sessions with psychologists who identify risk factors and help employees manage these issues. There was an increase in the number of staff and their families accessing our Employee Assistance Program. We piloted a Peer Support Circles Program in the criminal

law practice. The practice expanded the employee assistance program by arranging for a psychologist to provide regular confidential counselling at various Sydney and regional offices. Staff can book consultations anonymously and are eligible for up to six visits a year.

Supporting staff to provide services to clients with mental illness

An area that causes stress for staff is dealing with clients with a mental illness, especially if staff do not have the skills to do this.

This year, we started developing a training package for staff dealing with clients living with a mental illness. The training will build awareness about mental illness and help staff to develop skills to overcome or reduce the barriers experienced by clients with mental illness.

Work health and safety risk

We established a new work health and safety risk manager role to review risk management systems and implement systems to ensure the wellbeing and safety of our staff.

Workers compensation claims were lower than in previous years

We maintained a continued downward trend in workers compensation injuries which has made a significant impact on our premium. There was an increase in our non workers compensation matters—injuries that are not work related but might require an adjustment in the workplace or a return to work plan.

Five workers compensation claims were lodged in 2015–2016. Three of these were accepted, one claim was declined and one claim remained under investigation as at 30 June 2016.

Workers compensation claims 2013–2014 to 2015–2016

| Type of claims | Number of claims for 2013 2014 | Number of claims for 2014 2015 | Number of claims for 2015 2016 |
|------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Workplace | 6 | 9 | 2 |
| On duty (e.g. at court) | 1 | 3 | 1 |
| Journey | 0 | 1 | 0 |
| Recesses (authorised breaks) | 4 | 1 | 2 |
| Total claims lodged | 11 | 14 | 5 |

The cost of new claims was \$8,800, compared with \$88,860 last year, a decrease of \$80,060 or 90.1%. This equates to an average claim cost of \$8.55 per staff member compared with \$93.95 per staff member in 2014–2015.

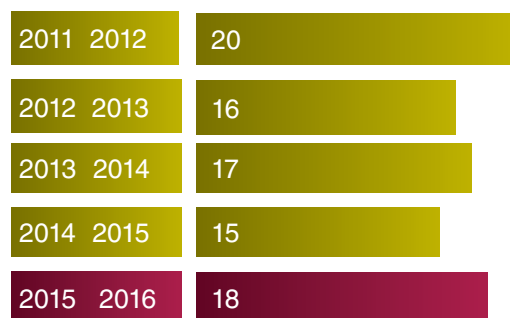
The number of accepted claims (includes claims accepted under provisional liability), decreased from 10 in 2014–2015 to five this year.

Of the accepted claims, there was one fall/slip and one body stress (e.g. Repetitive Strain Injury) claim amounting to \$5,597 or 63.6% of the total cost of claims.

One psychological injury claim was lodged, down from five last year. It was declined following investigation. The cost, including a factual investigation and medical examination \$2,580 or 29.3% of the total cost of claims for 2015–2016.

The total number of reported 'Incident Only' notifications of injury increased from 15 to 18. Although journey claims are no longer compensable, we still continue to collect these statistics.

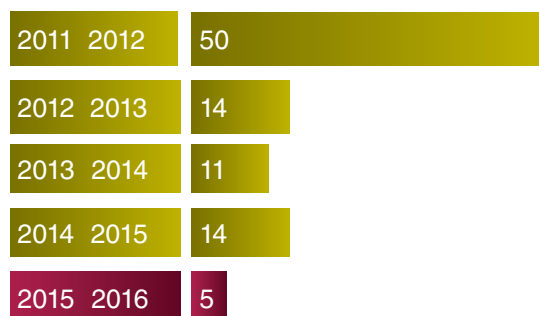
Work-related incidents over 5 years



Note: The decrease in claims is due to changes in legislation and our focus on health and wellbeing and support programs for staff and managers.

The cost of new claims was \$8,800, compared with \$88,860 last year, a decrease of \$80,060 or 90.1%.

Workers compensation claims over 5 years



Work related incidents over 5 years

| Type of Injury/Incident | Number of Reports for 2013 2014 | Number of Reports for 2014 2015 | Number of Reports for 2015 2016 |
|-------------------------|---------------------------------|---------------------------------|---------------------------------|
| Workplace | 9 | 3 | 7 |
| On duty (e.g.: Court) | 1 | 7 | 3 |
| Journey | 2 | 2 | 6 |
| Recesses | 5 | 3 | 2 |
| Total | 17 | 15 | 18 |

Workforce diversity and equity

Of 1,116 staff, 180 people disclosed they are from a multicultural background and 80 people disclosed disability.

OBJECTIVE SUPPORTING OUR PEOPLE

Creating a disability confident workplace

A range of initiatives help to create a disability confident workplace at Legal Aid NSW. We developed the first workforce strategy for recruiting, employing and retaining people with disability. It will be implemented in 2016–2017. A new 'reasonable adjustment pass' records approved reasonable adjustments for staff to use across the organisation. We updated the Client Services Security Strategy to include information about people with disability.

We implemented a mentoring program for staff with disability. In collaboration with the Australian Network on Disability (AND), we implemented the PACE mentoring program to improve career opportunities for students and job seekers with disability, and developed guidelines for the mentoring program. We implemented AND's *Stepping Into* program for two internships in legal service. We established and publicised the work of the Legal Aid NSW Staff Disability Network to improve workplace outcomes for staff with disability.

We provided a number of diversity-related learning opportunities to our staff to enhance their diversity awareness and confidence. Topics included collecting disability information with confidence; deafness awareness and basic sign language; working effectively with the National Relay Service; and clearer communication. Staff in regional offices attended some of these sessions via webcast or audio-visual link.

We developed an e-learning module on cultural awareness, to be introduced in next year's staff induction program along with the e-learning module on disability awareness.

The August 2015 edition of the Legal Aid NSW staff newsletter *Verbals* was dedicated to diversity. Staff's personal stories showed how Legal Aid NSW upholds diversity, and by doing so, contributes to an inclusive workplace and better client services.

Employing Aboriginal staff

Once again, Legal Aid NSW outperformed the NSW Government benchmark of 2.6% for employing Aboriginal staff. We employ 57 Aboriginal staff, which is 5.1% of our total staff, including 20 practising Aboriginal lawyers across all practice areas.

We launched a new *Aboriginal Employment and Career Development Strategy 2015–2018* in October 2015 to increase our Aboriginal workforce to 6% of the total workforce, and the number of Aboriginal staff in ongoing roles and more senior roles. This year, three Aboriginal employees took up senior lawyer positions and a senior administrative role.

Five Aboriginal cadets took part in our Judge Bob Bellar Pathways to Legal Careers Program.

Members of the Aboriginal staff network met twice this year to undertake training and team building.

Aboriginal cultural awareness training was delivered to 189 staff and 85 participants from partner agencies at Legal Aid NSW conferences (see page 81).

OBJECTIVE STRONG PARTNERSHPS

Staff from Legal Aid NSW, the Aboriginal Legal Service (NSW/ACT) Ltd, Community Legal Centres, and their families and friends marched in Sydney as part of the Gay and Lesbian Sydney Mardi Gras Parade on 5 March 2016. Our entry conveyed the theme "Legal assistance under one umbrella" and was a great success in raising awareness about our services.

More detailed EEO information appears in Appendix 2 while Appendix 9 has a summary of key performance highlights from the Diversity Action Plan.

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We signed up to a campaign against racism

Legal Aid NSW joined the *Racism: It stops with me* campaign during National Reconciliation Action Week. The Human Rights Commission campaign is committed to a zero tolerance approach to racism in the workplace.

Legal Aid NSW has launched anti-racism initiatives, including training programs to help people identify and prevent racism in the workplace. The organisation's code of conduct for employees also reinforces zero tolerance to racism.

In launching this initiative, Race Discrimination Commissioner Dr Tim Soutphommasane said, "Racism persists in our justice system and how the law operates...I'm very pleased we have another advocate within the justice system on board...I believe that racism can be eradicated if we all work together."

Race Discrimination Commissioner, Dr Tim Soutphommasane and Blues performer, Marlene Cummins were guest speakers at a Legal Aid NSW event pledging zero tolerance towards racism in the workplace.



Learning and development

FACT FILE

- 3,118 people attended Legal Aid NSW conferences and seminars
- 2,131 attendances at Legal Aid NSW courses and workshops
- 1,238 online learning modules completed a 5.5% increase
- 122 distinct courses and workshops conducted for staff

OBJECTIVE SUPPORTING OUR PEOPLE

Learning programs support staff to advance knowledge and leadership skills

In December 2015, we began implementing the *Workforce Development Plan 2016–2020*. The purpose of the plan is to sustain the capable and flexible workforce we need to effectively and efficiently lead the way, develop our employees and deliver outstanding client services.

We improved the induction process for new employees so that managers and employees can more easily work together to track progress. Successfully completing the induction and orientation is a prerequisite to finalising a new employee's probationary period.

A New Leaders Program saw 25 current and aspiring managers start a six-day program in April 2016 that

will finish in November 2016. A balance of on-the-job, classroom and practice sessions aim to give participants the opportunity to advance their leadership skills. The program reflects the organisation's commitment to build leadership capability at all levels.

Twelve regional Solicitors-in-Charge have trained in regional office planning, using data about potential legal need in the geographical catchment, and service delivery data to inform service planning and stakeholder relationships. Five managers completed the training in 2015–2016 and another seven started the training in June 2016.

The introduction of our performance development system—Individual Planning—was supported by workshops and an online (Just-In-Time) learning site. The workshops were attended by 734 people and the site was accessed 2,770 times.

The need to improve clear written communication across the organisation accelerated the development of an online learning site and a workshop on clear communication. Since their launch in June the site has been used 64 times and 50 people have attended the workshop.

Videos, audio and animations are helping our online learning sites deliver the professional development staff want. Checklists, cheat sheets, short readings and five things to practise on-the-job are also included on the sites. This approach has proved very popular with staff.

Attending the 2016 criminal law conference were l-r: Joy Boulos from Legal Aid NSW; Kara Shead, Deputy Director of Public Prosecutions; Kristy Crepaldi, Senior Manager of the specialists reforms team at Victim Services; Gina O'Rourke SC, Deputy Senior Crown Prosecutor and Her Honour Jennie Girdham SC, District Court Judge.

Professional and personal achievements

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Professional development for lawyers

There are currently 79 lawyers working for Legal Aid NSW who are accredited specialists: one in civil law, 20 in family law and 58 in criminal law. Only about 170 lawyers in New South Wales currently have specialist criminal law accreditation. This year, 15 criminal lawyers and two family lawyers were awarded specialist accreditation after a rigorous peer assessment process administered by the Law Society of NSW. The scheme provides the profession and the public with a reliable means of identifying lawyers with proven expertise in their chosen area of law.

The criminal law practice began a pilot mentoring program in collaboration with the NSW Bar Association for

female lawyers who wish to improve their courtroom advocacy skills.

Legal Aid NSW recruited five new lawyers for the Career Development Program in March 2016. The Program consists of a two-year rotation through two divisions of the organisation. Participants are finding the program very supportive and professionally satisfying. Comments include “I feel like I’m making a difference” and “I love the variety of the work”.

Two Legal Aid NSW criminal law conferences fell within 2015–2016, attracting a total of 1,090 participants, reflecting the importance of this conference to criminal lawyers across New South Wales.

The annual civil law conference was attended by 144 private and inhouse lawyers as well as colleagues from other not-for-profit agencies. Two family law conferences and a care and protection conference attracted 798 participants. Over 200 lawyers and social scientists attended the child representation conference in Wollongong.



In other initiatives the family law practice:

- gave practice staff, community staff and panel lawyers the opportunity to extend their advocacy skills through an Australian Advocacy Institute training program
- trained all of its staff to provide more culturally responsive and aware services to Aboriginal people by hosting a compulsory training day in October 2015
- held a one-day workshop on clearer communications for junior lawyers
- developed new training webinars on topics like: 'Representing clients in proceedings for compulsory schooling orders in the Children's Court'
- implemented a program of Independent Children's Lawyer refresher training and mentoring to improve the support given to ICLs and the quality of representation.

Employees take up senior appointments

In November 2015, the then Deputy Director of the criminal law practice, Paul Hayes, was sworn in as a New South Wales Magistrate. Paul worked as a lawyer at Legal Aid NSW for 25 years in a number of roles and offices, including Solicitor-in-Charge of the Fairfield office and as Acting Director of the civil law practice. He has brought his expertise, composure and compassion to the Bench.

Criminal law advocate, Nerissa Keay, was appointed as an Acting Crown Prosecutor for 12 months. At Legal Aid NSW, Nerissa conducted numerous trials, an inquest, Children's Court defended hearings and Parole Authority matters.

In April 2015, Elizabeth ('Liz') Boyle was sworn in as a Judge on the Federal Circuit Court. Liz worked for Legal Aid NSW from 1990 to 1999 and, at the time of her appointment, was at the NSW Bar where she took briefs in legally aided matters for independent children's lawyers and parents. She was the Bar representative on the family law committee of the Legal Aid Review Committee and regular educator at Legal Aid NSW events. In her acceptance speech, Liz gave credit to the impact that Legal Aid NSW had on her career development.

Employees receive public recognition

In March 2016, Kylie Beckhouse, Director of Family Law was awarded a Churchill Medallion for completion of the Churchill Fellowship and final report.

Manager of the Cooperative Legal Service Delivery (CLSD) Program, Jenny Lovric, was nominated for the Justice Medal at the NSW Justice Awards. She was nominated in recognition of her 20-year commitment to improving access to justice for disadvantaged communities in New South Wales and particularly for her work managing the successful expansion of the CLSD Program and Regional Outreach Clinic Program.



THE YEAR AHEAD

- ➔ Develop a work, health and safety plan to ensure the safety and wellbeing of our staff.
- ➔ Ensure that 50% of staff within the criminal law practice participate in at least one health and wellbeing session.
- ➔ Deliver workplace standards initiatives as part of the Public Service Commission's positive culture and productive workplaces reforms.
- ➔ Ensure that Individual Planning becomes a regular part of work and part of the business planning cycle.
- ➔ Pilot a new training program and resources for staff working with people with mental illness.
- ➔ Review the role of administrative staff to improve client service and support for lawyers.
- ➔ Maintain the Aboriginal and Torres Strait Islander workforce at 6% and improve employment outcomes for Aboriginal people.
- ➔ Roll out local Aboriginal cultural awareness training to regional offices based on a needs assessment.
- ➔ Implement a workforce strategy for recruiting, employing and retaining people with disability.

Our organisational capability

We found better ways to use our resources and achieve greater efficiencies, and piloted a new way to measure and manage performance.

OBJECTIVE ACCESS TO JUSTICE

Clients will be able to apply for aid online

We developed an online form for applying for a grant of legal aid, which will improve access to clients who cannot easily attend a legal aid office or see a panel lawyer. The new online application form will be able to be used on mobile devices, tablets and desktop PCs. Following development by the software vendor and testing, the online form will be implemented in the second half of 2016.

Capturing data on early resolution assistance

The Board approved introducing a new service type, the first in over 30 years. With the increasing emphasis on resolving disputes at an early stage through dispute resolution processes, the new service fills the gap in our current service types between advice and minor assistance, and representation in litigation proceedings.

Improve access to legal services in correctional facilities through the use of technology

We worked with the Department of Justice Audio-Visual Link (AVL) Project Team to improve prisoners' access to legal services. Six AVL suites across various Legal Aid NSW offices were upgraded to ensure more effective communication during conferences. The upgrades improve picture and sound quality and make it easier to show documents and electronic evidence from a brief to prisoners during the AVL. It is anticipated that all remaining AVL suites at Legal Aid NSW offices will be upgraded by the end of the next financial year.

Legal aid still available for defending Local Court criminal charges

We reviewed the Local Court defended hearing policy. This policy was introduced in November 2013 and has limited the circumstances in which legal aid is available to defend criminal charges in the Local Court. Legal aid is only available if there is a real possibility of imprisonment being imposed or there are exceptional circumstances. As a result of the review no changes have been made and legal aid continues to be available for these matters.

Risk assessment and safety planning for domestic violence

To improve our services to victims of domestic violence, the Domestic Violence Unit developed and circulated a number of tools to assist staff to screen for domestic and family violence, identify risk issues and make plans around client safety. Staff across the organisation were provided with new resources to help provide more integrated services and safety planning that helps protect clients in the event of escalating violence.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Trauma-informed practice training supports staff to provide holistic services

Members of the Legal Aid NSW Family Violence Specialist Network completed training in trauma-informed practice. The goal of the network is to ensure that people affected by domestic and family violence receive high quality, client-centred and holistic services. In 2015–2016, the network attended four training days to exchange information on advances in the law, best practice issues and access to services relevant to domestic and family violence.

Lawyers and advocates now record the time they spend on delivering legal services

In response to a recommendation from the NSW Auditor General that Legal Aid NSW introduce a costing system for legal services delivered by its inhouse legal practice, Legal Aid NSW has introduced an Activity Based Costing system to assist in measuring performance.

Following a review of costing systems used in other Legal Aid Commissions and comparable public sector agencies, we conducted a pilot of an activity based time recording and reporting system in late 2014 – early 2015. An independent evaluation of the pilot recommended that activity based time recording be rolled out across the inhouse practice.

This rollout started on 1 July 2015 and ended on 30 June 2016. An internal audit of the rollout concluded that Legal Aid NSW is now well positioned to embark on the next phase of activity based costing. Lawyers and advocates in the inhouse practice now record the time they spend on delivering legal services.

We will be in a much stronger position to reliably and more comprehensively cost our inhouse service delivery by the second half of 2017.

Costs recovered in criminal law matters

The Grants Division identified 98 matters where lawyers had succeeded with costs applications in legally-aided criminal law proceedings. At 30 June 2016, claims valued at \$1,184,990 had been submitted and \$292,844 had been received.

Specialists in family law undertake complex litigation

The family law practice established a new unit for complex litigation and appeals work. Staff in the unit issued information on a range of legal topics for staff and panel lawyers. They provided advice and assistance to the inhouse practice on over 120 occasions and oversaw appeals work in the Family Court, District Court and Supreme Court in complex and groundbreaking litigation. See cases following.



CASE STUDIES

Jurisdictional argument

The matter involved parties who were separated and living in the United Arab Emirates with their two young children.

The parents travelled separately to Australia to visit family, with the father returning to the UAE separately. The mother kept the children in Australia. The father sought for the children to be returned to the UAE.

The mother gave evidence that since separation she had been unable to obtain secure accommodation in the UAE (at times sleeping in her car), was unable to legally work in the UAE, and was a victim of family violence at the hands of the father.

The Court dismissed the father's application for summary return and made orders for the children to live with the mother in Australia.

Medical treatment for 15-year-old

We represented a client whose parents made an application to the Family Court, for a declaration that he is competent to consent to a male chest reconstruction surgery, for the purpose of treatment of his gender dysphoria. Family and Community Services intervened in the case, and submitted that because the proposed treatment did not follow the usual course it required the Court to determine whether the treatment was in the child's best interest.

Acting on the child's behalf, we disagreed arguing that the World Standards for Transgender Health provided for some flexibility in treatment. All of the child's treating doctors were in agreement.

The Court found that there was no controversy in the matter, and declared that the child was competent to consent to the surgery.

Ensuring that clients who can pay do pay

Policy changes ensure we apply our contributions policy consistently and that clients who can pay their contribution do pay. The policy changes commenced in June 2015.

A working group implemented and monitored the changes throughout 2015–2016. New payment methods such as paying at the post office were taken up well by our clients.

We made a small change to our section 33 payment policy, exempting prisoners. The policy will no longer apply to indictable appeals as most of these clients are in prison and do not have access to funds to pay the contribution.

Collecting data on disability and family violence

We changed our data collection systems including Grants Online so we can collect data on whether:

- clients are experiencing or at risk of domestic or family violence
- clients have disability or are taking part in the National Disability Insurance Scheme, and the supports they need to use our services.

These changes will assist with our reporting on client demographics under the National Partnership Agreement.

Collecting better information for grants of legal aid in committals

For many years we operated on the basis that a grant of legal aid for criminal indictable matters was “seamless” - that the grant for committal proceedings covered the trial or sentence proceedings in the District Court or Supreme Court.

For committal grants approved from January 2016 onwards, lawyers were required to submit a new application for legal aid to cover the superior court proceedings. This change allows us to collect better information on the outcome of committal matters in the Local Court.

Major changes in Supreme Court bail applications

Supreme Court Common Law Division Practice Note 11 commenced on 7 March 2016. This Practice Note changed the way the NSW Supreme Court bails practice area is managed, bringing in a Registrar’s weekly call-over.

Legal Aid NSW responded to this change by creating a temporary role within our Supreme Court bails practice to manage files and workload, and appear at the weekly call-over. Staff and private lawyers assisting Legal Aid NSW have been trained on the new procedures and requirements of the Practice Note. Legal Aid NSW will provide feedback to the Court’s review of the new procedures.

Communities of practice provide peer support

The civil law practice coordinates more than 15 communities of practice in key areas such as housing, social security and domestic violence. The communities of practice provide support and training for inhouse lawyers and encourage collaboration with external partners.

A health justice community of practice with members from across legal services and the health services sector, supported us to partner with community and health organisations who are best placed to identify legal problems early in community settings.

Changes driven by regular review

The civil law practice regularly reviews advice and outreach services. This year, all regional teams reviewed their outreach clinics and we undertook a snap shot data collection of our in-office advice clinics. As a result of these reviews, changes were made to some clinics to improve their access by disadvantaged clients.

The Regional Outreach Clinic Steering Committee reviewed all ROCP locations and outreach and realigned locations so that they better complement inhouse outreach services and fill service delivery gaps.

OBJECTIVE SUPPORTING OUR PEOPLE

Data and information that demonstrates value and quality

Legal Aid NSW developed a strategy to capture data and information that demonstrates the value and quality of Legal Aid NSW services. The strategy identified a number of priorities including:

- improving data compliance and identifying new data that demonstrates value
- developing and testing a new evaluation model, which includes cost/benefit analysis and client and stakeholder feedback
- identifying the partnerships we need to progress the strategy.

We developed an Outcomes Framework that measures the impact (value) of Legal Aid NSW services on our clients and the community.

In the coming year Legal Aid NSW will implement the Outcomes Framework and the Monitoring and Evaluation Framework.

New data governance framework for better performance

We implemented a new data governance framework. The framework recognises data as a vital asset of Legal Aid NSW. Under the framework, we have established the Data Governance Council, comprising senior managers from each of our divisions, who have been appointed as information owners for our key data entities. As a first step, the Council developed a Charter for its operations. The information owners are responsible for ensuring the quality and correct usage of our data and the council is developing standards and procedures to enable this to happen.

Treasury approval for new case management system

Legal Aid NSW identified that we needed a new case management system to better improve our ability to meet the needs of our clients across legal practice areas. We consulted with staff to develop a business case for a new system which was submitted to NSW Treasury. This funding has been approved and we will start work on a new case management solution in 2016–2017.

Regional offices increased their capacity to provide more services

Legal Aid NSW opened a new office in the border town of Albury in June 2016, providing legal services to residents from both sides of the border; The satellite Albury office is a first for Legal Aid NSW: the office is linked to the Legal Aid NSW office in Wagga Wagga, under the joint new name Legal Aid NSW Riverina Murray office.

The Albury office allows us to better service the Albury community and with permanent staff in Albury, the Wagga Wagga office can redirect its resources to provide services to a wider catchment in the Riverina. Other advantages include being able to interview clients, in particular children, in a neutral setting away from the Albury courthouse.

Legal Aid NSW relocated its criminal law practice close to the new court precinct in the heart of Newcastle, in time for the court opening in March 2016. Thirteen lawyers and six administrative staff serve clients across almost all criminal jurisdictions. The office also services courts that cover the Lake Macquarie District, just south of Newcastle.

We identified the need for improved client service facilities at Sutherland, Wollongong, Dubbo and Lismore. These offices were partially refurbished to increase

the number of interview rooms, expand the conference rooms and meet the increased need for office accommodation for our staff. We met these challenges within the existing footprint of our offices without taking up additional space.

Our new satellite office allows us to better service the border town of Albury and its surrounding communities.

After 22 years in our Legal Aid room at Burwood court house, we were allocated a larger space. We worked with the Court Registrar to fit out a space where staff can see up to six clients simultaneously in a secure and accessible environment. This improved service has been a major win for our Burwood criminal law team and has improved client service delivery and safety.

We worked with Government Property NSW to secure additional space in Central Sydney for our special project staff in the civil law practice.

Parramatta Justice Precinct Office was partly upgraded to accommodate an expansion in the Children's Legal Service Team. With a more practical layout, dedicated hotline room and repurposed spaces, this office can run more efficiently.



OBJECTIVE STRONG PARTNERSHIPS

Regional plans are built on local needs

We developed a new framework for regional service delivery planning that is informed by evidence of need in a geographical area, resulting in a two-year plan. The plans respond to the legal and related needs of clients, rather than being solely legal- practice centred. They are driven by the local regional Legal Aid NSW office, and reflect Legal Aid NSW corporate priorities as they relate to a local area.

In October 2015, five new Solicitors-in-Charge attended training to develop their planning skills and to establish plans for their geographic catchment area. The offices represented in the pilot were Bankstown, Gosford, Newcastle, Port Macquarie and Wollongong.

Within six months, the Solicitors-in-Charge produced a general guide for regional service delivery planning, and specific plans for each of their five offices. The plans are informed by Cooperative Legal Service Delivery Program planning.



THE YEAR AHEAD

- ➔ Refine the costing methodology to be applied to time recording.
- ➔ Evaluate new data about the early resolution of matters.
- ➔ Review eligibility policies for currency and consistency with existing practice requirements and the National Partnership Agreement.
- ➔ Implement a range of qualitative and quantitative measures that will demonstrate the value of Legal Aid NSW services.
- ➔ Determine the selection of a new case management solution to support staff to meet business needs and deliver improved client services.
- ➔ Roll out the new framework for regional service delivery plans for Legal Aid NSW offices.
- ➔ Respond to planned reforms to the way indictable matters are dealt with in the Local Court.
- ➔ Contribute to reducing the District Court trial backlog.
- ➔ Develop a skills-based training program in the civil law practice to achieve a higher and more consistent standard of legal practice amongst our lawyers.
- ➔ Accommodate additional staff in Bankstown, Broken Hill, Campbelltown, Fairfield and Newcastle Family and Civil Law offices to better meet demand for our services.



The Newcastle criminal law team in front of the courthouse right across the road from their new office

Information technology

Information technology played a key role in assisting to better deliver legal services.

OBJECTIVE ACCESS TO JUSTICE

Clients will be able to apply for aid online

An online form for applying for a grant of legal aid improves access to clients who cannot easily attend a legal aid office or see a panel lawyer. The new online application form will be able to be used on mobile devices, tablets and desktop PCs. After user testing, it will be implemented in the second half of 2016.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Disaster recovery and back up services transition

Following on from the relocation of our production data centre facilities to the NSW Government Data Centre last year, this year we transitioned our IT disaster recovery and backup services from our secondary data centre to a cloud services arrangement.

Digital engagement for our clients

In conjunction with the development of our Client Service Strategy this year, we examined digital engagement opportunities that can be developed to improve client service, staff capability and partner engagement. These digital opportunities build on existing digital initiatives underway at Legal Aid NSW and are incorporated in the Legal Aid NSW Client Service Strategy Implementation Plan.

Justice video conferencing allows easy contact with clients

We worked with other Justice sector agencies to expand the use of video conferencing solutions to support our staff working with clients in a range of scenarios. We upgraded a number of our video conferencing suites within our offices and this will continue into 2016–2017. Our staff can already access video conferencing directly from their desk based computers—this is being expanded so that staff can access video conferencing directly from mobile devices and be in easy contact with clients when working offsite at court or other locations.

Supporting an increasingly mobile workforce

We began work on a major refreshment of our end user device environment that will take place over the next two years. We conducted a review to determine the most appropriate devices and operating environments for our increasingly mobile workforce. That review will continue into early 2016–2017.

Transition to cloud services

We transitioned a number of our IT services and applications to cloud-based arrangements including IT disaster recovery and backup arrangements and our Legal Aid NSW website. We implemented a new cloud based Library Management System, and commenced work migrating our IT Service Management System to a cloud-based environment.



THE YEAR AHEAD

- ➔ Implement an online legal aid application form.
- ➔ Pilot hybrid mobile devices with staff and provide staff across Legal Aid NSW with new mobile devices.
- ➔ Improve our IT service management systems, including launching a new service desk customer portal for staff.
- ➔ Renew our information and communication technology strategy, focusing on particular client engagement initiatives from the Client Service Strategy, and a broader transition to cloud-based IT services and applications.
- ➔ Transition paper-based processes to online forms and business workflows.
- ➔ Provide better guidance to staff about managing and disposing of digital records.

Environmental responsibility

Legal Aid NSW is committed to taking steps towards reducing our use of paper and increasing green score targets through a number of sustainability initiatives. As shown in the following table, we exceeded, often substantially, the environmental targets set by the NSW Government, including those for use of green paper, green electricity and green fleet.

Reducing our environmental footprint—summary table 2015–2016

| Goal | Target | Achievement |
|---|--|--|
| Reduce electricity consumption | Install energy efficient lights in our premises | Working with Government Property NSW and landlords to work towards these installations. |
| | Install light switches to offices in new fit outs | New fit outs built in 2015–2016 included separate light switches for offices in Sutherland, Wollongong, Dubbo and Lismore. |
| Increase use of green paper purchasing | NSW Govt Target: Minimum 85% of copy paper to contain recycled content by 2014. | We have been purchasing 100% recycled or carbon neutral copy paper since 2013–2014. |
| Increase use of green paper purchasing for our publications | At least one recycled content option to be included as part of each publication quotation. | Our Publications team recorded a 5% use of recycled content in our publications. This is due to cost savings requirements. |
| Reduce paper purchasing | Target of a 10% reduction in paper purchasing was introduced in 2009. | We purchased 9.5% less paper in 2015–2016 than we did in 2014–2015. |
| Green electricity purchasing | NSW Govt Target: 6% Green Electricity | We continue to purchase 20% green electricity. |
| E10 fuel | NSW Govt Target: E10 or regular unleaded 91 mandatory | Our usage for 2015–2016: 100% e10 or unleaded 91 |
| Green fleet | NSW Govt Target: 13.5/20 and 1 hybrid electric vehicle per 100 vehicles by Dec 15 | Our score for 2015-16: 14.64/20 including 1 Toyota Prius Hybrid electric vehicle. |



THE YEAR AHEAD

- ➔ Aim to reduce landfill by reusing and modifying as much existing furniture as possible in building and accommodation projects.
- ➔ Increase recycling by reviewing our statewide practices and contracts.



KEY CHALLENGE

- ✱ Retaining our existing furniture in new more efficient accommodation which is reduced in area per person under current NSW Government requirements.

4 Corporate governance

Setting strategic direction, monitoring progress, and ensuring compliance are key elements of our governance procedures



In this section

92 Key activities of the Board

94 Board members

97 Organisational structure

98 Senior directors

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107 Appealing decisions about legal aid

108 Complaint handling



Key achievements

- ★ The Board approved opening the new Albury satellite office (page 92).
- ★ We met our target of completing six performance audits (page 103).
- ★ We developed a new Legal Aid NSW Plan for next year (page 103).
- ★ We received 19 applications for access to information (page 107).
- ★ More consistent reporting of complaints resulted in the ability to identify and report on systemic issues (page 108).



The year ahead

- ➔ Oversee the *National Partnership Agreement on Legal Assistance Services*.



Key challenge

- ★ Continuing to provide quality legal aid services in a tightening fiscal environment.

Legal Aid NSW Board

A Board with 10 members determines our broad policies and strategic priorities.

The Board of Legal Aid NSW consists of nine part-time members including the Chair, and one full-time member, who is the Chief Executive Officer of Legal Aid NSW.

Part-time Board members are appointed by the NSW Attorney General for up to three years, other than the Chair who is appointed for up to five years. All are eligible for reappointment.

In June 2016, the NSW Attorney General appointed a new Board for a term of three years to June 2019. A number of members were reappointed, including Craig Smith who is continuing in the role as Chair, Dr Peggy Dwyer as the representative of the NSW Bar Association and Ainslie van Onselen as a representative for Consumer and Community Interests.

New members of the Board include Michael Coleman (appointed by the NSW Attorney General), Emeritus Professor Richard Henry (appointed by the NSW Attorney General), Sue Gilchrist (appointed by the NSW Attorney General), Rachel Francois (Unions NSW), Professor Anna Cody (Community Legal Services) and Darryl Browne (Law Society of NSW).

Outgoing members of the Board are John McKenzie, John Bordon, Annette Bain, Andrea Durbach, Philip Bickerstaff and Mary Macken.

In June 2016, the NSW Attorney General appointed a new Board for a term of three years.

Key activities of the Board this year

In accordance with its statutory role to establish the broad policies and strategic plans for Legal Aid NSW, the Board approved the *Legal Aid NSW Plan 2016–2017*. The Board was regularly updated on the progress of the *Legal Aid NSW Plan 2015–2016*.

The Crime and Grants Sub-Committee of the Board, established under section 68 of the *Legal Aid Commission Act 1979*, covers matters dealing with grants of aid, training and development of private lawyers and crime-related funding and policy issues. The Committee met once and considered a range of issues including the District Court backlog, the expansion of the inhouse committals service, protected admissions and the District Koori Court.

The Community Partnerships Sub-Committee of the Board covers civil and family law policies and services, the Community Legal Centre (CLC) Program and other Legal Aid NSW partnerships such as the Cooperative Legal Service Delivery Program and the Aboriginal Legal Service (NSW/ACT) Ltd. The Committee advises the Board on funding issues affecting legal assistance services, gaps in services, and legal assistance services to Aboriginal clients and clients in rural, regional and remote New South Wales. The Committee met twice and discussed a range of issues including community legal centre funding, the new National Partnership Agreement, jurisdictional planning and the Care Partner initiative.

The Board approved establishing a new Legal Aid NSW satellite office in Albury, which was opened in June 2016. This office, together with the Wagga Wagga office, make up the new Riverina Murray Legal Aid NSW office. See page 86.

Michael Coleman was appointed as Chair of the Audit and Risk Committee in June 2016. As part of the audit and risk strategy, the Board approved six internal audits for 2015–2016.

The Board was kept informed about the progress of the new funding agreement with the Commonwealth Government, and a new five-year National Partnership Agreement (NPA) between the Commonwealth and State was signed in June 2015. The Board also endorsed Legal Aid NSW to continue to undertake the role of funding body and state program manager for the CLC Program, with an expanded role to act as the funding body on behalf of the Commonwealth under the NPA.

The delivery of high quality services is a priority for the Board, and members were briefed on a number of evaluations, including reviews of the partnership with Settlement Services International and a review of legal service provision in South West, Far West, North West and Northern New South Wales. The Board will oversee the implementation of recommendations arising from these evaluations.

The Board approved a number of policy and fee scale changes, including a revised contributions policy, a simplified civil law fee scale, changes in fee scales and policies for some care and protection matters, and extension of the current client eligibility policy relating to the *Crimes (High Risk Offenders) Act 2006*.

There were no emergency decisions required during the year.

Meetings of the Board

Four meetings were held in 2015–2016. Thirty five per cent of the Board's time was spent on governance matters such as audit and risk, strategic reviews and organisational planning; finance and other budget matters took up approximately 35% of the board's time; and strategic operations, policies and law reform issues took up the remaining 30% of the Board's time.

Board members' fees

Part-time Board members are entitled to be paid fees for attending meetings, reading background papers, sitting on committees and representing Legal Aid NSW at meetings with other organisations. No fees are paid to members who are salaried Government employees or who choose not to be paid.

Active on committees

The Board is advised on specific matters by a number of committees. These include the Crime and Grants Sub-Committee, Community Partnerships Sub-Committee and Audit and Risk Committee which advises on budgetary and internal audit matters.



THE YEAR AHEAD

- ➔ Oversee the implementation of the *National Partnership Agreement on Legal Assistance Services*.

Board members | 1 July 2015 to 30 June 2016



Craig Smith

Dip Law (BAB) Dip Crim (SYD)



Bill Grant

OAM, LLB



Dr Peggy Dwyer

BA LLB (ANU) Ph D (University of Edinburgh)



Ainslie van Onselen

LLB (UWA), MAppFin, GDipAppFin (Finsia), GAICD

Chair

Craig was reappointed by the NSW Attorney General as Chair for the Board from 23 June 2016 to 22 June 2019.

A solicitor and former Judicial Registrar, District Court of New South Wales, Craig has 42 years' experience in the administration of justice in New South Wales. He has worked in various government legal and policy positions, including senior positions with the Office of the Director of Public Prosecutions. He was Director Court Services and then Director Judicial Support before his appointment as Judicial Registrar in 2010.

Craig has served as Chair of the Legal Aid NSW Board since 18 February 2013.

(Attended 4 meetings)

Chief Executive Officer

Bill recommenced as CEO of Legal Aid NSW in December 2011. Bill was appointed by the then Attorney General after a four-year absence from the organisation. He previously served as CEO of Legal Aid NSW from 2001 to 2007.

Bill was Secretary-General of the Law Council of Australia from 2008 to 2011 and previously held the position of Deputy Director-General of the NSW Attorney General's Department from 1992 to 2001.

(Attended 4 meetings)

Board member

Peggy was reappointed by the NSW Attorney General as representative of the NSW Bar Association from 23 June 2016 to 22 June 2019.

Peggy appears in a wide range of criminal matters, including jury trials, contested hearings, appeals, Children's Court matters and State Parole Authority hearings. She has a busy practice in coronial proceedings, appearing as Counsel Assisting the Coroner (in the Northern Territory and NSW) and counsel for interested parties.

Peggy also appears in disciplinary tribunals including the NSW Civil and Administrative Tribunal and Medical Council, for both prosecution and defence.

(Attended 2 meetings)

Board member

Ainslie was reappointed by the NSW Attorney General as representative of Consumer and Community Welfare Interests from 23 June 2016 to 22 June 2019.

Ainslie has practised as a commercial litigator for over 18 years and is admitted to practise law in several jurisdictions across Australia. Ainslie was the former Director and National President of the Migration Institute of Australia, former columnist for the Legal Affairs section of *The Australian* newspaper, former panelist on *The Contrarians* - Sky News and a former Associate Professor of the University of Western Australia.

Ainslie is currently the Global Director of Women's Markets, Inclusion and Diversity at the Westpac Banking Corporation.

(Attended 2 meetings)



Michael Coleman

M Comm, B Comm, FAICD, FCA, FCPA

Board member

Michael was appointed by the NSW Attorney General as a representative who possesses skills and experience that would benefit Legal Aid NSW, from 23 June 2016 to 22 June 2019. The Board also appointed Michael as Chair of the Audit and Risk Committee from 29 June 2016 to 22 June 2019.

Michael is a Chartered Accountant. He retired from KPMG in 2011 after a career including 30 years as an audit partner and practice leader, having led both Audit and Risk Management and Regulation. He is a board member of Macquarie Group and Macquarie Bank, where he chairs the Audit Committees. He is a member of the Reserve Bank of Australia's Audit Committee; a member of the Advisory Board of Bingo Industries Limited and has a numerous roles with the Australian Institute of Company Directors.

His current roles include Adjunct Professor, Australian School of Business, University of New South Wales; Chairman of Planet Ark Environmental Foundation; a board member of Osteoporosis Australia and of the Belvoir St Theatre Foundation.

(Attended 1 meeting)



Emeritus Professor Richard Henry

AM, MB BS, MD, FRACP, Dip Clin Epi

Board member

Richard was appointed by the NSW Attorney General as a representative who, in the opinion of the NSW Attorney General, possesses skills and experience that would benefit Legal Aid NSW, from 23 June 2016 to 22 June 2019.

Richard is Emeritus Professor and Pro-Chancellor of University of NSW Australia. He was Professor of Paediatrics at both the University of Newcastle and UNSW and held senior leadership roles in both the university and health sectors. From 2006–2012, he was Deputy Vice-Chancellor (Academic) and Vice-President at UNSW. Since his retirement from UNSW, he has worked as a consultant in health and higher education. Current unpaid roles include Pro-Chancellor at UNSW, Director Children's Cancer Institute, Trustee Sydney Grammar School, Chair Board of Centre for Social Impact and Director Paediatric and is on the Board of Paediatric, Paediatric Research Integration.

He was appointed as a Member of the Order of Australia in 2007 for service to paediatric respiratory medicine.

(Attended 1 meeting)



Sue Gilchrist

LLM, BA LLB (Hons)

Board member

Sue was appointed by the NSW Attorney General as a representative who, in the opinion of the NSW Attorney General, possesses skills and experience that would benefit Legal Aid NSW, from 23 June 2016 to 22 June 2019.

Sue is the Regional Managing Partner, Asia and Australia of Herbert Smith Freehills. Sue is also a senior Intellectual Property disputes partner at Herbert Smith Freehills and is experienced in all intellectual property areas. Sue was the lead partner acting for Apple in the Apple v Samsung patent and design litigation relation to tablets and smartphones.

Sue is the Chair of the Intellectual Property Committee of the Law Council of Australia.

In her role as Regional Managing Partner of Herbert Smith Freehills, Sue is involved in Herbert Smith Freehills's pro bono and diversity initiatives.

(Attended 1 meeting)



Darryl Browne

LLB

Board member

Darryl was appointed by the NSW Attorney General as a representative of the Law Society of NSW from 23 June 2016 to 22 June 2019.

Darryl is an Accredited Specialist in Wills and Estates. His forte is estate planning but he also conducts estate and other litigation for clients. He advises clients concerning commercial law issues (including business acquisitions, leases, employment issues and planning matters) as well as with conveyancing and related real estate transactions.

Darryl is a member of several Law Society of NSW committees. He is Director (Councillor) of the Law Society New South Wales, Chair of the Ethics Committee and Deputy Chair of the Elder Law and Succession Committee.

Note: New Board members, except for Darryl Browne, attended their first meeting on 29 June 2016.

Board members | 1 July 2015 to 30 June 2016



Associate Professor Anna Cody

LLM (Harvard), GDip LP (UTS), LLB (UNSW), BA (UNSW)

Board member

Anna was appointed by the NSW Attorney General as a representative of bodies providing community legal services from 23 June 2016 to 22 June 2019.

Anna is an Associate Professor and Director of Kingsford Legal Centre which specialises in discrimination and employment law. The Centre is part of the University of New South Wales Law Faculty where Anna teaches law. She has worked at the Centre for over 15 years. In 2007, Anna won the NSW Women Lawyers achievement award in the government/community lawyer section. From 2011 to 2013, Anna was the Chair of Community Legal Centres NSW and member of the Board of LawAccess NSW. She was also the Deputy Chair of the NSW Legal Assistance Forum. Anna is currently a board member of the National Association of Community Legal Centres.

(Attended 1 meeting)



Rachel Francois

BA (UNSW), LLB (UNSW)

Board member

Rachel was appointed by the NSW Attorney General as representative of Unions NSW from 23 June 2016 to 22 June 2019.

Rachel is a barrister at the NSW Bar. Rachel specialises in discrimination law and consumer protection cases and also practises in administrative law and commercial litigation. Rachel was employed by Legal Aid NSW as a lawyer in civil litigation between 1996 and 2000. During that time, Rachel was a member of the PSA Departmental Committee and a delegate to the Peak Consultative Committee.

Rachel was a member of the NSW Bar Council in 2007 and was junior counsel assisting ASIC in its investigations into the corporate wrongdoing of HIH Insurance and James Hardie. Rachel's more recent cases include the class actions against Cash Converters in relation to alleged unlawful interest rates and the landmark sexual harassment decision in *Richardson v Oracle* (2014) 223 FCR 334.

(Attended 1 meeting)

Outgoing members of the Board

Andrea Durbach BA LLB, DipLaw

Andrea served on the Board for 10 years from 19 February 2007 to 17 February 2016.

Andrea is Associate Professor at the Faculty of Law, University of New South Wales and Director of the Australian Human Rights Centre. She is a member of the Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions.

(Attended 2 meetings)

Philip Bickerstaff MCom

Philip served on the Board and as Chair of the Audit and Risk Committee for 11 years from August 2005 to 17 February 2016.

Philip retired from the New South Wales Public Sector in 2005 after 37 years, 29 of those with NSW Treasury.

(Attended 3 meetings)

Mary Macken MA LLM FAICD

Mary served as the Law Society representative for seven years from 1 July 2009 to 17 February 2016.

Mary is a past President of the Law Society of NSW and a practising lawyer in New South Wales, England and Wales.

Mary initially specialised in the commercial property field. Since then, her roles have included Manager of Legal Services, Landcom and Corporate Counsel, State Transit Authority (Sydney Buses).

(Attended 2 meetings)

John Bordon BA LLB (UniSyd) LLM (UNSW)

John was the Unions NSW representative for seven years from 1 July 2009 to 17 February 2016.

In the past he has held a number of positions on the staff of Legal Aid NSW. Currently he is a senior member of the NSW Civil and Administrative Tribunal. He has also served on the Serious Offenders Review Council and the Immigration Review Tribunal.

(Attended 3 meetings)

Annette Bain MA Dip Ed BLegS GAICD

Annette served on the Board for three years from 18 February 2013 to 17 February 2016.

Annette is an international pro bono advisor, and has over 20 years' experience working in the private and not-for-profit sectors on strategies for increasing access to justice and social change.

(Attended 3 meetings)

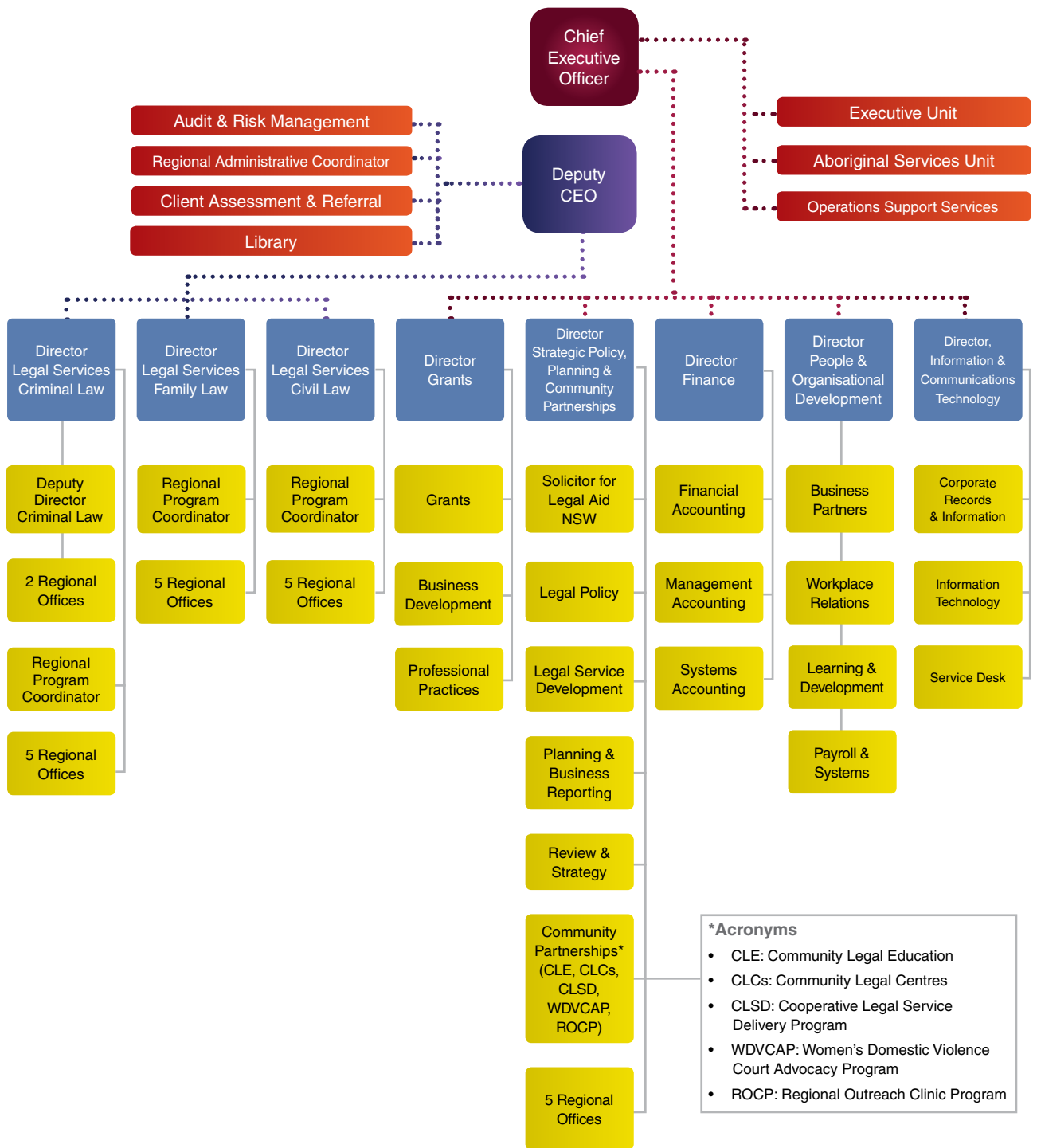
John McKenzie B Comm LLB, Accredited Criminal Law Specialist

John served on the Board from May 2013 to 17 February 2016.

John was appointed Legal Services Commissioner in 2015. Before that John was the Chief Legal Officer for the Aboriginal Legal Service (NSW/ACT) Ltd for eight years. Before that he was Principal Solicitor of the Many Rivers Aboriginal Legal Service in Newcastle (2001–2006) and Solicitor in Charge of Gosford Legal Aid office (1994–2000).

(Attended 2 meetings)

Organisational structure



Senior directors

Our senior management team is diverse and highly experienced, each director contributing to the strength of our organisation and helping to achieve our goals.



Bill Grant

OAM LLB

Chief Executive Officer

(SES level 6)

Budget total: \$275.4M

Total staff: (FTE) 1,028.95

Total actual: 1,116

Bill's biography appears on page 94.

This year, Bill led a number of important initiatives which build on the excellent assistance we provide in civil, family and criminal law and aim to deliver a more targeted, integrated and client-centred service for Legal Aid NSW clients. These initiatives include a Client Service Strategy, a Domestic Violence Strategy, a Community Legal Education Framework and a Regional Planning Framework. These initiatives will inform how services at Legal Aid NSW are delivered over the next three years.

Following on from the opening of a new office in Port Macquarie in 2014, Bill oversaw the further improvement of services to regional NSW in 2015–2016, including opening a new satellite office in Albury, expanding our inhouse committals service to a number of regional locations, and establishing a new Cooperative Legal Service Delivery site in Moree.

Bill ensured that Legal Aid NSW met, and in some cases exceeded, the performance indicators and benchmarks of the first year of the National Partnership Agreement on Legal Assistance Services (NPA). He established collaborative planning forums under the NPA with Community Legal Centres, Aboriginal Legal Service (NSW/ACT) Ltd, and the NSW Department of Justice.



Steve O'Connor

Dip Law (BAB) Dip Crim

Deputy Director

(Band 2)

Budget total: \$169.3M

Total staff: (FTE) 887.65

Total actual: 965

Steve returned to Legal Aid NSW in September 2012. In addition to his role as Deputy CEO, Steve undertakes the role of Chief Audit Executive. In this capacity Steve has initiated six internal audits across the organisation, overseen by the Board's Audit and Risk Committee.

This year, Steve has led two major projects.

Activity Based Costing was rolled out across Legal Aid NSW as the first stage of costing the work of our inhouse legal practices. This rollout followed the successful completion of a pilot across 10 sites.

Steve was Project Sponsor for the Mental Health Training Project, which started during the year with the aim of developing training modules to assist staff who come into contact with clients living with a mental illness.

Steve proudly continued his role as the first Disability Champion at Legal Aid NSW. This involved working closely with the staff Disability Network and promoting disability issues across the organisation.



Richard Funston

BCom LLB EMPA, Accredited Criminal Law Specialist

Director, Criminal Law

(Band 1)

Budget total: \$88.2M
Total staff (EFT): 286.5
Total actual: 312

During his 19 years with Legal Aid NSW, Richard has held leadership roles across the organisation including Solicitor in Charge of the Children's Legal Service, Director Grants and Director Strategic Planning and Policy. Richard's previous experience includes eight years with Victoria Legal Aid and four years as Principal Solicitor of the Inner City Legal Centre in New South Wales.

Richard's achievements this year include participating in District Court trial backlog initiatives and Early Appropriate Pleas of Guilty Reform.

Richard is also committed to offering staff more opportunities for professional development. In his role as Chair of the Health and Safety Committee, Richard promoted good psychological health for staff through a range of wellbeing initiatives.

Richard also chaired the Legal Aid NSW Reconciliation Action Plan Implementation Working Group, and the NSW Legal Assistance Forum Prisoners Group.



Kylie Beckhouse

BA LLB, Accredited Family Law Specialist

Director, Family Law

(Band 1)

Budget total: \$49.4M
Total staff (FTE): 204.7
Total actual: 224

Kylie has specialised in family law for over 23 years. She was appointed Director of the Family Law Division in May 2009 and in this role has been responsible for many innovations in the delivery of family law services. She is an accredited specialist in family law and an independent children's lawyer.

Kylie is appointed to the Family Law Council of Australia and the NSW Children's Court Advisory Committee. She is a member of the Law Society of NSW Family Law Issues Committee and the National Legal Aid Family Law Working Group. She currently serves on the Family Court's Children's and Self Represented Litigants committees. In 2015, she was awarded a Churchill Medallion in recognition of her completion of a Churchill Fellowship to investigate the administration of child legal representation schemes in overseas jurisdictions.

Achievements this year include establishing a Domestic Violence Unit, and an Appeals and Complex Litigation Unit. She has also led national improvements in the representation of children culminating in the launch of a national internet site for Independent Children's Lawyers.



Monique Hitter

BSW Dip Law

Director, Civil Law

(Band 1)

Budget total: \$20.3M
Total staff (FTE): 167.81
Total actual: 179

Monique has worked as a lawyer since 1997 in the community, government and private sectors.

Monique developed the model for the Cooperative Legal Services Delivery Program and managed its pilot in 2004. It is now implemented in many regions across New South Wales.

Monique has been the Director of the Civil Law Division since July 2007. She is also a member of the Women's Advisory Council for Corrective Services NSW.

This year, Monique expanded civil law services for Aboriginal communities and outreach services generally. She has also been a member of the consultation group for developing the first New South Wales Civil Justice Strategy.



Wayne Gale

BA (Computing) MCom (Accounting)

Director, Information and Communications Technology
(Band 1)

Budget total: \$3.4M
Total staff (FTE): 31.29
Total actual: 34

Wayne was appointed to his position in January 2007.

Wayne's career in information technology spans 30 years, including senior roles both in the private sector providing information technology services and solutions to Government, as well as working directly in the government sector.

This year, Wayne and his team completed the second phase of our data centre migration project involving the transition of out IT Disaster Recovery and Backup facilities to a cloud services arrangement in conjunction with our production data centre facilities now located in the NSW Government Data Centre at Silverwater.

Wayne also worked closely with other executive stakeholders on the development of the Client Service Strategy with a particular focus on the identification of future digital initiatives and opportunities to support that strategy.



Annmarie Lumsden

BA LLB Dip Bus EMPA, Accredited Criminal Law Specialist

Director, Strategic Policy, Planning and Community Partnerships
(Band 1)

Budget total: \$35.8M
Total staff (FTE): 30.9
Total actual: 34

During her 18 years with Legal Aid NSW, Annmarie has held leadership positions across the organisation, including as a Solicitor Advocate in the criminal law practice, Executive Officer to the CEO, Director Grants, and acting Director Family Law. She had previous experience in government and private practice.

Annmarie was elected as a Councillor of the Law Society in 2014. This year, she is Chair of the Juvenile Justice Committee, Deputy Chair of the Criminal Law Committee, and Deputy Chair of the Government Solicitors Committee. She is the Legal Aid NSW representative on the Victims Advisory Board and the Law Society nominee on the Children's Court Advisory Committee.

This year, Annmarie has led implementation of the new *National Partnership Agreement on Legal Assistance Service 2015–2020*, including collaboration with the legal assistance sector. She has also led the development of a strategy to capture data and information that demonstrates the value and quality of Legal Aid NSW services, and the development of a client-focused proposal for improved service delivery to meet the recommendations of the *Review of legal service gaps in remote New South Wales*.



Vicki Leaver

BA Dip Ed, CAHRI

Director, People and Organisational Development (Human Resources)
(Band 1)

Budget total: \$1.9M
Total staff (FTE): 20
Total actual: 20

Vicki was appointed as the Director, People and Organisational Development in July 2011.

Before joining Legal Aid NSW, Vicki held senior roles at RailCorp and the Department of Health.

This year, Vicki's team has continued to modernise workforce management practices.

These include introducing;

- an innovative Individual Planning process based on formal and informal discussions between managers and staff
- a workplace standards package, focused on a code of conduct and respectful behaviours
- a New Leaders Program and a supporting induction for newly appointed Solicitors-in-Charge.

Concurrently, Vicki is undertaking the ANZSOG Executive Masters in Public Administration.



Clare Hamilton

B Bus (Accounting) FCPA

Director, Finance

(Senior Officer Grade 2)

Budget total: \$275.4M

Total staff (FTE): 14.8

Total actual: 15

Clare was appointed to this position in 2008.

Her previous experience includes senior finance and corporate services roles across a range of public sector agencies.

Clare has consistently met financial targets and achieved successful funding outcomes in a difficult funding climate.

This year, Clare completed a restructure of the Finance team and introduced a number of process improvements, including a systems based funding submission workflow. She also negotiated a significant increase in expenditure limits with NSW Treasury.



Mary Whitehead

BA (Hons), LLB (Hons), G Cert Pub Sec Mgmt, Accredited Family Law Specialist

Director, Grants

(Band 1)

Budget total: \$6.3M

Total staff (FTE): 80.19

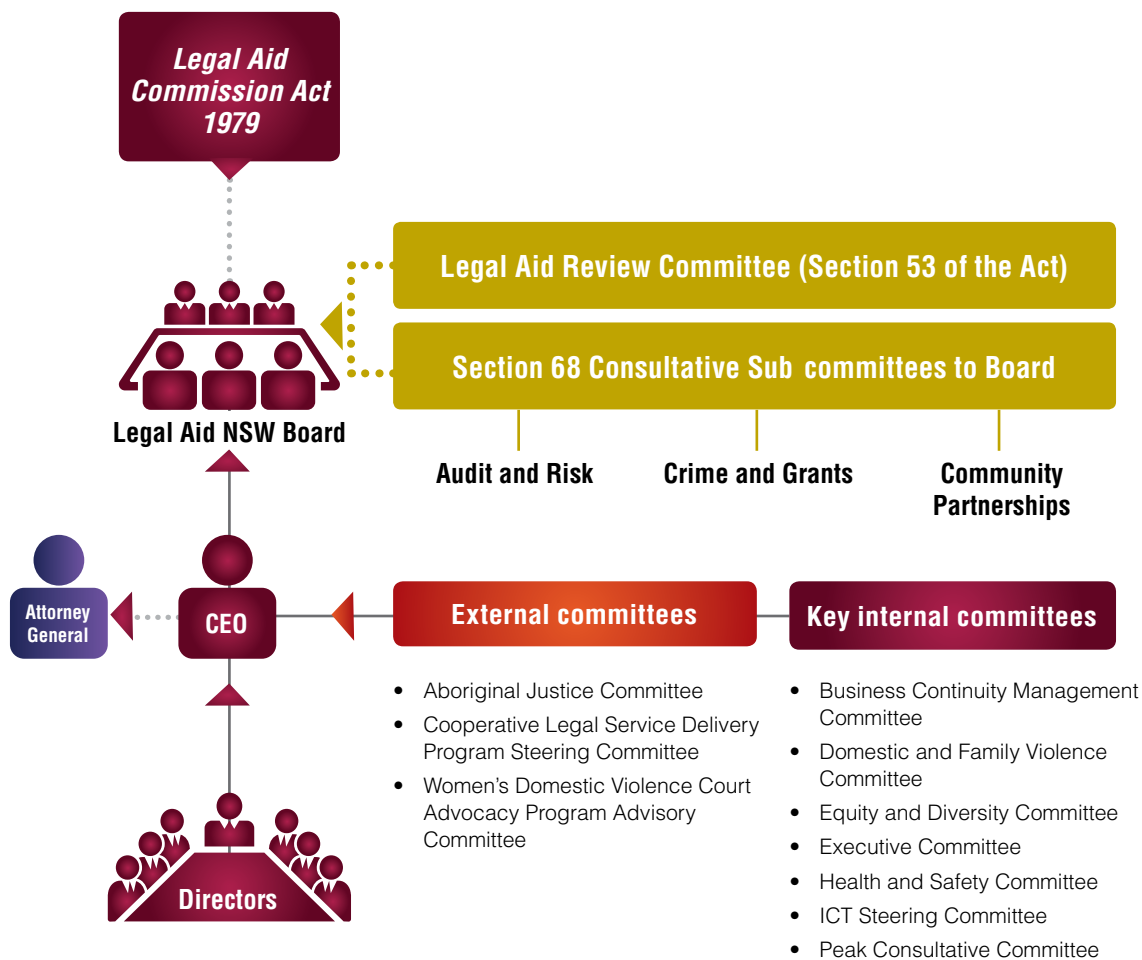
Total actual: 83

Mary was appointed Director of Grants in June 2012. In 25 years in Legal Aid NSW, Mary has held senior positions in the inhouse practice, Grants and in policy and project areas. She established the Child Support Service and took on the challenge of implementing the ATLAS grants management system.

This year Mary facilitated the implementation of the new contributions policy. She also chaired a review of the Domestic Violence Practitioner Scheme as part of the Domestic Violence Strategy. Mary chaired the new Data Governance Council, which is the key body in the Data Governance Framework.

Mary and her team worked with staff from across the organisation to design an online legal aid application form for clients, which will be implemented in 2016–2017.

Governance framework



The Legal Aid Commission of New South Wales is established under the *Legal Aid Commission Act 1979* to improve access to justice for socially and economically disadvantaged members of our community. It is a statutory body representing the Crown.

The Legal Aid Commission of New South Wales is precluded from employing staff by section 47A of the *Constitution Act 1902*. The Legal Aid Commission Staff Agency, a separate Public Service agency with the Chief Executive Officer as its head, employs staff to enable the Legal Aid Commission of New South Wales to exercise its functions.

People employed in this way may be referred to as officers or employees or members of staff of the Legal Aid Commission of New South Wales.

Collectively, the Legal Aid Commission of NSW and the Legal Aid Commission Staff Agency are referred to as Legal Aid NSW.

Our governance structure ensures that the business objectives of Legal Aid NSW are met in an ethical and effective manner. See above diagram.

Board and management roles and responsibilities

Legal Aid NSW has a Board that is responsible for establishing broad policies and strategic plans for Legal Aid NSW. The Chief Executive Officer is a member of the Board. Board members appear on pages 94–96.

The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from the Deputy CEO and eight Directors who appear on pages 98–101.

The CEO has a performance agreement with the Attorney General. The Deputy CEO and Directors have performance agreements with the CEO.

Our work is supported by a range of plans and policies to establish procedural requirements, standards and priorities as well as compliance with the *Legal Aid*

Commission Act 1979. These include the Legal Aid NSW Plan, Code of Conduct, legal aid guidelines and means tests, Corruption and Fraud Prevention Plan, and Business Continuity Plan.

Corporate planning involves staff

The new *Legal Aid NSW Plan 2016–2017* was developed with input from staff and the Executive Committee. The first meeting of the new Legal Aid NSW Board in late June 2016 meant that not all members could contribute to the plan.

The plan keeps the same format and four objectives as in previous years. These objectives are the cornerstone of all high level plans, such as the *Diversity Action Plan 2015–2016*, all divisional plans and the *Domestic and Family Violence Strategy 2016–2018*, providing a common link that demonstrates consistency and shared purpose in our work.

Actions in the plan are incorporated into divisional plans and provide an important, seamless link with high-level actions, giving staff an opportunity to engage more fully with the plan.

The executive monitors the plan's achievements quarterly, while the board reviews progress twice a year.

The *Legal Aid NSW Plan 2016–2017* is available in the *About us* section of the Legal Aid NSW website.

The Diversity Action Plans use the same objectives as the Legal Aid NSW Plans, ensuring consistency.

Code of Conduct

Legal Aid NSW revised the Code of Conduct to address the requirements of the Public Service Commission and the *Government Sector Employment Act 2013* Ethical Framework provisions. The Code was provided to staff in August 2015.

The updated Code:

- sets the legal, ethical and institutional context for ethical conduct by New South Wales government sector employees
- provides advice to employees (executives, managers and staff) on demonstrating ethical good practice in leadership, decision-making and other responsibilities
- clearly outlines the responsibility of all individuals to know, understand and comply with all the ethical and legal obligations that apply both inside and outside the workplace.

The Code of Conduct has been included in the Legal Aid NSW induction program and individual planning.

In February 2016, Legal Aid NSW developed a workplace standards package which included the Code, Respect Guidelines and a Complaints Management Framework.

All our lawyers are bound by professional practice standards and comply with mandatory continuing professional development requirements.

Financial performance

Legal Aid NSW has a strong financial focus, robust budgets and clear, concise reporting to internal and external stakeholders. Detailed monthly financial reports are prepared for the Audit and Risk Committee and the Board. A commentary including detailed analysis is also provided. The Director, Finance provides expert advice at Audit and Risk Committee and Board meetings.

Identifying and managing risk

Legal Aid NSW regularly conducts a risk assessment of its activities covering both strategic and operational risks. The risk assessment is used to prepare the Internal Audit Plan.

The Internal Audit Plan allows for additional audits if circumstances change during the course of the year. The preparation of the risk assessment is based on a methodology that recognises inherent risk and control effectiveness.

Each audit has a stated objective and scope of activity. All audit recommendations to improve controls require a management response detailing the action that will be taken to implement the recommendations, the designated responsible officer and a completion date for implementation.

Presentation of the Audit Plan and regular reports on the progress of audits and the implementation of audit recommendations are included on the agenda of the Audit and Risk Committee. The Audit Plan is based on a three-year risk assessment covering the period 2013–2016.

Up to six audits are scheduled for each of the three years. During 2015–2016, six internal audits were undertaken (see the report on page 104 for details).

We met our target of completing six performance audits.

Number of performance audits completed

| | | |
|------|------|---|
| 2011 | 2012 | 3 |
| 2012 | 2013 | 5 |
| 2013 | 2014 | 8 |
| 2014 | 2015 | 5 |
| 2015 | 2016 | 6 |

Target for 2016–2017: 5

Risk management process is kept flexible and responsive

Whilst risk management and internal controls are overseen by the Audit and Risk Committee, primary responsibility for managing risk and internal controls rests with line managers, who are required to ensure that an effective control environment operates within their area of responsibility.

Legal Aid NSW may undertake additional audits to meet contemporary issues and developments that are unforeseen by a settled risk assessment. This gives the Audit and Risk Committee appropriate flexibility and responsiveness.

The audits undertaken through the year were approved by the Audit and Risk Committee and were drawn from the Risk Assessment also approved by the Audit and Risk Committee.

A new three-year Risk Assessment is to be settled by 30 June 2017, which will inform future internal audits.



Report from the Audit and Risk Committee 2015–2016

The primary objective of the Audit and Risk Committee is to advise the Board, including the Chief Executive Officer, on financial reporting practices, business ethics, policies and practices, accounting policies and internal controls.

Accordingly, the Committee oversees a range of activities, including the financial performance of Legal Aid NSW and the internal audit function.

During the year, the Committee comprised three members. Two members (Phil Bickerstaff and Peter Whitehead) were independent members and one member (Kylie Beckhouse) was a non-independent executive member. The Chief Executive Officer, Deputy Chief Executive Officer and Chief Audit Executive, and the Director Finance also attend each meeting. Representatives from the Audit Office attended most meetings.

The Committee met on four occasions in 2015–2016 and reviewed a range of matters including:

- Monthly financial results;
- Internal Audit Plan for 2015–2016;
- End of Year Financial Statements;
- Updates on Internal Audits and the implementation of recommendations;
- Board papers with financial implications; and
- Updated Risk Assessment and Internal Audit Plan.

The following internal audits were undertaken during the year:

- Regional Offices
- SAP General Computer Controls and Segregation of Duties
- Records Management
- Means and Merit Tests
- Activity Based Costing
- Contributions Policy Changes

Steve O'Connor
Chief Audit Executive

Internal Audit and Risk Management Statement for Legal Aid NSW 2015–2016

I, William Grant, am of the opinion that Legal Aid NSW has internal audit and risk management processes in place that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 Internal Audit and Risk Management Policy.

I, William Grant, am of the opinion that the Audit and Risk Committee for Legal Aid NSW is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09/08.

The Chair and Members of the Audit and Risk Committee are:

- Phillip Bickerstaff, Independent Chair (3 year appointment)—retired 17 February, 2016
- Peter Whitehead, Independent Member (3 year appointment)
- Kylie Beckhouse, Non-Independent Member (3 year appointment)

I, William Grant declare that this Internal Audit and Risk Management Statement is made on behalf of the following controlled entity: Office of the Legal Aid Commission of NSW.

Legal Aid NSW has outsourced internal audit services for reasons of economy, given the relatively small size of Legal Aid NSW, access to specialist expertise and because it subjects our systems to best practice review standards. These processes provide a level of assurance that enables the senior management of Legal Aid NSW to understand, manage and satisfactorily control risk exposures.



William Grant
Chief Executive Officer

Digital Information Security Annual Attestation Statement for the 2015–2016 Financial Year for Legal Aid NSW

I, William Grant, am of the opinion that Legal Aid NSW had an Information Security Management System in place during the 2015–2016 financial year that is consistent with the Core Requirements set out in the NSW Government Digital Information Security Policy.

The controls in place to mitigate identified risks to the digital information and digital information systems of Legal Aid NSW are adequate.

There is no agency under the control of Legal Aid NSW which is required to develop an independent ISMS in accordance with the NSW Government Digital Information Security Policy.

The Legal Aid NSW has maintained certified compliance with ISO 27001 Information technology—Security techniques—Information security management systems—Requirements by an Accredited Third Party during the 2015–2016 financial year.



William Grant
Chief Executive Officer

Business continuity

We have a Business Continuity Management Plan that is activated when a risk event renders Legal Aid NSW unable to continue to provide services from a regional office or metropolitan office—including Central Sydney.

The Plan addresses a range of actions that are required to manage the situation, including a recovery management team to oversee the recovery process.

We further reviewed and improved all our business continuity plans during 2015–2016, and ensured our IT Disaster Recovery Plan aligns with our business continuity arrangements and expectations.

Our IT Disaster Recovery and Backup arrangements which support our business continuity plans were transitioned during 2015–2016 from an internally managed secondary data centre to a cloud services arrangement.

Fraud and corruption processes

Legal Aid NSW is committed to conducting business with honesty and transparency. Our Corruption and Fraud Prevention Plan outlines the approach adopted to prevent fraud and other corrupt behaviour.

The plan addresses a number of controls, including responsibility structure, risk assessment, reporting systems, investigation standards and conduct and disciplinary standards. The plan complements other related documents such as the Code of Conduct and Protected Disclosure Policy. We are currently updating our Protected Disclosure Policy following an audit undertaken by the NSW Ombudsman.



THE YEAR AHEAD

- ➔ Achieve certified compliance with information security standards.
- ➔ Review the current Risk Assessment and extend it for three years to be in place by 1 July 2017.
- ➔ Implement the *Legal Aid NSW Plan 2016–2017*.

Legislative compliance

Changes to the *Legal Aid Commission Act 1979*

The *Legal Aid Commission Act 1979* (NSW) was amended to clarify the appeal rights and procedures that apply if Legal Aid NSW makes a decision about an application for a grant of legal aid through its online application process. The Legal Aid NSW Grants Online application process streamlines applications by allowing them to be automatically determined if the application meets certain criteria.

The amendment does not introduce any new procedures or appeal rights, but it makes it clear that the rights of appeal extend to the determination or redetermination of applications submitted through Grants Online. The amendment also makes it clear that the applicant must be given notice of the right of appeal and the reasons for the determination or redetermination must be recorded.

Significant case

In the Court of Appeal decision *Bobolas v Waverley Council* [2016] NSWCA 139, the Court considered whether the appellants have a statutory right to an adjournment under section 57 of the *Legal Aid Commission Act 1979* (NSW) (the Act). The appellants had appealed to the Legal Aid Review Committee against the decision by Legal Aid NSW to refuse aid.

The Court of Appeal upheld the decision of the Land and Environment Court that the appellants had no bona fide intention to appeal to the Legal Aid Review Committee against the refusal to grant legal aid for their proceedings against the Council.

The Court held that:

- it was open to the Land and Environment Court to conclude objectively that the appellants' foreshadowed appeal against the refusal to grant legal aid was a deliberate device to delay proceedings and there had been no denial of procedural fairness
- a court or tribunal may have regard to all relevant material before it and may take into consideration the prospects of success of the proceedings the subject of the adjournment application
- parties opposing a section 57 adjournment application may place before the court or tribunal evidence to demonstrate the appeal was not bona fide

- parties opposing a section 57 adjournment application do not bear the onus of displacing the 'prima facie position that an appeal having been lodged, the proceedings should be adjourned, rather the court or tribunal considering the matter must look at it objectively, keeping in mind the policy objectives and procedural context of the legislation'.

The Court also confirmed that legal privilege extends to all communications and material about a grant of aid but, with the consent of Legal Aid NSW, may be divulged to a court.

Full compliance with public interest disclosures

Legal Aid NSW has complied with our six-monthly reporting obligations under the *Public Interest Disclosures Act 1994*. There was one public interest disclosure made during 2015–2016.

| Public interest disclosures (PIDs) 2015 2016 | No. |
|--|-----|
| Public officials who have made a PID | 1 |
| PIDs received by Legal Aid NSW | |
| Corrupt conduct | 1 |
| Maladministration | 0 |
| Serious and substantial waste of public money | 0 |
| Government information contraventions | 0 |
| PIDs finalised by Legal Aid NSW | 1 |
| Types of PIDs | |
| PIDs made by public officials in performing their day-to-day functions as public officials | 1 |
| PIDs made under a statutory or other legal obligation | 0 |
| All other PIDs | 0 |

Privacy

Legal Aid NSW manages personal information in accordance with its Privacy Management Plan.

The Plan explains how we manage personal information under the *Privacy and Personal Information Protection Act 1998* and *Health Records and Information Privacy Act 2002*.

We include privacy notices in our application forms and other public documents, and provide guidance to staff to deal with privacy issues and queries. We received one application for an internal review during 2015–2016.

Right to Information

The *Government Information (Public Access) Act 2009* (the GIPA Act) provides for a regime of open government, encouraging the release of information. We continue to have information about legal aid and other services, including policy documents, available on our website.

We also dealt with formal and informal applications for access to information. In 2015–2016, we received 19 formal applications. There were also a small number of applications for internal or external review of decisions we made about access applications. The details of the applications we dealt with under the GIPA Act are provided in Appendix 8.

Most of the requests we received continue to be from clients seeking access to their own information.

Appealing decisions about legal aid

Independent reviews of decisions made by Legal Aid NSW guarantee procedural fairness.

Six independent Legal Aid Review Committees (LARC) determine appeals relating to legal aid applications and grants of legal aid that have been refused. They are established under the *Legal Aid Commission Act 1979* to ensure our clients have fair and equitable access to legal aid services. Committee members are appointed for a period of up to two years, and are eligible for reappointment.

Committee members' work is integral to the operation of the Legal Aid NSW appeal process. Their work is invaluable and members played an important role in delivering fair and consistent outcomes to Legal Aid NSW clients.

Legal Aid Review Committee members

| | |
|-------------------------|------------------------|
| Mr Brad Row | Ms Stephanie Koch |
| Ms Janet Moss | Ms Anthea Tomlin |
| Mr Brett Thomson | Ms Leanne Spencer |
| Mr Jeremy Styles | Mr John Berry |
| Ms Roslyn Everett | Mr John Levy |
| Ms Geraldine Daley | Ms Helen Miedzinski |
| Ms Lisa Battersby | Mr Donald Sword |
| Mr John Terry | Ms Lina Rapone |
| Mr Peter Robinson | Ms Alison Walsh |
| Mr John McDonnell | Ms Clare Miller |
| Ms Kathleen Hainsworth | Ms Johanna Geddes |
| Mr Winston Terracini SC | Ms Elizabeth Boyle |
| Ms Anne Healey | Mr Christopher Dunn |
| Ms Pauline David | Ms Jacqueline Dawson |
| Ms Pauline Mueller | Ms Melanie Faithfull |
| Ms Rita Zammit | Ms Maria Good |
| Mr Kim Garling | Ms Cheryl Drummy |
| Ms Sharon Gordon | Ms Catherine Samuels |
| Ms Emma Bayley | Ms Kerri Phillips |
| Mr Ian Bourke | Mr Mark Whelan |
| Mr Paul Blacket SC | Mr Philip Sim |
| Mr Thomas Spohr | Mr Clyllyn Sperling |
| Ms Thea Heness | Dr Stephen van der Mye |
| Ms Miranda Tunica | Mr Stephen Stuart |

A 5% increase in number of appeals allowed

This year the review committees held 57 meetings and eight teleconferences. The committees allowed appeals in 60 out of 1,169 matters submitted, compared to 49 appeals allowed out of 1,149 submitted last year. There was an increase in the number of appeals lodged in family law and a decrease in civil law and criminal law appeals.

The percentage of appeals that were successful has increased from 4.3% to 5.1%. There was an increase in the number of appeals allowed in criminal law, from 7.4% to 9.7%. The success rate in family matters increased slightly by 0.3%. See Table 1 for details.

Appeal trends over five years

The average number of appeals submitted each year over the past five years has been 1,323. See Table 2 for details.

Table 1. Appeals to LARC and outcomes over five years

| Law Type | Allowed | Disallowed | Pending | Not appellable | Withdrawn | Total appeals | Appeals allowed (%) |
|--------------|-----------|------------|-----------|----------------|------------|---------------|---------------------|
| Civil | 6 | 83 | 2 | 0 | 0 | 91 | 6.6% |
| Criminal | 19 | 130 | 6 | 36 | 4 | 195 | 9.7% |
| Family | 35 | 666 | 6 | 0 | 176 | 883 | 4% |
| TOTAL | 60 | 879 | 14 | 36 | 180 | 1,169 | 5.1% |

Table 2. Appeals and outcomes over five years

| Review outcome | 2011 | 2012 | 2012 | 2013 | 2013 | 2014 | 2014 | 2015 | 2015 | 2016 |
|----------------|------|--------------|------|--------------|------|--------------|------|--------------|------|--------------|
| Allowed | | 127 | | 90 | | 122 | | 49 | | 60 |
| Disallowed | | 1,137 | | 959 | | 1,196 | | 999 | | 879 |
| Pending | | 57 | | 59 | | 55 | | 25 | | 14 |
| Not appellable | | 42 | | 46 | | 90 | | 72 | | 36 |
| Withdrawn | | 12 | | 11 | | 4 | | 4 | | 180 |
| Total | | 1,375 | | 1,165 | | 1,467 | | 1,149 | | 1,169 |

Complaint handling

Complaint handling at Legal Aid NSW is an integral part of our focus on improving client service.

Complaints help identify systemic issues

This year saw the introduction of six monthly reporting on complaint data to the Executive including information on systemic issues identified through complaints. Information on complaints and client service is now part of the staff induction process to drive a responsive complaints culture. Regular liaison meetings were initiated with the Office of the Legal Services Commissioner which improved communication around complaints about lawyers. See Table 3 on page 109 for details.

Data more accurately reflect complaint numbers

We received 378 complaints in 2015–2016 and 283 inquiries from third parties querying another person's eligibility for a grant of aid. See Table 3 on page 109 for details.

A more consistent approach to recording complaints resulted in an increase in complaints in some areas. This is a positive outcome as it shows that the data is a more accurate reflection of complaint numbers and staff are more aware of the importance of the complaint handling process.

We also received 28 compliments and five suggestions about our staff and services.

Table 3. Number of complaints and inquiries—three-year comparison

| Inquiries | 2013 2014 | 2014 2015 | 2015 2016 |
|---|------------------|------------------|------------------|
| Grants eligibility inquiries* | 246 | 184 | 283* |
| Complaint issues | 2013 2014 | 2014 2015 | 2015 2016 |
| Grants refusals | 50 | 31 | 44 |
| Inhouse customer service | 37 | 44 | 59 |
| Inhouse lawyer | 61 | 67 | 68 |
| Staff (other than inhouse lawyer) | 7 | 3 | 1 |
| Policy and/or administrative processes | 29 | 56 | 32 |
| Private lawyer conduct | 57 | 43 | 68 |
| Private lawyer fees | 13 | 16 | 15 |
| Independent Children's Lawyer conduct | 19 | 20 | 26 |
| Mediator conduct | 6 | 14 | 20 |
| Funding allocations | 10 | 51 | 24 |
| Other | 37 | 15 | 21 |
| Total complaints | 326 | 360 | 378 |
| Outcome of complaints | 2013 2014 | 2014 2015 | 2015 2016 |
| Upheld | 16 | 18 | 19 |
| Partially upheld | 9 | 22 | 28 |
| Not upheld | 148 | 170 | 194 |
| Referred to other body | 16 | 16 | 17 |
| Response to Minister's office or Community Relations Unit | 62 | 91 | 84 |
| Professional Practices Branch | 3 | 1 | 0 |
| Complaint unknown outcome (eg s25/26) | 72 | 25 | 24 |
| To be determined | 0 | 17 | 28 |
| Total | 326 | 360 | 378 |
| Time taken to close complaints | 2013 2014 | 2014 2015 | 2015 2016 |
| Within 21 days | 60% | 65% | 65% |
| 4–6 weeks | 29% | 22% | 18% |
| 7–12 weeks | 7% | 9% | 6% |
| 12+ weeks | 7% | 4% | **11% |

* Inquiries from third parties about grants to others are not categorised as complaints. Numbers of inquiries increased in 2015–2016 due to better recording.

**Due to staffing issues there was an increase in the percentage of complaints finalised in the 12+ weeks timeframe compared with previous years. This issue was identified and steps taken to improve the timeliness of responses which will be reflected in future reporting.

THE YEAR AHEAD

- ➔ Raise awareness amongst all staff of our obligations under privacy laws and the GIPA Act and continue to provide ongoing advice and support to our staff in relation to those obligations.
- ➔ Review complaint handling and feedback processes at all our offices.
- ➔ Improve staff awareness about the value of feedback—complaints/compliments/suggestions—in driving service improvement.
- ➔ Improve time taken to close a complaint.
- ➔ Integrate complaint handling with the new Client Service Strategy.

5 Financial summary



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Key results

- ✦ Total revenue of \$273.2M
- ✦ Total expenses of \$283.4M



The year ahead

- ➔ Continue to streamline financial processes and develop costing methodologies to assist analysis and decision making.



Key challenge

- ✦ Ensuring a solid, sustainable funding platform for the future of Legal Aid NSW.

Financial overview

Funding

Legal Aid NSW receives its government funding as a grant from the Department of Justice. The grant comprises income from NSW Government and Commonwealth Government. In addition income is received from the Public Purpose Fund, interest and client contributions.

Total income for 2015–2016 was \$273.2 million and expenditure was \$283.4 million.

Funding from NSW Government was \$152.8 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$74.6 million.

Key developments

Our financial result was a deficit of \$10.2 million which is \$8.8 million more than the budgeted deficit of \$1.4 million.

The deficit result arose from actuarial superannuation adjustments beyond our control.

We ended the year with net equity of (\$7.1 million).

Payments of \$105.3 million were made to private lawyers, who provide legal aid services to our clients in partnership with Legal Aid NSW. These payments include disbursements for other professional services.

OBJECTIVE: EXCELLENCE IN LEGAL SERVICES

Improving the way we work

Finance staff worked closely with stakeholders to ensure that Legal Aid NSW is in a robust financial position.

This year we developed our analytical systems and continued to streamline financial reporting, payment and receipt processing.

Payment of accounts

We paid all accounts on time and were not required to pay penalty interest on any account.

Where our money came from (\$M)

| | |
|--|--------------|
| State Appropriation including Commonwealth NPA funding | 227.4 |
| Public Purpose Fund Grant | 31.3 |
| Other grants | 6.7 |
| Interest | 1.9 |
| Other | 5.9 |
| Total | 273.2 |

How we spent our money (\$M)

| | |
|-------------------------|--------------|
| Salaries | 116.7 |
| External legal services | 105.3 |
| Grants and subsidies | 31.6 |
| Other | 29.9 |
| Total | 283.4 |

How we spent our money by program (\$M)

| | |
|------------------------|--------------|
| Criminal law | 129.8 |
| Family law | 79.9 |
| Civil law | 39.6 |
| Community partnerships | 34.1 |
| Total | 283.4 |

Credit card certification

In accordance with Treasurer's Direction 205.01, it is certified that credit card usage by Legal Aid NSW officers has been in accordance with the appropriate government policies, Premier's Memoranda and Treasurer's Directions, and meets best practice guidelines issued by Treasury.

Financial performance

Our financial result was a deficit of \$10.2 million which is \$8.8 million more than the budgeted deficit of \$1.4 million.

The deficit result arose from actuarial superannuation adjustments beyond our control.

Income

Total income for 2015–2016 was \$273.2 million and expenditure was \$283.4 million.

Funding from the NSW Government was \$152.8 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$74.6 million.

Funding from other sources includes \$31.3 million from the Public Purpose Fund, \$6.7 million from Other Grants Received, \$1.9 million from Interest, and \$5.9 million from other sources.

Expenses

Our major expenses were:

- Employee related expenses of \$116.7 million (\$103.2 million in 2014–2015); and
- Payments to private lawyers of \$105.3 million (\$97.6 million in 2014–2015).

Budget outline 2016–2017

| Operating statement | (\$M) |
|--|-------|
| Revenue (including government contributions) | 277.1 |
| Expenditure | 278.3 |
| Other Gains/Losses | (0.2) |
| Net result | (1.4) |

| Balance sheet | (\$M) |
|-------------------------|-------|
| Current assets | 92.3 |
| Non current assets | 14.1 |
| Total assets | 106.4 |
| Current liabilities | 75.5 |
| Non Current liabilities | 5.6 |
| Total liabilities | 81.1 |
| Net assets | 25.3 |
| Equity | 25.3 |

Total expenses for Legal Aid NSW are estimated at \$278.3 million in 2016–2017, an increase of 3.7% on the 2015–2016 budget.

Financial statements

Legal Aid Commission of NSW

The Legal Aid Commission of NSW (Legal Aid NSW) economic entity consists of two separate reporting entities; being the Legal Aid Commission (a statutory body) and the Legal Aid Commission Staff Agency (a Government Department). The Legal Aid Commission Staff Agency provides personnel services to the Legal Aid Commission.

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Statement by Members of the Board

LEGAL AID COMMISSION OF NEW SOUTH WALES

Statement by Members of the Board

Pursuant to Section 41C(1B) of the *Public Finance and Audit Act 1983*, and in accordance with a resolution of the Board of the Legal Aid Commission of NSW, we declare on behalf of the Legal Aid Commission of NSW that in our opinion:

1. The Legal Aid Commission of NSW's financial statements are general purpose financial statements which have been prepared on an accrual basis and in accordance with:
 - applicable Australian Accounting Standards (which include Australian Accounting Interpretations).
 - the requirements of the *Public Finance and Audit Act 1983* and Public Finance and Audit Regulation 2015; and
 - the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.
2. The accompanying financial statements exhibit a true and fair view of the financial position of the Legal Aid Commission of NSW as at 30 June 2016 and transactions for the year then ended.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.



Craig Smith
Chair, Legal Aid NSW

Date: 19/9/16



Bill Grant
Chief Executive Officer

Date: 19/9/16



INDEPENDENT AUDITOR'S REPORT

Legal Aid Commission of New South Wales

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Legal Aid Commission of New South Wales (the Commission), which comprise the statements of financial position as at 30 June 2016, the statements of comprehensive income, the statements of changes in equity, the statements of cash flows and service group statements for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information of the Commission and the consolidated entity. The consolidated entity comprises the Commission and the entities it controlled at the year's end or from time to time during the financial year.

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Commission and the consolidated entity as at 30 June 2016, and of their financial performance and cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 41B of *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2015.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report.

I am independent of the Commission and the consolidated entity in accordance with the auditor independence requirements of:

- Australian Auditing Standards
- ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (the Code).

I have also fulfilled my other ethical responsibilities in accordance with the Code.

The PF&A Act further promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

The Board's Responsibility for the Financial Statements

The members of the Board are responsible for preparing financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the members of the Board determine is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the members of the Board must assess the ability of the Commission and the consolidated entity to continue as a going concern unless operations will be dissolved by an Act of Parliament or otherwise cease. The assessment must include, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A further description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: <http://www.auasb.gov.au/Home.aspx>. The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Commission or the consolidated entity carried out their activities effectively, efficiently and economically
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented.



David Daniels
Director, Financial Audit Services

21 September 2016
SYDNEY

Statement of comprehensive income for the year ended 30 June 2016

| | Notes | Consolidated | | Parent | | |
|--|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2016 \$'000 | Budget 2016 \$'000 | Actual 2015 \$'000 | Actual 2016 \$'000 | Actual 2015 \$'000 |
| Expenses excluding losses | | | | | | |
| Operating expenses: | | | | | | |
| Employee related | 2(a) | 116,673 | 103,961 | 103,244 | 446 | 490 |
| Personnel Services | 2(a) | 0 | 0 | 0 | 137,149 | 106,519 |
| Other operating expenses | 2(b) | 23,762 | 23,403 | 22,204 | 23,541 | 22,204 |
| Depreciation and amortisation | 2(c) | 6,027 | 5,000 | 5,418 | 6,027 | 5,418 |
| Grants and subsidies | 2(d) | 31,613 | 29,182 | 28,881 | 31,613 | 28,881 |
| Finance costs | 2(e) | 0 | 0 | 77 | 0 | 77 |
| Other Expenses | 2(f) | 105,322 | 106,494 | 97,583 | 105,322 | 97,583 |
| Total Expenses excluding losses | | 283,397 | 268,040 | 257,407 | 304,098 | 261,172 |
| Revenue | | | | | | |
| Sale of goods and services | 3(a) | 4,868 | 5,000 | 5,519 | 4,868 | 5,519 |
| Investment revenue | 3(b) | 1,937 | 326 | 3,532 | 1,937 | 3,532 |
| Grants and contributions | 3(c) | 265,442 | 261,219 | 243,729 | 265,442 | 243,729 |
| Other revenue | 3(d) | 982 | 260 | 580 | 982 | 580 |
| Total Revenue | | 273,229 | 266,805 | 253,360 | 273,229 | 253,360 |
| Gain/(loss) on disposal | 4 | (196) | 35 | (171) | (196) | (171) |
| Other Gains/(losses) | 5 | 173 | (200) | (227) | 173 | (227) |
| Net result | 18 | (10,191) | (1,400) | (4,445) | (30,892) | (8,210) |
| Other comprehensive income | | | | | | |
| <i>Items that will not be reclassified to net result</i> | | | | | | |
| Superannuation actuarial gains/(losses) | | (20,701) | 0 | (3,765) | 0 | 0 |
| Total other comprehensive income for the year | | (20,701) | 0 | (3,765) | 0 | 0 |
| TOTAL COMPREHENSIVE INCOME | | (30,892) | (1,400) | (8,210) | (30,892) | (8,210) |

The accompanying notes form part of these financial statements

Statement of financial position as at 30 June 2016

| | Notes | Consolidated | | Parent | | |
|--------------------------------------|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2016 \$'000 | Budget 2016 \$'000 | Actual 2015 \$'000 | Actual 2016 \$'000 | Actual 2015 \$'000 |
| ASSETS | | | | | | |
| Current Assets | | | | | | |
| Cash and cash equivalents | 7 | 78,832 | 83,820 | 84,816 | 78,832 | 84,816 |
| Receivables | 8 | 4,756 | 3,664 | 4,943 | 4,756 | 4,943 |
| Total Current Assets | | 83,588 | 87,484 | 89,759 | 83,588 | 89,759 |
| Non Current Assets | | | | | | |
| Receivables | 8 | 3,238 | 2,290 | 2,501 | 3,238 | 2,501 |
| Plant and equipment | 9 | 10,175 | 8,700 | 11,014 | 10,175 | 11,014 |
| Intangible Assets | 10 | 1,892 | 4,013 | 2,470 | 1,892 | 2,470 |
| Total Non-Current Assets | | 15,305 | 15,003 | 15,985 | 15,305 | 15,985 |
| Total Assets | | 98,893 | 102,487 | 105,744 | 98,893 | 105,744 |
| LIABILITIES | | | | | | |
| Current Liabilities | | | | | | |
| Payables | 11 | 13,622 | 11,879 | 14,986 | 13,622 | 14,986 |
| Provisions | 12 | 30,076 | 54,659 | 26,762 | 30,076 | 26,762 |
| Total Current Liabilities | | 43,698 | 66,538 | 41,748 | 43,698 | 41,748 |
| Non Current Liabilities | | | | | | |
| Provisions | 12 | 62,167 | 4,947 | 40,026 | 62,167 | 40,026 |
| Other | 13 | 132 | 268 | 182 | 132 | 182 |
| Total Non Current Liabilities | | 62,299 | 5,215 | 40,208 | 62,299 | 40,208 |
| Total Liabilities | | 105,997 | 71,753 | 81,956 | 105,997 | 81,956 |
| Net Assets | | (7,104) | 30,734 | 23,788 | (7,104) | 23,788 |
| EQUITY | | | | | | |
| Accumulated funds | | (7,104) | 30,734 | 23,788 | (7,104) | 23,788 |
| Total Equity | | (7,104) | 30,734 | 23,788 | (7,104) | 23,788 |

The accompanying notes form part of these financial statements

Statement of changes in equity for the year ended 30 June 2016

| | Notes | Consolidated | | Parent | |
|--|-------|--------------------------|--------------|--------------------------|--------------|
| | | Accumulated Funds \$'000 | Total \$'000 | Accumulated Funds \$'000 | Total \$'000 |
| Balance at 1 July 2015 | | 23,788 | 23,788 | 23,788 | 23,788 |
| Net result for the Year | | (10,191) | (10,191) | (30,892) | (30,892) |
| Other Comprehensive income: | | | | | |
| Superannuation actuarial gains/(losses) | 14 | (20,701) | (20,701) | 0 | 0 |
| Total other comprehensive income | | (20,701) | (20,701) | 0 | 0 |
| Total comprehensive income for the year | | (30,892) | (30,892) | (30,892) | (30,892) |
| Balance at 30 June 2016 | | (7,104) | (7,104) | (7,104) | (7,104) |
| Balance at 1 July 2014 | | 31,998 | 31,998 | 31,998 | 31,998 |
| Net result for the Year | | (4,445) | (4,445) | (8,210) | (8,210) |
| Other Comprehensive income: | | | | | |
| Superannuation actuarial gains/(losses) | | (3,765) | (3,765) | 0 | 0 |
| Total other comprehensive income | | (3,765) | (3,765) | 0 | 0 |
| Total comprehensive income for the year | | (8,210) | (8,210) | (8,210) | (8,210) |
| Balance at 30 June 2015 | | 23,788 | 23,788 | 23,788 | 23,788 |

The accompanying notes form part of these financial statements

Statement of cash flows for the year ended 30 June 2016

| | Notes | Consolidated | | Parent | | |
|---|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2016 \$'000 | Budget 2016 \$'000 | Actual 2015 \$'000 | Actual 2016 \$'000 | Actual 2015 \$'000 |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Employee Related | | (114,421) | (106,297) | (100,761) | (446) | (490) |
| Grants and subsidies | | (34,774) | (29,182) | (31,769) | (34,774) | (31,769) |
| Personnel services | | 0 | 0 | 0 | (113,975) | (100,271) |
| Other | | (145,472) | (144,704) | (135,173) | (145,472) | (135,173) |
| Total Payments | | (294,667) | (280,183) | (267,703) | (294,667) | (267,703) |
| Receipts | | | | | | |
| Sale of goods and services | | 4,470 | 4,800 | 5,344 | 4,470 | 5,344 |
| Grants and Contributions | | 268,760 | 229,949 | 247,141 | 268,760 | 247,141 |
| Interest received | | 2,481 | 326 | 2,782 | 2,481 | 2,782 |
| Other | | 17,323 | 46,306 | 15,505 | 17,323 | 15,505 |
| Total Receipts | | 293,034 | 281,381 | 270,772 | 293,034 | 270,772 |
| NET CASH FLOWS FROM OPERATING ACTIVITIES | 18 | (1,633) | 1,198 | 3,069 | (1,633) | 3,069 |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | | | | |
| Proceeds from sale of plant and equipment | | 3 | 35 | 0 | 3 | 0 |
| Purchases of plant and equipment | | (4,354) | (4,350) | (4,335) | (4,354) | (4,335) |
| NET CASH FLOWS FROM INVESTING ACTIVITIES | | (4,351) | (4,315) | (4,335) | (4,351) | (4,335) |
| NET INCREASE/(DECREASE) IN CASH | | (5,984) | (3,117) | (1,266) | (5,984) | (1,266) |
| Opening cash and cash equivalents | | 84,816 | 86,937 | 86,082 | 84,816 | 86,082 |
| CLOSING CASH AND CASH EQUIVALENTS | 7 | 78,832 | 83,820 | 84,816 | 78,832 | 84,816 |

The accompanying notes form part of these financial statements

Service group statements for the year ended 30 June 2016

SUPPLEMENTARY FINANCIAL STATEMENTS

| AGENCY EXPENSES AND REVENUES | Service Group 1 * Criminal Law Services | | Service Group 2 * Civil Law Services | | Service Group 3 * Family Law Services | | Service Group 4 * Community Partnerships | | Not Attributable ** | | Total | |
|---|---|------------------|---|-----------------|--|-----------------|--|-----------------|---------------------|----------------|-----------------|----------------|
| | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 |
| Expenses excluding losses | | | | | | | | | | | | |
| Operating expenses: | | | | | | | | | | | | |
| - Employee related/ Personnel services | 51,742 | 49,130 | 26,663 | 21,938 | 35,834 | 29,997 | 2,434 | 2,179 | 0 | 0 | 116,673 | 103,244 |
| - Other Operating expenses | 10,008 | 10,259 | 5,617 | 4,880 | 7,383 | 6,255 | 754 | 810 | 0 | 0 | 23,762 | 22,204 |
| Depreciation and amortisation | 2,606 | 2,648 | 1,400 | 1,146 | 1,889 | 1,496 | 132 | 128 | 0 | 0 | 6,027 | 5,418 |
| Grants and subsidies | 122 | 63 | 514 | 476 | 249 | 177 | 30,728 | 28,165 | 0 | 0 | 31,613 | 28,881 |
| Finance costs | 0 | 38 | 0 | 16 | 0 | 21 | 0 | 2 | 0 | 0 | 0 | 77 |
| Other expenses | 65,311 | 59,919 | 5,362 | 5,207 | 34,532 | 32,311 | 117 | 146 | 0 | 0 | 105,322 | 97,583 |
| Total Expenses excluding losses | 129,789 | 122,057 | 39,556 | 33,663 | 79,887 | 70,257 | 34,165 | 31,430 | 0 | 0 | 283,397 | 257,407 |
| Revenue | | | | | | | | | | | | |
| Sale of goods and services | 1,928 | 1,995 | 1,392 | 2,060 | 1,548 | 1,464 | 0 | 0 | 0 | 0 | 4,868 | 5,519 |
| Investment income | 1,322 | 2,410 | 245 | 447 | 370 | 675 | 0 | 0 | 0 | 0 | 1,937 | 3,532 |
| Grants and contributions | 3,360 | 4,684 | 1,048 | 924 | 438 | 121 | 1,875 | 10,836 | 258,721 | 227,164 | 265,442 | 243,729 |
| Other revenue | 269 | 82 | 605 | 430 | 95 | 62 | 13 | 6 | 0 | 0 | 982 | 580 |
| Total Revenue | 6,879 | 9,171 | 3,290 | 3,861 | 2,451 | 2,322 | 1,888 | 10,842 | 258,721 | 227,164 | 273,229 | 253,360 |
| Gain/(Loss) on disposal of non current assets | (96) | (76) | (44) | (44) | (56) | (51) | 0 | 0 | 0 | 0 | (196) | (171) |
| Other gains/(losses) | 1 | (151) | 180 | (101) | (8) | 25 | 0 | 0 | 0 | 0 | 173 | (227) |
| Net result | (123,005) | (113,113) | (36,130) | (29,947) | (77,500) | (67,961) | (32,277) | (20,588) | 258,721 | 227,164 | (10,191) | (4,445) |
| Other Comprehensive Income | | | | | | | | | | | | |
| Other—actuarial gains/(losses) | (9,180) | (1,840) | (4,731) | (797) | (6,358) | (1,039) | (432) | (89) | 0 | 0 | (20,701) | (3,765) |
| Total Other Comprehensive Income | (9,180) | (1,840) | (4,731) | (797) | (6,358) | (1,039) | (432) | (89) | 0 | 0 | (20,701) | (3,765) |
| TOTAL COMPREHENSIVE INCOME | (132,185) | (114,953) | (40,861) | (30,744) | (83,858) | (69,000) | (32,709) | (20,677) | 258,721 | 227,164 | (30,892) | (8,210) |

* The names and purposes of each service group are summarised in Note 6.

** Cluster grant funding is made on an agency basis and not to individual service groups. Consequently, cluster grant funding is included in the 'Not Attributable' column

Service group statements for the year ended 30 June 2016

SUPPLEMENTARY FINANCIAL STATEMENTS

| AGENCY ASSETS AND LIABILITIES | Service Group 1 * Criminal Law Services | | Service Group 2 * Civil Law Services | | Service Group 3 * Family Law Services | | Service Group 4 * Community Partnerships | | Not Attributable ** | | Total | |
|--------------------------------------|---|-----------------|---|-----------------|--|-----------------|--|----------------|---------------------|---------------|----------------|----------------|
| | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 | 2016 \$000 | 2015 \$000 |
| Current Assets | | | | | | | | | | | | |
| Cash and cash equivalents | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 78,832 | 84,816 | 78,832 | 84,816 |
| Receivables | 2,150 | 2,303 | 1,369 | 1,507 | 1,229 | 1,130 | 8 | 3 | 0 | 0 | 4,756 | 4,943 |
| Total Current Assets | 2,150 | 2,303 | 1,369 | 1,507 | 1,229 | 1,130 | 8 | 3 | 78,832 | 84,816 | 83,588 | 89,759 |
| Non Current Assets | | | | | | | | | | | | |
| Receivables | 1,464 | 1,164 | 932 | 763 | 837 | 572 | 5 | 2 | 0 | 0 | 3,238 | 2,501 |
| Plant and equipment | 4,513 | 5,242 | 2,325 | 2,340 | 3,125 | 3,200 | 212 | 232 | 0 | 0 | 10,175 | 11,014 |
| Intangible assets | 839 | 1,175 | 432 | 525 | 581 | 718 | 40 | 52 | 0 | 0 | 1,892 | 2,470 |
| Total Non-Current Assets | 6,816 | 7,581 | 3,689 | 3,628 | 4,543 | 4,490 | 257 | 286 | 0 | 0 | 15,305 | 15,985 |
| Total Assets | 8,966 | 9,884 | 5,058 | 5,135 | 5,772 | 5,620 | 265 | 289 | 78,832 | 84,816 | 98,893 | 105,744 |
| Current Liabilities | | | | | | | | | | | | |
| Payables | 7,043 | 8,017 | 2,086 | 2,152 | 4,310 | 4,607 | 183 | 210 | 0 | 0 | 13,622 | 14,986 |
| Provisions | 13,338 | 12,734 | 6,873 | 5,687 | 9,237 | 7,776 | 627 | 565 | 0 | 0 | 30,076 | 26,762 |
| Total Current Liabilities | 20,381 | 20,751 | 8,959 | 7,839 | 13,547 | 12,383 | 810 | 775 | 0 | 0 | 43,698 | 41,748 |
| Non Current Liabilities | | | | | | | | | | | | |
| Provisions | 27,570 | 19,049 | 14,207 | 8,509 | 19,093 | 11,629 | 1,297 | 839 | 0 | 0 | 62,167 | 40,026 |
| Other | 59 | 87 | 30 | 39 | 40 | 52 | 3 | 4 | 0 | 0 | 132 | 182 |
| Total Non Current Liabilities | 27,629 | 19,136 | 14,237 | 8,548 | 19,133 | 11,681 | 1,300 | 843 | 0 | 0 | 62,299 | 40,208 |
| Total Liabilities | 48,010 | 39,887 | 23,196 | 16,387 | 32,680 | 24,064 | 2,110 | 1,618 | 0 | 0 | 105,997 | 81,956 |
| Net Assets | (39,044) | (30,003) | (18,138) | (11,252) | (26,908) | (18,444) | (1,845) | (1,329) | 78,832 | 84,816 | (7,104) | 23,788 |

* The names and purposes of each service group are summarised in Note 6.

** Cluster grant funding is made on an agency basis and not to individual service groups. Consequently, cluster grant funding is included in the 'Not Attributable' column

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Legal Aid Commission of NSW is a NSW statutory authority. The Legal Aid Commission of NSW is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

The Legal Aid Commission of NSW, as a reporting entity, comprises all entities under its control, namely, the Commission and the Legal Aid Commission Staff Agency. Transactions relating to the Legal Aid Commission Trust Account are not included in the financial statements of the Legal Aid Commission of NSW, as the Legal Aid Commission of NSW does not control or use these funds for the achievement of its objectives.

In the process of preparing the consolidated financial statements for the economic entity consisting of the controlling and controlled entities, all inter-entity transactions and balances have been eliminated and like transactions and other events are accounted for using uniform accounting policies.

The consolidated financial statements for the year ended 30 June 2016 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 19 September 2016.

(b) Basis of Preparation

The Legal Aid Commission of NSW's financial statements are general purpose financial statements which have been prepared on an accrual basis and in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations).
- the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2015*; and
- the Financial Reporting Directions published in the Financial Reporting Code for NSW General Government Sector Entities or issued by the Treasurer.

Plant and equipment and intangible assets are measured at fair value. Other financial statement items are prepared in accordance with the historical cost convention except where specified otherwise.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial statements.

While the Commission has negative net assets at reporting date, the financial statements have been prepared on a going-concern basis, after taking into account future revenue streams from cluster grant funding allocated to the Commission in the 2016–2017 NSW Budget Papers. Cash flow forecasts demonstrate that with the cluster grant funding, the Commission will have sufficient funds to pay its debts as and when they are due for at least the next 12 months from the end of the reporting period.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Statement of Compliance

The consolidated and parent entity financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Administered Activities

The Legal Aid Commission of NSW does not administer any activities on behalf of the Crown Entity.

(e) Insurance

The Legal Aid Commission of NSW's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.

(f) Accounting for the Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of GST, except where:

- the amount of GST incurred by the Legal Aid Commission of NSW as a purchaser that is not recoverable from the Australian Taxation
- Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense, and
- receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of Cash Flows on a gross basis. However, the GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(g) Income Recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income are discussed below.

(i) Contributions

Contributions from other bodies (including grants and donations) are generally recognised as revenue when the entity obtains control over the assets comprising the contributions. Control over contributions is normally obtained upon the receipt of cash.

(ii) Rendering of Services

Revenue is recognised when the service is provided or by reference to the stage of completion (based on labour hours incurred to date).

(iii) Investment Revenue

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

(h) Assets

(i) Acquisition of Assets

Assets acquired are initially recognised at cost. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date. Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent i.e. deferred payment amount is effectively discounted over the period of credit.

(ii) Capitalisation Thresholds

Plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network or group costing more than \$5,000) are capitalised.

(iii) Revaluation of Plant and Equipment

Physical non-current assets are valued in accordance with the 'Valuation of Physical Non-Current Assets at Fair Value' Policy and Guidelines Paper (TPP 14-01). This policy adopts fair value in accordance with AASB 13 Fair Value Measurement, and AASB 116 Property, Plant and Equipment.

The Legal Aid Commission of NSW's plant and equipment are non-specialised assets with short useful lives and are measured at depreciated historical cost, as an approximation of fair value. The entity has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

(iv) Impairment of Plant and Equipment

As a not-for-profit entity with no cash generating units, impairment under AASB 136 Impairment of Assets is unlikely to arise. As plant and equipment is carried at fair value, or an amount that approximates fair value, impairment can only arise in the rare circumstances such as where the costs of disposal are material. Specifically, impairment is unlikely for not-for-profit entities given that AASB 136 modifies the recoverable amount test for non-cash generating assets of not-for-profit entities to the higher of fair value less costs of disposal and depreciated replacement cost, where depreciated replacement cost is also fair value.

(v) Depreciation of Plant and Equipment

Depreciation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Legal Aid Commission of NSW. Leasehold improvements are amortised over the unexpired period of the lease or estimated useful life whichever is the shorter. Refer Notes 2(c) and 9.

Applicable depreciation rates for each class of depreciable assets are listed below:

| | % | |
|--|---------|--|
| Computer Equipment | 20 - 25 | |
| Office Equipment | 15 - 25 | |
| Leasehold Improvements (includes Furniture and Fittings) | 10 | or the term of lease, whichever is the shorter |

(vi) Restoration Costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability.

(vii) Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

(viii) Leased Assets

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of the leased assets, and operating leases under which the lessor does not transfer substantially all the risks and rewards.

The Legal Aid Commission of NSW does not have any finance leases for its leased assets. Operating lease payments are recognised as an expense on a straight-line basis over the lease term.

(ix) Intangible Assets

The Legal Aid Commission of NSW recognises intangible assets only if it is probable that future economic benefits will flow to the Legal Aid Commission of NSW and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite. As there is no active market for the Legal Aid Commission of NSW's intangible assets, the assets are carried at cost less any accumulated amortisation. The Legal Aid Commission of NSW's intangible assets are generally amortised using the straight line method over a period of 4 years or a rate determined by management. Refer Note 2(c) and 10.

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

(x) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(xi) Impairment of Financial Assets

An allowance for impairment is established for the Legal Aid Commission of NSW's receivables where there is objective evidence that the Legal Aid Commission of NSW will not be able to collect all amounts due.

The amount of any impairment loss is recognised in the net result for the year. Any reversals of impairment losses are reversed through the net result for the year where there is objective evidence.

An independent actuary was engaged to undertake the calculation of the impairment of the "Sales of Goods and Services" component of Receivables for 2015-16.

(xii) Trust Funds

The Legal Aid Commission of NSW receives monies in a trustee capacity for trusts as set out in Note 19. As the Legal Aid Commission of NSW performs a custodial role in respect of these monies, and because the monies cannot be used for the achievement of the Legal Aid Commission of NSW's own objectives, these funds are not recognised in the financial statements.

(xiii) Other Assets

Other Assets are recognised on a historical cost basis.

(xiv) Derecognition of financial assets and financial liabilities

A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the entity transfers the financial asset:

- where substantially all the risks and rewards have been transferred, or
- where the entity has not transferred substantially all the risks and rewards, if the entity has not retained control.

Where the entity has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset is recognised to the extent of the entity's continuing involvement in the asset.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires.

(i) Liabilities

(i) Payables

These amounts represent liabilities for goods and services provided to the entity and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(ii) Accrual of Estimated Legal Expenses

The Legal Aid Commission of NSW accrues the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Legal Aid Commission of NSW at balance date. The estimation is based on all files finalised in the past which are analysed to determine an average cost of the matter type, average period for finalisation and payment profile. By comparing the payments expected to have been made on each file at balance date with the average for that matter type, a value of the work in progress for which claims have not been submitted is estimated and accrued.

An actuarial firm has been engaged to undertake the calculation of the accrual of estimated legal expenses for the Legal Aid Commission of NSW.

(iii) Personnel Services

To enable the Legal Aid Commission of NSW to carry out its functions, all personnel service requirements are provided by Legal Aid Commission Staff Agency which is a special purpose service entity that is a Division of the Government of New South Wales. The personnel service is charged at cost.

(a) Employee Benefits and other Provisions

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 Employee Benefits (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that annual leave balance plus the annual leave entitlements accrued while taking annual leave (using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The entity has assessed the actuarial advice based on the entity's circumstances and has determined that the effect of discounting is immaterial to annual leave.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the entitlements accrued in the future.

The outstanding amounts of payroll tax, fringe benefits tax and workers' compensation insurance premiums which are consequential to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

(b) Long Service Leave and Superannuation

Long service leave is measured at present value in accordance with AASB 119 Employee Benefits. An independent actuary was engaged to undertake a calculation of Legal Aid Commission of NSW's long service leave liability.

The Agency's superannuation position is calculated based on economic assumptions determined by the independent actuary, as advised by the SAS Trustee Corporation (STC). All Fund assets are invested by STC at arm's length through independent fund managers. Any variation between the Agency's gross superannuation liability and employer reserve account balance is recognised in the Statement of Financial Position as an unfunded liability or prepaid contribution. Refer Notes 2(a), and 14.

Actuarial gains and losses are recognised immediately in other comprehensive income in the year in which they occur.

(c) Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax liability.

(iv) Other Provisions

Other provisions exist when: the entity has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation.

If the effect of the time value of money is material, provisions are discounted at 1.88%, which reflects the current market assessments of the time value of money and the risks specific to the liability.

(j) Equity and Reserves

(i) Asset Revaluation Surplus

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets. This accords with the entity's policy on the revaluation of plant and equipment as discussed in note 1(h)(iii). Legal Aid NSW does not have an Asset Revaluation Surplus in the financial year.

(ii) Accumulated Funds

The category accumulated funds includes all current and prior period retained funds.

(iii) Reserve Accounts

Separate reserve accounts are recognised in the financial statements only if such accounts are required by specific legislation or Australian Accounting Standards (e.g. asset revaluation reserve and foreign currency translation reserve).

(k) Budgeted Amounts

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments made to the original budget (e.g. adjustment for transfers of functions between entities as a result of Administrative Arrangement Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed on the primary financial statements are explained in Note 17.

(l) Comparative Information—general

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

(m) Changes in accounting policy, including new or revised Australian Accounting Standards

Effective for the first time in 2015-16

The accounting policies applied in 2015-16 are consistent with those of the previous financial year the following new or revised Australian Accounting Standards that have been applied for the first time in 2015-16.

- AASB 2015-3 Amendments to Australian Accounting Standards arising from the withdrawal of AASB 1031 Materiality.
- AASB 2013-9 Amendments to Australian Accounting Standards—Conceptual Framework, Materiality and Financial Instruments (Part C Financial Instruments).

It is considered that these Standard will have no direct impact on Legal Aid Commission of NSW.

Issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2016 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 9 and AASB 2014-7 regarding *Financial Instruments*
- AASB 1057 and AASB 2015-9 *Application of Australian Accounting Standards*
- AASB 15 and AASB 2014-5 regarding Revenue from Contracts with Customers
- AASB 1056 Superannuation Entities
- AASB 2014-4 regarding acceptable methods of depreciation and amortisation
- AASB 2014-9 regarding equity method in separate financial statements
- AASB 2015-1 regarding annual improvements to Australian Accounting Standards 2012–2014 cycle
- AASB 2015–2 regarding amendments to AASB 101 disclosure initiatives
- AASB 2015-5 Amendments to Australian Accounting Standards—*Investment Entities: Applying the Consolidated Exception*
- AASB 2015-6 Amendments to Australian Accounting Standards—*Extended Related Party Disclosure to Not-for-Profit Public Sector Entities*
- AASB 2015-7 Amendments to Australian Accounting Standards—*Fair Value Disclosure of Not-for-Public Sector Entities*.

It is considered that the impact of the above new Standards and Interpretations in future periods will have no material impact on the financial statements of the Legal Aid Commission of NSW.

AASB 16 Leases

AASB 16 is applicable to annual reporting periods beginning on or after 1 January 2019. For leases where the Legal Aid Commission is the lessee, AASB 16 will require the Legal Aid Commission to recognise assets and liabilities on the statement of financial position where the lease term is for more than 12 months unless the underlying asset is of low value. There will be no impact on the total amount of cash flows reported.

| | Consolidated | | Parent | |
|---|----------------|----------------|----------------|----------------|
| | 2016 \$'000 | 2015 \$'000 | 2016 \$'000 | 2015 \$'000 |
| 2 EXPENSES | | | | |
| (a) Employee related expenses and personnel services | | | | |
| Employee related expenses | | | | |
| Salaries and wages (including recreation leave) | 92,962 | 84,511 | - | - |
| Superannuation—defined benefit plans * | 2,446 | 2,706 | - | - |
| Superannuation—defined contribution plans | 8,153 | 7,107 | - | - |
| Long service leave | 6,127 | 2,256 | - | - |
| Workers' compensation insurance | 824 | 1,013 | - | - |
| Payroll tax and fringe benefits tax | 5,715 | 5,161 | - | - |
| Agency staff costs | 446 | 490 | 446 | 490 |
| Total | 116,673 | 103,244 | 446 | 490 |

The Legal Aid Commission of NSW does not employ staff that are directly involved in day-to-day servicing or maintenance. Employee related expenses capitalised to fixed assets in 2015-16 was \$0.097m (2014-15: \$0.37m).

- Refer Note 14. Superannuation actuarial loss of \$20.701m (2014-15: actuarial loss of \$3.764m) are recognised in the Statement of Changes in Equity.
- In 2015-16 Superannuation Defined Benefit Plans returned an expense of \$2.446m (2014-15: \$2.706m)

Total superannuation loss, including actuarial loss recognised in the Statement of Comprehensive Income is \$23.15m (2014-15: \$6.47m loss).

Personnel services

| | | | | |
|---|----------|----------|----------------|----------------|
| Personnel services provided by the Legal Aid Commission Staff | - | - | 137,149 | 106,519 |
| Agency | - | - | - | - |
| Total | - | - | 137,149 | 106,519 |

(b) Other operating expenses

Other operating expenses include the following:

| | | | | |
|---|---------------|---------------|---------------|---------------|
| Operating lease rental expense—minimum lease payments | 9,498 | 8,627 | 9,498 | 8,627 |
| Telephone | 363 | 344 | 363 | 344 |
| Library resources | 813 | 863 | 813 | 863 |
| Consultants | 492 | 215 | 492 | 215 |
| Contractors | - | 51 | - | 51 |
| Stationery, stores and provisions | 539 | 527 | 539 | 527 |
| Computer running costs | 3,098 | 3,124 | 3,098 | 3,124 |
| Printing | 965 | 977 | 965 | 977 |
| Records management | 662 | 608 | 662 | 608 |
| Travel | 1,636 | 1,314 | 1,636 | 1,314 |
| Interpreters' fees | 69 | 67 | 69 | 67 |
| Postage | 627 | 647 | 627 | 647 |
| Cleaning | 523 | 375 | 523 | 375 |
| Practicing certificates | 441 | 392 | 441 | 392 |
| Electricity and gas | 348 | 458 | 348 | 458 |
| Insurance | 121 | 153 | 121 | 153 |
| Auditor's remuneration—audit of financial statements | 138 | 136 | 138 | 136 |
| Auditor's remuneration—Audit of IAAAS | 4 | 4 | 4 | 4 |
| Internal audit and audit of Trust Account | 227 | 141 | 227 | 141 |
| Courier and freight | 84 | 94 | 84 | 94 |
| Maintenance | 356 | 372 | 356 | 372 |
| Other | 2,758 | 2,715 | 2,537 | 2,715 |
| Total | 23,762 | 22,204 | 23,541 | 22,204 |

| | Consolidated | | Parent | |
|---|----------------|----------------|----------------|----------------|
| | 2016 \$'000 | 2015 \$'000 | 2016 \$'000 | 2015 \$'000 |
| (c) Depreciation and amortisation expenses | | | | |
| Depreciation | | | | |
| Leasehold Improvements | 3,221 | 2,704 | 3,221 | 2,704 |
| Plant and Equipment | 1,562 | 1,505 | 1,562 | 1,505 |
| Total | 4,783 | 4,209 | 4,783 | 4,209 |
| Amortisation | | | | |
| Software | 1,244 | 1,209 | 1,244 | 1,209 |
| Total | 1,244 | 1,209 | 1,244 | 1,209 |
| Total | 6,027 | 5,418 | 6,027 | 5,418 |

Refer Notes 1(h)(v), 1(h)(ix), 9 & 10.

| | | | | |
|--|---------------|---------------|---------------|---------------|
| (d) Grants and subsidies | | | | |
| Domestic Violence Court Assistance Program | 10,684 | 9,715 | 10,684 | 9,715 |
| Community Legal Centres | 19,707 | 18,129 | 19,707 | 18,129 |
| Cooperative Legal Service Delivery Program | 335 | 321 | 335 | 321 |
| Work Development Order | 270 | 270 | 270 | 270 |
| ALS Field Officer Training | 265 | 231 | 265 | 231 |
| Aboriginal Program Expenditure Initiative | - | 141 | - | 141 |
| Council on the Ageing—Legal Pathways | - | 60 | - | 60 |
| Law and Justice Foundation | 352 | - | 352 | - |
| Other | - | 14 | - | 14 |
| Total | 31,613 | 28,881 | 31,613 | 28,881 |

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

| | | | | |
|----------------------------|----------|-----------|----------|-----------|
| (e) Finance costs | | | | |
| Unwinding of discount rate | - | 77 | - | 77 |
| Total | - | 77 | - | 77 |

| | | | | |
|--|----------------|---------------|----------------|---------------|
| (f) Other expenses | | | | |
| Solicitor services provided by private practitioners | 67,355 | 62,575 | 67,355 | 62,575 |
| Barrister services provided by private practitioners | 25,001 | 22,560 | 25,001 | 22,560 |
| Disbursements | 12,966 | 12,448 | 12,966 | 12,448 |
| Total | 105,322 | 97,583 | 105,322 | 97,583 |

Includes an estimate of the net cost of work in progress by external legal practitioners who have provided services but not submitted an invoice to Legal Aid Commission of NSW at the end of the reporting period.

3 REVENUE

(a) Sale of goods and services

| | | | | |
|------------------------------|--------------|--------------|--------------|--------------|
| Rendering of services | | | | |
| Criminal Law | 1,929 | 1,995 | 1,929 | 1,995 |
| Family Law | 1,547 | 1,464 | 1,547 | 1,464 |
| Civil Law | 1,392 | 2,060 | 1,392 | 2,060 |
| Total | 4,868 | 5,519 | 4,868 | 5,519 |

(b) Investment revenue

| | | | | |
|----------------------------------|--------------|--------------|--------------|--------------|
| Interest on outstanding accounts | 95 | 106 | 95 | 106 |
| Interest on cash assets | 1,842 | 3,426 | 1,842 | 3,426 |
| Total | 1,937 | 3,532 | 1,937 | 3,532 |

| | Consolidated | | Parent | |
|---|----------------|----------------|----------------|----------------|
| | 2016 \$'000 | 2015 \$'000 | 2016 \$'000 | 2015 \$'000 |
| (c) Grants and contributions | | | | |
| Cluster Agency recurrent contribution | 212,411 | 192,294 | 212,411 | 192,294 |
| Cluster Agency capital contribution | 3,600 | 3,600 | 3,600 | 3,600 |
| Law Society Public Purpose Fund ¹ | 31,270 | 31,270 | 31,270 | 31,270 |
| Commonwealth Government Community Partnerships base grants ² | - | 8,908 | - | 8,908 |
| Cluster Agency recurrent contribution—CLC specific ² | 11,440 | - | 11,440 | - |
| Other grants and contributions ³ | 6,721 | 7,657 | 6,721 | 7,657 |
| Total | 265,442 | 243,729 | 265,442 | 243,729 |

¹ This fund provided a grant of \$28.67m (\$28.67m in 2014-15) to provide legal aid services in State matters.

Other specific grants from this fund include:

| | | | | |
|------------------------------------|--------------|--------------|--------------|--------------|
| Community Legal Centres | 1,250 | 1,250 | 1,250 | 1,250 |
| Children's Court Assistance Scheme | 187 | 187 | 187 | 187 |
| Homeless Persons | 415 | 415 | 415 | 415 |
| Older Persons Legal Service | 479 | 479 | 479 | 479 |
| Aboriginal Legal Access Program | 270 | 270 | 270 | 270 |
| Total | 2,601 | 2,601 | 2,601 | 2,601 |

² Community Partnerships base grants ceased in 2014-15. Funding from 2015-16 is received from the Commonwealth Government via the National Partnership Agreement. In 2015-16, \$11.069m plus a further \$0.371m SACS ERO funding, totalling \$11.440m (2014-15 \$8.908m as a Commonwealth Base grant) was received. These funds were earmarked for distribution to various Community Legal Centres and \$0.33m was used to meet administrative costs.

³ Other Grants and contributions include:

| | | | | |
|---|--------------|--------------|--------------|--------------|
| Part of the Commonwealth Government Community Partnerships base grants were used to meet administrative costs | - | 177 | - | 177 |
| State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service | 202 | 181 | 202 | 181 |
| State Attorney General's Department—Video Conferencing Facilities | 5 | 21 | 5 | 21 |
| Commonwealth Government special funding for expensive criminal cases | 3,031 | 4,275 | 3,031 | 4,275 |
| Homelessness Action Plan | 755 | 755 | 755 | 755 |
| State Attorney General's Department—2 new Women's Domestic Violence Court Advocacy Services | - | 839 | - | 839 |
| NSW Health—Women's Domestic Violence—Safer Pathways | 1,074 | - | 1,074 | - |
| State Department of Justice—Domestic and Family Violence Framework for Reform | 800 | 884 | 800 | 884 |
| Commonwealth Grant—Standardisation of Data | 100 | - | 100 | - |
| Commonwealth Grant—South West Sydney Domestic Violence | 350 | - | 350 | - |
| NSW Treasury—Voluntary Redundancy | 250 | 397 | 250 | 397 |
| Other | 154 | 128 | 154 | 128 |
| Total | 6,721 | 7,657 | 6,721 | 7,657 |

(d) Other revenue

| | | | | |
|--|------------|------------|------------|------------|
| Miscellaneous | 874 | 580 | 874 | 580 |
| Unwinding of lease make good discount rate | 108 | - | 108 | - |
| Total | 982 | 580 | 982 | 580 |

| | Consolidated | | Parent | |
|--|---------------|----------------|---------------|----------------|
| | 2016 \$'00 | 2015 \$'000 | 2016 \$'00 | 2015 \$'000 |
| 4 GAIN/(LOSS) ON DISPOSAL | | | | |
| Gain/(Loss) on disposal of plant and equipment | | | | |
| Proceeds from disposal | 3 | - | 3 | - |
| Less: Written down value of assets disposed | (199) | (171) | (199) | (171) |
| Total | (196) | (171) | (196) | (171) |
| 5 OTHER GAINS/(LOSSES) | | | | |
| Impairment gain/(loss) on receivables | (80) | (291) | (80) | (291) |
| Gain/(loss) on make good provision | 253 | 64 | 253 | 64 |
| Total | 173 | (227) | 173 | (227) |

6 SERVICE GROUPS/ACTIVITIES OF LEGAL AID NSW

Service Group 1—Criminal Law Services

This service group covers the provision of legal assistance and counsel to those facing criminal charges. This assistance ranges from advice, information and duty services for more minor criminal law matters, through to representation by barristers in extended and complex trials where clients who are found guilty may face very heavy penalties.

Service Group 2—Civil Law Services

This service group covers the provision of legal services in matters such as housing, mental health, consumer and human rights law. The assistance ranges from relatively straightforward advice and information services, through to legal representation in lengthy and complex court cases.

Service Group 3—Family Law Services

This service group covers the provision of assistance to families in dispute over areas such as separation, divorce and parenting arrangements. It also assists in matters where the State seeks to take children thought to be at risk of abuse and neglect into care.

Service Group 4—Community Partnerships

This service group covers funding of community organisations for specific purposes. It includes providing legal assistance to disadvantaged people undertaking law reform activities, and providing specialised court-based assistance for women and children seeking legal protection from domestic violence.

7 CURRENT ASSETS—CASH AND CASH EQUIVALENTS

| | | | | |
|---------------------|---------------|---------------|---------------|---------------|
| Cash at bank | 49,332 | 10,171 | 49,332 | 10,171 |
| Short term deposits | 29,500 | 74,645 | 29,500 | 74,645 |
| Total Cash | 78,832 | 84,816 | 78,832 | 84,816 |

For the purposes of the statement of cash flows, cash and cash equivalents include cash at bank, cash on hand, short-term deposits and bank overdraft

Cash and cash equivalent assets recognised in the Statement of Financial Position are reconciled at the end of the financial year to the Statement of Cash Flows as follows:

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Cash and cash equivalents (per Statement of Financial Position) | 78,832 | 84,816 | 78,832 | 84,816 |
| Closing cash and cash equivalents (per Statement of Cash Flows) | 78,832 | 84,816 | 78,832 | 84,816 |

Refer Note 20 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

The Legal Aid Commission of NSW has a business credit card facility of \$0.090m (2014–2015: \$0.090m), which is the total of the credit limit for all issued credit cards. The balance in this facility is cleared monthly. During 2015/16 Legal Aid Commission's bank account became part of the NSW Treasury Banking System.

| | Consolidated | | Parent | |
|---|---------------------|---------------|---------------|---------------|
| | 2016 | 2015 | 2016 | 2015 |
| | \$'000 | \$'000 | \$'000 | \$'000 |
| 8 CURRENT/NON-CURRENT ASSETS—RECEIVABLES | | | | |
| Current | | | | |
| Sale of goods and services | 2,038 | 1,886 | 2,038 | 1,886 |
| Less: Allowance for impairment | (450) | (519) | (450) | (519) |
| | 1,588 | 1,367 | 1,588 | 1,367 |
| Other debtors | 206 | 824 | 206 | 824 |
| GST recoverable from Australian Taxation Office | 2,408 | 2,172 | 2,408 | 2,172 |
| Prepayments | 554 | 580 | 554 | 580 |
| Total Current | 4,756 | 4,943 | 4,756 | 4,943 |
| Non- Current | | | | |
| Sale of goods and services | 3,573 | 2,909 | 3,573 | 2,909 |
| Less: Allowance for impairment | (335) | (408) | (335) | (408) |
| Total Non-Current | 3,238 | 2,501 | 3,238 | 2,501 |
| Movement in the allowance for impairment | | | | |
| Balance at 1 July | 927 | 892 | 927 | 892 |
| Amounts written off during the year | (231) | (266) | (231) | (266) |
| Amounts recovered during the year | (9) | (10) | (9) | (10) |
| Increase/(decrease) in allowance | 98 | 311 | 98 | 311 |
| Balance at 30 June | 785 | 927 | 785 | 927 |
| Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 20. | | | | |
| Receivables from the sale of goods and services (both current and non-current) in the amount of \$3.06m (2014-15: \$2.64m) are secured by way of caveat. | | | | |
| 9 NON-CURRENT ASSETS—PLANT AND EQUIPMENT | | | | |
| At 1 July—fair value | | | | |
| Gross Carrying Amount | 31,165 | 29,659 | 31,165 | 29,659 |
| Less: Accumulated depreciation and impairment | (20,151) | (18,266) | (20,151) | (18,266) |
| Net Carrying Amount at Fair Value | 11,014 | 11,393 | 11,014 | 11,393 |
| At 30 June—fair value | | | | |
| Gross Carrying Amount | 34,706 | 31,165 | 34,706 | 31,165 |
| Less: Accumulated depreciation and impairment | (24,531) | (20,151) | (24,531) | (20,151) |
| Net Carrying Amount at Fair Value | 10,175 | 11,014 | 10,175 | 11,014 |
| Reconciliation | | | | |
| A reconciliation of the carrying amounts of plant and equipment at the beginning and end of the current reporting period is set out below. | | | | |
| Net carrying amount at start of year | 11,014 | 11,393 | 11,014 | 11,393 |
| Additions | 3,847 | 3,920 | 3,847 | 3,920 |
| Disposals | (32) | (167) | (32) | (167) |
| Transfers | 129 | 77 | 129 | 77 |
| Depreciation expense | (4,783) | (4,209) | (4,783) | (4,209) |
| Net carrying amount at end of year | 10,175 | 11,014 | 10,175 | 11,014 |

Refer Notes 1(h) & 2(c).

| | Consolidated | | Parent | |
|---|---------------|----------------|---------------|----------------|
| | 2016 \$'00 | 2015 \$'000 | 2016 \$'00 | 2015 \$'000 |
| 10 INTANGIBLE ASSETS | | | | |
| At 1 July—fair value | | | | |
| Cost (gross carrying amount) | 13,716 | 13,516 | 13,716 | 13,516 |
| Less: Accumulated amortisation and impairment | (11,246) | (10,632) | (11,246) | (10,632) |
| Net Carrying Amount at Fair Value | 2,470 | 2,884 | 2,470 | 2,884 |
| At 30 June—fair value | | | | |
| Cost (gross carrying amount) | 13,691 | 13,716 | 13,691 | 13,716 |
| Less: Accumulated amortisation and impairment | (11,799) | (11,246) | (11,799) | (11,246) |
| Net Carrying Amount at Fair Value | 1,892 | 2,470 | 1,892 | 2,470 |

Reconciliation

A reconciliation of the carrying amounts of intangible assets at the beginning and end of the current reporting period is set out below.

| | | | | |
|--|--------------|--------------|--------------|--------------|
| Net carrying amount at start of year | 2,470 | 2,884 | 2,470 | 2,884 |
| Additions | 962 | 876 | 962 | 876 |
| Disposals | (167) | (4) | (167) | (4) |
| Transfers | (129) | (77) | (129) | (77) |
| Amortisation (recognised in "depreciation and amortisation") | (1,244) | (1,209) | (1,244) | (1,209) |
| Net carrying amount at end of year | 1,892 | 2,470 | 1,892 | 2,470 |

Refer Notes 1(h) & 2(c).

11 CURRENT LIABILITIES—PAYABLES

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Accrued salaries, wages and on-costs | 529 | 2,937 | - | - |
| Legal Aid Commission Staff Agency—accrued salaries, wages and on-costs | - | - | 529 | 2,937 |
| Creditors—Legal | 883 | 939 | 883 | 939 |
| Accrued Expenses | 1,685 | 1,591 | 1,685 | 1,591 |
| Accrual of estimated legal expenses ¹ | 10,525 | 9,519 | 10,525 | 9,519 |
| Total | 13,622 | 14,986 | 13,622 | 14,986 |

¹ Being accrual of the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Legal Aid Commission of NSW at the end of the reporting period. Refer to Notes 1(i)(ii) & 2(f).

12 CURRENT/NON-CURRENT LIABILITIES—PROVISIONS
Current
Employee benefits and related on-costs

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Annual leave | 6,299 | 6,734 | - | - |
| Annual leave taken after 12 months | 2,156 | 1,450 | - | - |
| Long service leave | 1,754 | 1,389 | - | - |
| Long service leave taken after 12 months | 15,787 | 12,497 | - | - |
| Provision for related on-costs | 4,080 | 4,692 | - | - |
| Legal Aid Commission Staff Agency—provision for personnel services | - | - | 30,076 | 26,762 |
| Total Current | 30,076 | 26,762 | 30,076 | 26,762 |

| | Consolidated | | Parent | |
|---|------------------|------------------|------------------|------------------|
| | 2016 \$'000 | 2015 \$'000 | 2016 \$'000 | 2015 \$'000 |
| Non-Current | | | | |
| Employee benefits and related on-costs | | | | |
| Long service leave | 1,320 | 1,045 | - | - |
| Superannuation Liability (Refer Note 14) | 56,410 | 34,588 | - | - |
| Provision for related on-costs | 207 | 257 | - | - |
| Payable to the Legal Aid Commission Staff Agency— Superannuation | - | - | 56,410 | 34,588 |
| Legal Aid Commission Staff Agency—provision for personnel services | - | - | 1,527 | 1,302 |
| | 57,937 | 35,890 | 57,937 | 35,890 |
| Other Provisions | | | | |
| Restoration costs | 4,230 | 4,136 | 4,230 | 4,136 |
| | 4,230 | 4,136 | 4,230 | 4,136 |
| Total Non-Current Provisions | 62,167 | 40,026 | 62,167 | 40,026 |
| Aggregate employee benefits and related on-costs | | | | |
| Provisions—current | 30,076 | 61,350 | - | - |
| Provisions—non-current | 57,937 | 1,302 | - | - |
| Accrued salaries, wages and on-costs (Note 11) | 529 | 2,937 | - | - |
| | 88,542 | 65,589 | - | - |
| Movements in provisions (other than employee benefits) | | | | |
| Restoration Provision | | | | |
| Carrying amount at start of financial year | 4,136 | 3,675 | 4,136 | 3,675 |
| Additional provisions recognised | 455 | 384 | 455 | 384 |
| Amounts used | (253) | - | (253) | - |
| Unwinding/change in the discount rate | (108) | 77 | (108) | 77 |
| Carrying amount at end of financial year | 4,230 | 4,136 | 4,230 | 4,136 |
| 13 NON-CURRENT LIABILITY—OTHER | | | | |
| Lease incentive liability | 132 | 182 | 132 | 182 |
| Total Non Current Liability—Other | 132 | 182 | 132 | 182 |
| 14 SUPERANNUATION FUND INFORMATION | | | | |
| The following information has been provided by the Scheme actuary: | | | | |
| | SASS | SANCS | SSS | TOTAL |
| | 30-Jun-16 | 30-Jun-16 | 30-Jun-16 | 30-Jun-16 |
| Member Numbers | | | | |
| Contributors | 55 | 71 | 16 | 142 |
| Deferred benefits | 0 | 0 | 4 | 4 |
| Pensioners | 0 | 0 | 60 | 60 |
| Pensions fully commuted | 0 | 0 | 13 | 13 |

| | SASS 30-Jun-16 | SANCS 30-Jun-16 | SSS 30-Jun-16 | TOTAL 30-Jun-16 |
|---|---------------------------|----------------------------|--------------------------|----------------------------|
| Superannuation Position for AASB 119 purposes | A\$ | A\$ | A\$ | A\$ |
| Accrued liability (Note 1) | 28,220,963 | 5,373,849 | 115,296,908 | 148,891,720 |
| Estimated reserve account balance | (28,282,329) | (6,361,492) | (57,837,646) | (92,481,467) |
| 1. Deficit/(surplus) | (61,366) | (987,643) | 57,459,262 | 56,410,253 |
| 2. Future Service Liability (Note 2) | 3,994,033 | 1,399,143 | 1,923,149 | 7,316,325 |
| 3. Surplus in excess of recovery available from schemes (- 1. - 2. and subject to a minimum of zero) | 0 | 0 | 0 | 0 |
| 4. Net (asset)/liability to be recognised in statement of financial position (1. + 3.) | (61,366) | (987,643) | 57,459,262 | 56,410,253 |

Note 1:

The accrued liability includes a contribution tax provision. This is calculated based on grossing up the deficit/(surplus) less the allowance for past service expenses and insurable death and disability liabilities at a contribution tax rate of 15%.

Note 2:

The Future Service Liability (FSL) does not have to be recognised by an employer. It is only used to determine if an asset ceiling limit should be imposed (AASB 119 para 64). Under AASB 119, any prepaid superannuation asset recognised cannot exceed the present value of any economic benefits that may be available in the form of refunds from the plan or reductions in future contributions to the plan. Where the "surplus in excess of recovery" is zero, no asset ceiling limit is imposed. (Note: this also includes a contribution tax provision).

Nature of the benefits provided by the fund

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- State Superannuation Scheme (SSS)
- Police Superannuation Scheme (PSS)
- State Authorities Non-contributory Superannuation Scheme (SANCS).

These schemes are all defined benefit schemes – at least a component of the final benefit is derived from a multiple of member salary and years of membership. Members receive lump sum or pension benefits on retirement, death, disablement and withdrawal. All the Schemes are closed to new members.

Description of the regulatory framework

The schemes in the Pooled Fund are established and governed by the following NSW legislation: Superannuation Act 1916, State Authorities Superannuation Act 1987, Police Regulation (Superannuation) Act 1906, State Authorities Non-Contributory Superannuation Act 1987, and their associated regulations.

The schemes in the Pooled Fund are exempt public sector superannuation schemes under the Commonwealth Superannuation Industry (Supervision) Act 1993 (SIS). The SIS Legislation treats exempt public sector superannuation funds as complying funds for concessional taxation and superannuation guarantee purposes.

Under a Heads of Government agreement, the New South Wales Government undertakes to ensure that the Pooled Fund will conform with the principles of the Commonwealth's retirement incomes policy relating to preservation, vesting and reporting to members and that members' benefits are adequately protected.

The New South Wales Government prudentially monitors and audits the Pooled Fund and the Trustee Board activities in a manner consistent with the prudential controls of the SIS legislation. These provisions are in addition to other legislative obligations on the Trustee Board and internal processes that monitor the Trustee Board's adherence to the principles of the Commonwealth's retirement incomes policy.

An actuarial investigation of the Pooled Fund is performed every three years. The last actuarial investigation was performed as at 30 June 2015. The next actuarial investigation will be performed at 30 June 2018

Description of other entities' responsibilities for the governance of the fund

The Fund's Trustee is responsible for the governance of the Fund. The Trustee has a legal obligation to act solely in the best interests of fund beneficiaries. The Trustee has the following roles:

- Administration of the fund and payment to the beneficiaries from fund assets when required in accordance with the fund rules;
- Management and investment of the fund assets; and
- Compliance with other applicable regulations.

Description of risks

There are a number of risks to which the Fund exposes the Employer. The more significant risks relating to the defined benefits are:

- **Investment risk**—The risk that investment returns will be lower than assumed and the Employer will need to increase contributions to offset this shortfall.
- **Longevity risk**—The risk that pensioners live longer than assumed, increasing future pensions.
- **Pension indexation risk**—The risk that pensions will increase at a rate greater than assumed, increasing future pensions.
- **Salary growth risk**—The risk that wages or salaries (on which future benefit amounts for active members will be based) will rise more rapidly than assumed, increasing defined benefit amounts and thereby requiring additional employer contributions.
- **Legislative risk**—The risk is that legislative changes could be made which increase the cost of providing the defined benefits.

The defined benefit fund assets are invested with independent fund managers and have a diversified asset mix. The Fund has no significant concentration of investment risk or liquidity risk.

Description of significant events

There were no fund amendments, curtailments or settlements during the year.

Reconciliation of the Net Defined Benefit Liability/(Asset)

| | SASS Financial Year to 30 June 2016 A\$ | SANCS Financial Year to 30 June 2016 A\$ | SSS Financial Year to 30 June 2016 A\$ | Total Financial Year to 30 June 2016 A\$ |
|--|---|--|--|--|
| Net Defined Benefit Liability/(Asset) at start of year | (1,648,468) | (1,394,963) | 37,631,286 | 34,587,855 |
| Current service cost | 1,011,522 | 228,235 | 177,968 | 1,417,725 |
| Net Interest on the net defined benefit liability/(asset) | (61,943) | (44,876) | 1,134,771 | 1,027,952 |
| Past service cost | 0 | 0 | 0 | 0 |
| (Gains)/losses arising from settlements | 0 | 0 | 0 | 0 |
| Actual return on Fund assets less Interest income | (43,663) | (5,317) | (80,399) | (129,379) |
| Actuarial (gains)/losses arising from changes in demographic assumptions | 78,201 | (48,787) | 2,275,719 | 2,305,133 |
| Actuarial (gains)/losses arising from changes in financial assumptions | 1,272,694 | 355,241 | 16,519,281 | 18,147,216 |
| Actuarial (gains)/losses arising from liability experience | 121,986 | 95,001 | 160,856 | 377,843 |
| Adjustment for effect of asset ceiling | 0 | 0 | 0 | 0 |
| Employer contributions | (791,696) | (172,177) | (360,220) | (1,324,093) |
| Effects of transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Net Defined Benefit Liability/(Asset) at end of year | (61,367) | (987,643) | 57,459,262 | 56,410,252 |

Reconciliation of the Fair Value of Fund Assets

| | | | | |
|---|-------------------|------------------|-------------------|-------------------|
| Fair value of Fund assets at beginning of the year | 27,947,635 | 6,716,724 | 58,107,330 | 92,771,689 |
| Interest income | 825,038 | 198,737 | 1,725,420 | 2,749,195 |
| Actual return on Fund assets less Interest income | 43,663 | 5,317 | 80,399 | 129,379 |
| Employer contributions | 791,696 | 172,177 | 360,220 | 1,324,093 |
| Contributions by participants | 386,783 | 0 | 300,076 | 686,859 |
| Benefits paid | (1,572,943) | (678,222) | (2,782,107) | (5,033,272) |
| Taxes, premiums & expenses paid | (139,543) | (53,241) | 46,309 | (146,475) |
| Transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Contributions to accumulation section | 0 | 0 | 0 | 0 |
| Settlements | 0 | 0 | 0 | 0 |
| Exchange rate changes | 0 | 0 | 0 | 0 |
| Fair value of Fund assets at end of the year | 28,282,329 | 6,361,492 | 57,837,647 | 92,481,466 |

Reconciliation of the Defined Benefit Obligation

| | SASS | SANCS | SSS | Total |
|--|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Present value of defined benefit obligations at beginning of the year | 26,299,167 | 5,321,762 | 95,738,616 | 127,359,545 |
| Current service cost | 1,011,522 | 228,235 | 177,968 | 1,417,725 |
| Interest cost | 763,095 | 153,861 | 2,860,190 | 3,777,146 |
| Contributions by participants | 386,783 | 0 | 300,076 | 686,859 |
| Actuarial (gains)/losses arising from changes in demographic assumptions | 78,201 | (48,787) | 2,275,719 | 2,305,133 |
| Actuarial (gains)/losses arising from changes in financial assumptions | 1,272,694 | 355,241 | 16,519,281 | 18,147,216 |
| Actuarial (gains)/losses arising from liability experience | 121,986 | 95,001 | 160,856 | 377,843 |
| Benefits paid | (1,572,943) | (678,222) | (2,782,107) | (5,033,272) |
| Taxes, premiums & expenses paid | (139,543) | (53,241) | 46,309 | (146,475) |
| Transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Contributions to accumulation section | 0 | 0 | 0 | 0 |
| Past service cost | 0 | 0 | 0 | 0 |
| Settlements | 0 | 0 | 0 | 0 |
| Exchange rate changes | 0 | 0 | 0 | 0 |
| Present value of defined benefit obligations at end of the year | 28,220,962 | 5,373,850 | 115,296,908 | 148,891,720 |

Reconciliation of the effect of the Asset Ceiling

| | | | | |
|--|---|---|---|---|
| Adjustment for effect of asset ceiling at beginning of the year | 0 | 0 | 0 | 0 |
| Interest on the effect of asset ceiling | 0 | 0 | 0 | 0 |
| Change in the effect of asset ceiling | 0 | 0 | 0 | 0 |
| Adjustment for effect of asset ceiling at end of the year | 0 | 0 | 0 | 0 |

The adjustment for the effect of asset ceiling has been determined based on the maximum economic benefit available to the entity in the form of reductions in future employer contributions.

Fair value of Fund assets

All Pooled Fund assets are invested by SAS Trustee Corporation (STC) at arm's length through independent fund managers, assets are not separately invested for each entity and it is not possible or appropriate to disaggregate and attribute fund assets to individual entities. As such, the disclosures below relate to total assets of the Pooled Fund.

As at 30 June 2016

| Asset category | Total (A\$'000) | Quoted prices in active markets for identical assets | | |
|------------------------------|------------------------|---|--|--|
| | | Level 1 (A\$'000) | Significant observable inputs Level 2 (A\$'000) | Unobservable inputs Level 3 (A\$'000) |
| Short Term Securities | 2,050,414 | 2,044,454 | 5,960 | - |
| Australian Fixed Interest | 2,720,589 | 2,724 | 2,717,865 | - |
| International Fixed Interest | 834,374 | (1,358) | 835,731 | - |
| Australian Equities | 9,720,878 | 9,171,767 | 549,087 | 24 |
| International Equities | 12,093,667 | 9,026,207 | 2,078,766 | 988,694 |
| Property | 3,650,267 | 1,113,253 | 618,946 | 1,918,068 |
| Alternatives | 7,115,949 | 470,130 | 3,122,185 | 3,523,634 |
| Total^ | 38,186,138 | 21,827,177 | 9,928,540 | 6,430,420 |

The percentage invested in each asset class at the reporting date is:

| As at | 30-Jun-16 |
|------------------------------|------------------|
| Short Term Securities | 5.4% |
| Australian Fixed Interest | 7.1% |
| International Fixed Interest | 2.2% |
| Australian Equities | 25.4% |
| International Equities | 31.7% |
| Property | 9.6% |
| Alternatives | 18.6% |
| Total | 100% |

^Additional to the assets disclosed above, at 30 June 2016 the Pooled Fund has provisions for receivables/(payables) estimated to be around \$2.83 billion. This gives total estimated assets of \$41.01 billion.

Level 1—quoted prices in active markets for identical assets or liabilities. The assets in this level are listed shares; listed unit trusts.

Level 2—inputs other than quoted prices observable for the asset or liability either directly or indirectly. The assets in this level are cash; notes; government, semi-government and corporate bonds; unlisted trusts where quoted prices are available in active markets for identical assets or liabilities.

Level 3—inputs for the asset or liability that are not based on observable market data. The assets in this level are unlisted property; unlisted shares; unlisted infrastructure; distressed debt; hedge funds.

Derivatives, including futures and options, can be used by investment managers. However, each manager's investment mandate clearly states that derivatives may only be used to facilitate efficient cashflow management or to hedge the portfolio against market movements and cannot be used for speculative purposes or gearing of the investment portfolio. As such managers make limited use of derivatives.

Fair value of entity's own financial instruments

The disclosures below relate to total assets of the Pooled Fund.

The fair value of the Pooled Fund assets as at 30 June 2016 include \$189.6 million in NSW government bonds.

Of the direct properties owned by the Pooled Fund:

- SAS Trustee Corporation occupies part of a property 100% owned by the Pooled Fund with a fair value of \$222 million (30 June 2015: \$159 million).
- Health Administration Corporation occupies part of a property 50% owned by the Pooled Fund with a fair value of \$243 million (30 June 2015: \$204 million).

Significant Actuarial Assumptions at the Reporting Date

| As at | 30-Jun-16 |
|---|--|
| Discount rate | 1.99% |
| Salary increase rate (excluding promotional increases) | 2.50% 2016/2017 to 2018/2019; 3.50% 2019/2020 and 2020/2021; 3.00% pa 2021/2022 to 2025/2026; 3.50% pa thereafter |
| Rate of CPI increase | 1.5% 2015/2016; 1.75% 2016/2017; 2.25% 2017/2018; 2.50% pa thereafter |
| Pensioner mortality | The pensioner mortality assumptions are as per the 2015 Actuarial Investigation of the Pooled Fund. These assumptions are disclosed in the actuarial investigation report available from the trustee's website. The report shows the pension mortality rates for each age. |

Sensitivity Analysis

The entity's total defined benefit obligation as at 30 June 2016 under several scenarios is presented below. The total defined benefit obligation disclosed is inclusive of the contribution tax provision which is calculated based on the asset level at 30 June 2016

Scenarios A to F relate to sensitivity of the total defined benefit obligation to economic assumptions, and scenarios G and H relate to sensitivity to demographic assumptions.

| | Base Case | Scenario A -1.0% discount rate | Scenario B +1.0% discount rate |
|----------------------------------|------------------|---|---|
| Discount rate | 1.99% | 0.99% | 2.99% |
| Rate of CPI increase | as above | as above | as above |
| Salary inflation rate | as above | as above | as above |
| Defined benefit obligation (A\$) | 148,891,719 | 173,790,196 | 129,497,022 |

| | Base Case | Scenario C +0.5% rate of CPI increase | Scenario D -0.5% rate of CPI increase |
|----------------------------------|------------------|--|--|
| Discount rate | as above | as above | as above |
| Rate of CPI increase | as above | above rates plus 0.5% pa | above rates less 0.5% pa |
| Salary inflation rate | as above | as above | as above |
| Defined benefit obligation (A\$) | 148,891,719 | 159,029,423 | 139,840,873 |

| | Base Case | Scenario E +0.5% salary increase rate | Scenario F -0.5% salary increase rate |
|----------------------------------|------------------|--|--|
| Discount rate | as above | as above | as above |
| Rate of CPI increase | as above | as above | as above |
| Salary inflation rate | as above | above rates plus 0.5% pa | above rates less 0.5% pa |
| Defined benefit obligation (A\$) | 148,891,719 | 150,223,627 | 147,606,185 |

| | Base Case | Scenario G Higher Mortality* | Scenario H Lower Mortality** |
|----------------------------------|------------------|---|---|
| Defined benefit obligation (A\$) | 148,891,719 | 147,510,370 | 151,327,837 |

* Assumes the long term pensioner mortality improvement factors for years post 2021 also apply for years 2016 to 2021

**Assumes the short term pensioner mortality improvement factors for years 2016–2021 also apply for years after 2021

The defined benefit obligation has been recalculated by changing the assumptions as outlined above, whilst retaining all other assumptions.

Asset-Liability matching strategies

The Trustee monitors its asset-liability risk continuously in setting its investment strategy. It also monitors cashflows to manage liquidity requirements. No explicit asset-liability matching strategy is used by the Trustee

Funding arrangements

Funding arrangements are reviewed at least every three years following the release of the triennial actuarial review and was last reviewed following completion of the triennial review as at 30 June 2015. Contribution rates are set after discussions between the employer, STC and NSW Treasury

Funding positions are reviewed annually and funding arrangements may be adjusted as required after each annual review

Surplus/deficit

The following is a summary of the 30 June 2016 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans"

| | SASS 30-Jun-16 A\$ | SANCS 30-Jun-16 A\$ | SSS 30-Jun-16 A\$ | Total 30-Jun-16 A\$ |
|---------------------------------|-----------------------------------|------------------------------------|----------------------------------|------------------------------------|
| Accrued benefits* | 24,381,310 | 4,449,441 | 51,830,477 | 80,661,228 |
| Net market value of Fund assets | (28,282,328) | (6,361,492) | (57,837,646) | (92,481,466) |
| <i>Net (surplus)/deficit</i> | (3,901,018) | (1,912,051) | (6,007,169) | (11,820,238) |

*There is no allowance for a contribution tax provision within the Accrued Benefits figure for AAS 25. Allowance for contributions tax is made when setting the contribution rates

Contribution recommendations

Recommended contribution rates for the entity are

| | SASS multiple of member contributions | SANCS % member salary | SSS multiple of member contributions |
|--|---|---------------------------------|--|
| | 1.9 | 2.50% | 1.6 |

Economic assumptions

The economic assumptions adopted for the 30 June 2015 actuarial investigation of the Pooled Fund are:

Weighted-Average Assumptions

| | |
|--|--|
| Expected rate of return on Fund assets backing current pension liabilities | 7.8% pa |
| Expected rate of return on Fund assets backing other liabilities | 6.8% pa |
| Expected salary increase rate (excluding promotional salary increases) | 3.0% to 30 June 2019 then 3.5% pa thereafter |
| Expected rate of CPI increase | 2.5% pa |

Expected contributions—Para 147(b)

| | SASS Financial Year to 30 June 2017 A\$ | SANCS Financial Year to 30 June 2017 A\$ | SSS Financial Year to 30 June 2017 A\$ | Total Financial Year to 30 June 2017 A\$ |
|---------------------------------|--|---|---|---|
| Expected employer contributions | 734,888 | 195,645 | 480,122 | 1,410,655 |

Maturity profile of defined benefit obligation

The weighted average duration of the defined benefit obligation is 14.6 years.

Profit or Loss Impact

| | SASS Financial Year to 30 June 2016 A\$ | SANCS Financial Year to 30 June 2016 A\$ | SSS Financial Year to 30 June 2016 A\$ | Total Financial Year to 30 June 2016 A\$ |
|---|--|---|---|---|
| Current service cost | 1,011,522 | 228,235 | 177,968 | 1,417,725 |
| Net interest | (61,943) | (44,876) | 1,134,771 | 1,027,952 |
| Past service cost | 0 | 0 | 0 | 0 |
| (Gains)/Loss on settlement | 0 | 0 | 0 | 0 |
| Profit or loss component of the Defined Benefit Cost | 949,579 | 183,359 | 1,312,739 | 2,445,677 |

Other Comprehensive Income

| | SASS Financial Year to 30 June 2016 A\$ | SANCS Financial Year to 30 June 2016 A\$ | SSS Financial Year to 30 June 2016 A\$ | Total Financial Year to 30 June 2016 A\$ |
|--|--|---|---|---|
| Actuarial (gains) losses on liabilities | 1,472,881 | 401,455 | 18,955,856 | 20,830,192 |
| Actual return on Fund assets less Interest income | (43,663) | (5,317) | (80,399) | (129,379) |
| Effects of transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Change in the effect of asset ceiling | 0 | 0 | 0 | 0 |
| Total remeasurement in Other Comprehensive Income | 1,429,218 | 396,138 | 18,875,457 | 20,700,813 |

| | Consolidated | | Parent | |
|--|--------------|--------|--------|--------|
| | 2016 | 2015 | 2016 | 2015 |
| | \$'000 | \$'000 | \$'000 | \$'000 |

15 COMMITMENTS FOR EXPENDITURE

(a) Capital Commitments

Aggregate capital expenditure contracted for at balance date and not provided for:

| | | | | |
|------------------------------|------------|------------|------------|------------|
| Not later than one year | 147 | 143 | 147 | 143 |
| Total (including GST) | 147 | 143 | 147 | 143 |

(b) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Not later than one year | 11,490 | 11,179 | 11,490 | 11,179 |
| Later than one year and not later than 5 years | 13,866 | 16,687 | 13,866 | 16,687 |
| Later than 5 years | 8,707 | 950 | 8,707 | 950 |
| Total (including GST) | 34,063 | 28,816 | 34,063 | 28,816 |

The operating lease commitments above relate to the rental of office accommodation and motor vehicles. Lease periods generally range from 1—5 years with some office accommodation lease extending beyond 5 years. Rental accommodation is indexed by either CPI, market or fixed annual increments.

The total commitments in (a) & (b) above include input tax credits of \$3.10m (2014-15:\$2.63m) that are expected to be recoverable from the Australian Taxation Office.

16 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

At the date of this report, there is no current litigation involving the Legal Aid Commission of NSW from which a contingent liability or contingent asset may arise (2014-15: nil).

17 BUDGET REVIEW

Net Result

The Net Result is over budget by \$8.8m primarily due to non-cash Actuarial adjustments including long service leave and superannuation provision adjustments included in Employee Related costs which exceeds budget by \$12.7m. Grants and subsidies expenditure exceeds budget by \$2.4m. This is offset by Grants and Contribution revenue which exceeds budget by \$4.2m. Investment Revenue is greater than budget by \$1.6m.

Assets and Liabilities

Total Assets are \$3.6m lower than budget primarily due to Cash being lower than budget by \$5m as a result of timing differences, along with a higher than budget Accounts Receivable balance.

Total Liabilities are \$34.3m higher than budget, as a result of Actuarial adjustments to long service leave and superannuation provisions.

Cash Flows

Net Cash Flows from Operating Activities were \$2.8m more than budget due to total payments exceeding budget by \$14.5m being offset by total receipts exceeding budget by \$11.7m.

Due to NSW Treasury classification the budget for Other contains the expected revenue from the Public Purpose Fund, the actual amounts received are contained in Grants and Contributions.

18 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income

| | | | | |
|---|-----------------|----------------|-----------------|----------------|
| Net cash generated/(used) on operating activities | (1,633) | 3,069 | (1,633) | 3,069 |
| Depreciation and amortisation | (6,027) | (5,418) | (6,027) | (5,418) |
| Decrease/(increase) in provisions | (25,455) | (6,709) | (25,455) | (6,709) |
| Decrease/(increase) in other liabilities | 50 | 86 | 50 | 86 |
| Decrease/(increase) in creditors | 1,364 | (1,005) | 1,364 | (1,005) |
| Actuarial (gains)/losses on superannuation | 20,701 | 3,765 | - | - |
| Increase/(decrease) in prepayments and other assets | 550 | 1,477 | 550 | 1,477 |
| Net Gain/(Loss) on disposal of plant and equipment | (196) | (171) | (196) | (171) |
| Net Gain/(Loss) on other—Lease make good | 455 | 461 | 455 | 461 |
| Net Result | (10,191) | (4,445) | (30,892) | (8,210) |

19 TRUST FUNDS

The Legal Aid Commission of NSW administers, but does not control the funds in the following trust:

| | 2016 | 2015 |
|--|--------------|------------|
| | \$'000 | \$'000 |
| Legal Aid Commission Trust Account ¹ | | |
| Cash balance at the beginning of the financial year | 840 | 921 |
| Add: Receipts | 2,407 | 2,851 |
| Less: Expenditure | (1,875) | (2,932) |
| Cash balance at the end of the financial year | 1,372 | 840 |

As the Legal Aid Commission of NSW performs only a custodial role in respect of trust monies, and because the monies cannot be used for the achievement of its objectives; that is, the definition criteria for assets is not met, trust funds are not brought to account in the financial statements, but are shown in the notes for information purposes. Refer to Note 1(h)(xii).

¹ Pursuant to Section 64A of the Legal Aid Commission Act 1979, a Legal Aid Commission Trust Account is maintained for verdict and settlement moneys held on behalf of legally aided persons represented by Commission in-house practitioners. The Legal Aid Commission of NSW may recover some costs upon finalisation of these matters.

20 FINANCIAL INSTRUMENTS

The principal financial instruments of the Legal Aid Commission of NSW are outlined below. These financial instruments arise directly from the operations of the Legal Aid Commission of NSW or are required to finance the operations of the Legal Aid Commission of NSW. The Legal Aid Commission of NSW does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The main risks arising from financial instruments for the Legal Aid Commission of NSW are outlined below, together with the objectives of the Legal Aid Commission of NSW, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout the financial statements.

The Board and Audit and Risk Committee has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the Legal Aid Commission of NSW, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Internal Auditors on a continuous basis.

(a) Financial Instrument Categories

| | Note | Category | Carrying Amount 2016 \$'000 | Carrying Amount 2015 \$'000 |
|------------------------------|------|---|--------------------------------------|--------------------------------------|
| Financial Assets | | | | |
| Class: | | | | |
| Cash & Cash equivalents | 7 | n/a | 78,832 | 84,816 |
| Receivables ¹ | 8 | Receivables (at amortised cost) | 5,032 | 4,692 |
| Financial Liabilities | | | | |
| Class: | | | | |
| Payables ² | 11 | Financial Liabilities measured at amortised cost | 13,150 | 13,624 |

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7)

(b) Credit Risk

Credit risk arises when there is the possibility of the debtors of the Legal Aid Commission of NSW defaulting on their contractual obligations, resulting in a financial loss to the Legal Aid Commission of NSW. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance or impairment).

Credit risk arises from the financial assets of the Legal Aid Commission of NSW, including cash, receivables and authority deposits. The Legal Aid Commission of NSW has secured a portion of its receivables by way of caveat. The Legal Aid Commission of NSW has not granted any financial guarantees.

Cash

Cash comprises of the Legal Aid Commission of NSW funds that are held in the general operating bank account as well as fixed term deposits managed by TCorp. Interest is earned on the daily balances of the bank accounts. Refer Note 7. The average rate of interest earned on bank accounts was 1.78% (2014-15: 3.01%).

Receivables

All trade debtors are recognised as amounts receivable at reporting date. Collectability of trade debts is reviewed on an ongoing basis. Procedures as established in the Treasurer’s Directions are followed to recover outstanding amounts, including letters of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that the Legal Aid Commission of NSW will not be able to collect all amounts due. The credit risk is the carrying amount (net of any allowance for impairment). The carrying amount approximates fair value. Interest is charged on overdue trade debtors’ accounts under section 71A of the Legal Aid Commission Act 1979 as amended and applicable interest rates were as follows:

- Overdue debt (Section 71A of Legal Aid Commission Act)
 - 01/07/2015 - 31/12/2015 - 4%
 - 01/01/2016 - 30/06/2016 - 4%
- Local Court judgements (Section 101 of Civil Procedure Act 2005)
 - 01/07/2015 - 31/12/2015 - 8%
 - 01/01/2016 - 30/06/2016 - 8%
- Family Court judgements (Section 117B of Family Law Act)
 - 01/07/2015 - 31/12/2015 - 8%
 - 01/01/2016 - 30/06/2016 - 8%

The entity is not materially exposed to concentrations of credit risk to a single trade debtor or group of debtors. Based on past experience, debtors that are not past due (2016:\$0.869m 2015: \$0.613m;) and not less than 1 month past due (2016: \$0.274m 2015: \$0.117m) are not considered impaired and together these represent 22% of the total debtors (2015: 14.0%).

The only financial assets that are past due or impaired are “Sales of Goods and Services” in the “Receivables” category of the Statement of Financial Position.

| | Total \$'000 | Past due but not impaired ^{1,2} \$'000 | Considered impaired ^{1,2} \$'000 |
|---------------------------|-----------------|---|---|
| 2016 | | | |
| < 3 months overdue | 274 | 274 | - |
| 3 months—6 months overdue | 162 | 41 | 121 |
| > 6 months overdue | 3,891 | 2,923 | 968 |
| 2015 | | | |
| < 3 months overdue | 269 | 159 | 110 |
| 3 months—6 months overdue | - | - | - |
| > 6 months overdue | 3,604 | 2,587 | 1,017 |

¹ Each column in the table reports 'gross receivables'

² The ageing analysis excludes statutory receivables, as these are not within the scope of AASB7 and excludes receivables that are not past due and not impaired. Therefore, the 'total' will not necessarily reconcile to the receivables total recognised in the Statement of Financial Position.

Authority Deposits

During 2015/16 funds were held in various Financial Institutions’ fixed term deposits approved by the Treasurer under the PAFA Act and managed by TCorp. The Institutions long term credit rating are AA-. The interest rates payable by the Institutions are fixed for the term of the deposit. The deposits at balance date were earning an average interest rate of 3.92% while over the year the weighted average interest rate was 3.13% on a weighted average balance of \$60.8m. None of these assets are past due or impaired.

(c) Liquidity risk

Liquidity risk is the risk that the Legal Aid Commission of NSW will be unable to meet its payment obligations when they fall due. The exposure of the Legal Aid Commission of NSW to liquidity risk is deemed insignificant based on prior periods’ data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Legal Aid Commission of NSW did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the financial liabilities of the Legal Aid Commission of NSW, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities:

| | Consolidated and Parent | | |
|-------------------|------------------------------------|-----------------------------|-----------------------------|
| | Nominal Amount ¹ | Non-Interest bearing | Maturity < 1 year |
| 2016 | | | |
| <i>Payables</i> | | | |
| Accounts payables | 13,150 | 13,150 | 13,150 |
| 2015 | | | |
| <i>Payables</i> | | | |
| Accounts payables | 13,624 | 13,624 | 13,624 |

¹ The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which Legal Aid can be required to pay. The tables includes principle cash flows therefore will not reconcile to the 'Statement of Financial Position'.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The exposure to market risk of the Legal Aid Commission of NSW is minimal. The Legal Aid Commission of NSW has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect of profit and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which the Legal Aid Commission of NSW operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the reporting date. The analysis is performed on the same basis for 2015. The analysis assumes that all other variables remain constant.

Interest rate risk

The Legal Aid Commission of NSW does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. The exposure of the Legal Aid Commission of NSW to interest risk is set out below.

| | \$'000 Carry- ing Amount | -1% Profit | Equity | 1% Profit |
|------------------------------|-------------------------------------|-----------------------|---------------|----------------------|
| 2016 | | | | |
| <i>Financial assets</i> | | | | |
| Cash & cash equivalents | 78,832 | (788) | (788) | 788 |
| Receivables | 5,032 | (50) | (50) | 50 |
| <i>Financial liabilities</i> | | | | |
| Payables | 13,150 | (132) | (132) | 132 |
| 2015 | | | | |
| <i>Financial assets</i> | | | | |
| Cash & cash equivalents | 84,816 | (848) | (848) | 848 |
| Receivables | 4,692 | (47) | (47) | 47 |
| <i>Financial liabilities</i> | | | | |
| Payables | 13,624 | (136) | (136) | 136 |

(e) Fair value measurement

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

21 EVENTS AFTER REPORTING PERIOD

No events have occurred subsequent to the reporting date, which will materially affect the financial statements.

END OF AUDITED FINANCIAL STATEMENTS

Financial statements

Legal Aid Commission Staff Agency

The Legal Aid Commission Staff Agency provides personnel services to the Legal Aid Commission.

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Statement by Chief Executive Officer

LEGAL AID COMMISSION STAFF AGENCY

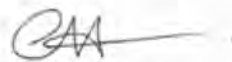
Statement by Chief Executive Officer

Pursuant to Section 41C(1B) of the *Public Finance and Audit Act 1983*, and in accordance with a resolution of the Board of the Legal Aid Commission of NSW, we declare on behalf of the Legal Aid Commission of NSW that in our opinion:

1. The financial statements have been prepared in accordance with the requirements of the *Public Finance and Audit Act 1983*, *Public Finance and Audit Regulations 2015*, applicable Australian Accounting Standards (which include Australian Accounting Interpretations), and specific directions issued by the Treasurer.
2. The accompanying financial statements exhibit a true and fair view of the financial position of the Legal Aid Commission Staff Agency as at 30 June 2016 and transactions for the year then ended.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.



Bill Grant
Chief Executive Officer



Clare Hamilton
Chief Financial Officer

Date:

19/9/16

Date:

19/09/16



INDEPENDENT AUDITOR'S REPORT

Legal Aid Commission Staff Agency

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Legal Aid Commission Staff Agency (the Agency), which comprise the statement of financial position as at the 30 June 2016, the statement of comprehensive income, statement of changes in equity and statement of cash flows, for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Agency as at 30 June 2016, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (PF&A Act) and the Public Finance and Audit Regulation 2015.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report.

I am independent of the Agency in accordance with the auditor independence requirements of:

- Australian Auditing Standards
- ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (the Code).

I have also fulfilled my other ethical responsibilities in accordance with the Code.

The PF&A Act further promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

The Chief Executive Officer's Responsibility for the Financial Statements

The Chief Executive Officer (CEO) is responsible for preparing financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act and for such internal control as the CEO determines is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the CEO must assess the Agency's ability to continue as a going concern unless the Agency will be dissolved by an Act of Parliament or otherwise cease operations. The assessment must include, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A further description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: <http://www.auasb.gov.au/Home.aspx>. The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Agency carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented.



David Daniels
Director, Financial Audit Services

21 September 2016
SYDNEY

Statement of comprehensive income for the year ended 30 June 2016

| | Notes | Actual 2016 \$'000 | Actual 2015 \$'000 |
|--|-------|--------------------------|--------------------------|
| Revenue | | | |
| Personnel Services | 3 | 137,149 | 107,151 |
| Total Revenue | | 137,149 | 107,151 |
| Expenses | | | |
| Employee related | 2(a) | 116,227 | 103,121 |
| Other operating expenses | 2(b) | 221 | 265 |
| Total Expenses | | 116,448 | 103,386 |
| Net result | 9 | 20,701 | 3,765 |
| Other comprehensive income | | | |
| Items that will not be reclassified to net result | | | |
| Superannuation actuarial gains/(losses) | | (20,701) | (3,765) |
| Total other comprehensive income for the year | | (20,701) | (3,765) |
| TOTAL COMPREHENSIVE INCOME | | 0 | 0 |

The accompanying notes form part of these financial statements

Statement of financial position as at 30 June 2016

| | Notes | Actual 2016 \$'000 | Actual 2015 \$'000 |
|--------------------------------------|-------|--------------------------|--------------------------|
| ASSETS | | | |
| Current Assets | | | |
| Receivables | 5 | 30,605 | 29,699 |
| Total Current Assets | | 30,605 | 29,699 |
| Non Current Assets | | | |
| Receivables | 5 | 57,937 | 35,890 |
| Total Non-Current Assets | | 57,937 | 35,890 |
| Total Assets | | 88,542 | 65,589 |
| LIABILITIES | | | |
| Current Liabilities | | | |
| Payables | 6 | 529 | 2,937 |
| Provisions | 7 | 30,076 | 26,762 |
| Total Current Liabilities | | 30,605 | 29,699 |
| Non Current Liabilities | | | |
| Provisions | 7 | 57,937 | 35,890 |
| Total Non Current Liabilities | | 57,937 | 35,890 |
| Total Liabilities | | 88,542 | 65,589 |
| Net Assets | | 0 | 0 |
| EQUITY | | | |
| Accumulated funds | | 0 | 0 |

The accompanying notes form part of these financial statements

Statement of changes in equity for the year ended 30 June 2016

| | Notes | Accumulated Funds \$'000 | Total \$'000 |
|--|-------|--------------------------------|-----------------|
| Balance at 1 July 2015 | | 0 | 0 |
| Net result for the Year | | 20,701 | 20,701 |
| Other Comprehensive income: | | | |
| Superannuation actuarial gains/(losses) | 8 | (20,701) | (20,701) |
| Total other comprehensive income | | (20,701) | (20,701) |
| Total comprehensive income for the year | | 0 | 0 |
| Balance at 30 June 2016 | | 0 | 0 |
| Balance at 1 July 2014 | | 0 | 0 |
| Net result for the Year | | 3,765 | 3,765 |
| Other Comprehensive income: | | | |
| Superannuation actuarial gains/(losses) | 8 | (3,765) | (3,765) |
| Total other comprehensive income | | (3,765) | (3,765) |
| Total comprehensive income for the year | | 0 | 0 |
| Balance at 30 June 2015 | | 0 | 0 |

The accompanying notes form part of these financial statements

Statement of cash flows for the year ended 30 June 2016

| | Notes | Actual 2016 \$'000 | Actual 2015 \$'000 |
|---|-------|--------------------------|--------------------------|
| CASH FLOWS FROM OPERATING ACTIVITIES | | | |
| Payments | | | |
| Employee Related | | (93,274) | (96,247) |
| Total Payments | | <u>(93,274)</u> | <u>(96,247)</u> |
| Receipts | | | |
| Legal Aid Commission—personnel services | | 93,274 | 96,247 |
| Total Receipts | | <u>93,274</u> | <u>96,247</u> |
| NET CASH FLOWS FROM OPERATING ACTIVITIES | 9 | <u>0</u> | <u>0</u> |
| NET INCREASE/(DECREASE) IN CASH | | 0 | 0 |
| Opening cash and cash equivalents | | 0 | 0 |
| CLOSING CASH AND CASH EQUIVALENTS | | <u>0</u> | <u>0</u> |

The accompanying notes form part of these financial statements

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Legal Aid Commission Staff Agency (the Agency) is a Division of the Government Service, established pursuant to the *Government Sector Employment Act 2013*. The Agency is a not-for-profit entity as profit is not its principal objective. It is consolidated as part of the Legal Aid Commission of New South Wales Accounts. It is domiciled in Australia and its principal office is at 323 Castlereagh Street, Haymarket, Sydney.

The Agency's objective is to provide personnel services to the Legal Aid Commission of New South Wales, the parent entity, at cost.

The financial statements were authorised for issue by the Chief Executive Officer on 19 September 2016.

(b) Basis of Preparation

The Agency's financial statements are prepared in accordance with the requirements of applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983*, and *Public Finance and Audit Regulation 2015*, and specific directions issued by the Treasurer.

The financial statements are prepared in accordance with the historical cost convention and the financial statements do not take into account changing money values or current valuations.

The accrual basis of accounting has been adopted in the preparation of the financial statements, except for cash flow information.

Judgements, key assumptions and estimates are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Revenue

Revenue is measured at the fair value of the consideration received or receivable. Revenue from the rendering of personnel services is recognised when the service is provided and only to the extent that the associated recoverable expenses are recognised.

(e) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in the active market.

Receivables are recognised initially at fair value, usually based on transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are recognised in the Net Result for the year when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

An allowance for impairment is established where there is objective evidence that a receivable may not be collectable. The amount of any impairment loss is recognised in the Net Result for the year.

(f) Payables

These amounts represent liabilities for goods and services provided to the entity and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(g) Employee Benefits and other Provisions

Salaries and wages, annual leave, sick leave and on-costs

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits. Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 *Employee Benefits* (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that the use of a nominal approach plus the annual leave on annual leave liability (using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. The entity has assessed the actuarial advice based on the entity's circumstances and has determined that the effect of discounting is immaterial to annual leave.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

The outstanding amounts of payroll tax, fringe benefits tax and workers' compensation insurance premiums which are consequential to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

Superannuation and leave liabilities are recognised as expenses and provisions when the obligations arise, which is usually through the rendering of service by employees.

Long service leave is measured at present value in accordance with AASB 119 Employee Benefits based on valuation factors provided by an independent actuary.

The Agency's superannuation position is calculated based on economic assumptions determined by an independent actuary, as advised by the SAS Trustee Corporation (STC). All Fund assets are invested by STC at arm's length through independent fund managers. Any variation between the Agency's gross superannuation liability and employer reserve account balance is recognised in the Statement of Financial Position as an unfunded liability or prepaid contribution. Refer Notes 2, 7 & 8.

(h) Comparative Information—General

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

(i) New Australian Accounting Standards issued but not effective

Effective for the first time in 2015-16

The accounting policies applied in 2015-16 are consistent with those of the previous financial year except as a result of the following new or revised Australian Accounting Standards that have been applied for the first time in 2015-16.

- AASB 2015-3 Amendments to Australian Accounting Standards arising from the withdrawal of AASB 1031 Materiality.
- AASB 2013-9 Amendments to Australian Accounting Standards—Conceptual Framework, Materiality and Financial Instruments (Part C Financial Instruments).

It is considered that these Standards will have no direct impact on Legal Aid Commission of NSW.

Issued but not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2016 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 9 and AASB 2014-7 regarding *Financial Instruments*
- AASB 1057 and AASB 2015-9 *Application of Australian Accounting Standards*
- AASB 15 and AASB 2014-5 regarding Revenue from Contracts with Customers
- AASB 1056 Superannuation Entities
- AASB 2014-4 regarding acceptable methods of depreciation and amortisation
- AASB 2014-9 regarding equity method in separate financial statements
- AASB 2015-1 regarding annual improvements to Australian Accounting Standards 2012–2014 cycle
- AASB 2015–2 regarding amendments to AASB 101 disclosure initiatives
- AASB 2015-5 Amendments to Australian Accounting Standards—*Investment Entities: Applying the Consolidated Exception*
- AASB 2015-6 Amendments to Australian Accounting Standards—*Extended Related Party Disclosure to Not-for-Profit Public Sector Entities*
- AASB 2015-7 Amendments to Australian Accounting Standards—*Fair Value Disclosure of Not-for-Public Sector Entities*.

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial statements of the Legal Aid Commission of NSW.

AASB 16 Leases

AASB 16 is applicable to annual reporting periods beginning on or after 1 January 2019. For leases where the Legal Aid Commission is the lessee, AASB 16 will require the Legal Aid Commission to recognise assets and liabilities on the statement of financial position where the lease term is for more than 12 months unless the underlying asset is of low value. There will be no impact on the total amount of cash flows reported.

| | 2016 \$'000 | 2015 \$'000 |
|---|------------------------|------------------------|
| 2 EXPENSES | | |
| a) Employee related expenses | | |
| Salaries and wages (including recreation leave) | 92,962 | 84,878 |
| Superannuation—defined benefit plans * | 2,446 | 2,706 |
| Superannuation—defined contribution plans | 8,153 | 7,107 |
| Long service leave | 6,127 | 2,256 |
| Workers' compensation insurance | 824 | 1,013 |
| Payroll tax and fringe benefits tax | 5,715 | 5,161 |
| Total | 116,227 | 103,121 |

The Agency does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,200 (2014-15: \$2,200) are paid on the Agency's behalf by the Parent entity, the Legal Aid Commission of NSW.

* Refer Note 8. Superannuation actuarial loss of \$20.7m (2014-15: actuarial losses of \$3.8m) are recognised in the 'Statement of Changes in Equity'. Total superannuation loss, including actuarial loss recognised in the 'Statement of Comprehensive Income' is \$23.15m (2014-15: \$6.47m loss).

(b) Other operating expenses

| | | |
|-------|------------|------------|
| Other | 221 | 265 |
| | 221 | 265 |

3 REVENUE

| | | |
|----------------------------|----------------|----------------|
| Rendering of services | | |
| Personnel services revenue | 137,149 | 107,151 |
| Total | 137,149 | 107,151 |

The Agency provides personnel services to the Legal Aid Commission of NSW in terms of the Government Sector Employment Act 2013 (GSE Act) at cost.

4 SERVICE GROUP/ACTIVITIES OF THE AGENCY

The Agency provides personnel services to the Legal Aid Commission of NSW so that the Commission may deliver legal services to eligible persons under Commonwealth law and State legislation and undertake community legal education and provide advice to the socially and economically disadvantaged.

5 CURRENT/NON-CURRENT ASSETS—RECEIVABLES

Current

| | | |
|---|---------------|---------------|
| Legal Aid Commission of NSW- accrued salaries, wages and on-costs ⁱ⁾ | 529 | 2,937 |
| Legal Aid Commission of NSW- provision for employee benefits ⁱ⁾ | 30,076 | 26,762 |
| Total Current | 30,605 | 29,699 |

Non- Current

| | | |
|---|---------------|---------------|
| Legal Aid Commission of NSW—provision for employee benefits ⁱ⁾ | 57,937 | 35,890 |
| Total Non-Current | 57,937 | 35,890 |

ⁱ⁾ All expenses incurred by the Agency in providing personnel services to the Legal Aid Commission of NSW are recovered from the Commission as they are incurred at cost. Current and non-current employee benefits are measured in accordance with AASB 119 and include recreation leave, long service leave, superannuation and related on-costs. Refer Note 7.

6 CURRENT LIABILITIES—PAYABLES

Current

| | | |
|--------------------------------------|------------|--------------|
| Accrued salaries, wages and on-costs | 529 | 2,937 |
| Total Current | 529 | 2,937 |

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables are disclosed in Note 12.

| | | |
|--|---------------|---------------|
| | 2016 | 2015 |
| | \$'000 | \$'000 |

7 CURRENT/NON CURRENT LIABILITIES—PROVISIONS

Current

Employee benefits and related on-costs

| | | |
|--|---------------|---------------|
| Annual leave | 6,299 | 6,734 |
| Annual leave taken after 12 months | 2,156 | 1,450 |
| Long service leave taken after 12 months | 15,787 | 12,497 |
| Long service leave | 1,754 | 1,389 |
| Provision for related on-costs | 4,080 | 4,692 |
| Total Current | 30,076 | 26,762 |

| | 2016 \$'000 | 2015 \$'000 |
|---|------------------------------|------------------------------|
| Non-Current | | |
| Employee benefits and related on-costs | | |
| Long service leave | 1,320 | 1,045 |
| Superannuation Liability (Refer Note 8) | 56,410 | 34,588 |
| Provision for related on-costs | 207 | 257 |
| Total Non-Current | 57,937 | 35,890 |
| Aggregate employee benefits and related on-costs | | |
| Provisions—current | 30,076 | 26,762 |
| Provisions—non-current | 57,937 | 35,890 |
| Accrued salaries, wages and on-costs (Note 6) | 529 | 2,937 |
| | 88,542 | 65,589 |

8 SUPERANNUATION FUND INFORMATION

The following information has been provided by the Scheme actuary:

| | SASS 30-Jun-16 | SANCS 30-Jun-16 | SSS 30-Jun-16 | TOTAL 30-Jun-16 |
|---|---------------------------------|----------------------------------|--------------------------------|----------------------------------|
| Member Numbers | | | | |
| Contributors | 55 | 71 | 16 | 142 |
| Deferred benefits | 0 | 0 | 4 | 4 |
| Pensioners | 0 | 0 | 60 | 60 |
| Pensions fully commuted | 0 | 0 | 13 | 13 |
| Superannuation Position for AASB 119 purposes | A\$ | A\$ | A\$ | A\$ |
| Accrued liability (Note 1) | 28,220,963 | 5,373,849 | 115,296,908 | 148,891,720 |
| Estimated reserve account balance | (28,282,329) | (6,361,492) | (57,837,646) | (92,481,467) |
| 1. Deficit/(surplus) | (61,366) | (987,643) | 57,459,262 | 56,410,253 |
| 2. Future Service Liability (Note 2) | 3,994,033 | 1,399,143 | 1,923,149 | 7,316,325 |
| 3. Surplus in excess of recovery available from schemes (- 1. - 2. and subject to a minimum of zero) | 0 | 0 | 0 | 0 |
| 4. Net (asset)/liability to be recognised in statement of financial position (1. + 3.) | (61,366) | (987,643) | 57,459,262 | 56,410,253 |

Note 1:

The accrued liability includes a contribution tax provision. This is calculated based on grossing up the deficit/(surplus) less the allowance for past service expenses and insurable death and disability liabilities at a contribution tax rate of 15%.

Note 2:

The Future Service Liability (FSL) does not have to be recognised by an employer. It is only used to determine if an asset ceiling limit should be imposed (AASB 119 para 64). Under AASB 119, any prepaid superannuation asset recognised cannot exceed the present value of any economic benefits that may be available in the form of refunds from the plan or reductions in future contributions to the plan. Where the "surplus in excess of recovery" is zero, no asset ceiling limit is imposed. (Note: this also includes a contribution tax provision).

Nature of the benefits provided by the fund

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- State Superannuation Scheme (SSS)

- Police Superannuation Scheme (PSS)
- State Authorities Non-contributory Superannuation Scheme (SANCS).

These schemes are all defined benefit schemes—at least a component of the final benefit is derived from a multiple of member salary and years of membership. Members receive lump sum or pension benefits on retirement, death, disablement and withdrawal. All the Schemes are closed to new members.

Description of the regulatory framework

The schemes in the Pooled Fund are established and governed by the following NSW legislation: Superannuation Act 1916, State Authorities Superannuation Act 1987, Police Regulation (Superannuation) Act 1906, State Authorities Non-Contributory Superannuation Act 1987, and their associated regulations.

The schemes in the Pooled Fund are exempt public sector superannuation schemes under the Commonwealth Superannuation Industry (Supervision) Act 1993 (SIS). The SIS Legislation treats exempt public sector superannuation funds as complying funds for concessional taxation and superannuation guarantee purposes.

Under a Heads of Government agreement, the New South Wales Government undertakes to ensure that the Pooled Fund will conform with the principles of the Commonwealth's retirement incomes policy relating to preservation, vesting and reporting to members and that members' benefits are adequately protected.

The New South Wales Government prudentially monitors and audits the Pooled Fund and the Trustee Board activities in a manner consistent with the prudential controls of the SIS legislation. These provisions are in addition to other legislative obligations on the Trustee Board and internal processes that monitor the Trustee Board's adherence to the principles of the Commonwealth's retirement incomes policy.

An actuarial investigation of the Pooled Fund is performed every three years. The last actuarial investigation was performed as at 30 June 2015. The next actuarial investigation will be performed at 30 June 2018

Description of other entities' responsibilities for the governance of the fund

The Fund's Trustee is responsible for the governance of the Fund. The Trustee has a legal obligation to act solely in the best interests of fund beneficiaries. The Trustee has the following roles:

- Administration of the fund and payment to the beneficiaries from fund assets when required in accordance with the fund rules;
- Management and investment of the fund assets; and
- Compliance with other applicable regulations.

Description of risks

There are a number of risks to which the Fund exposes the Employer. The more significant risks relating to the defined benefits are:

- Investment risk—The risk that investment returns will be lower than assumed and the Employer will need to increase contributions to offset this shortfall.
- Longevity risk—The risk that pensioners live longer than assumed, increasing future pensions.
- Pension indexation risk—The risk that pensions will increase at a rate greater than assumed, increasing future pensions.
- Salary growth risk—The risk that wages or salaries (on which future benefit amounts for active members will be based) will rise more rapidly than assumed, increasing defined benefit amounts and thereby requiring additional employer contributions.
- Legislative risk—The risk is that legislative changes could be made which increase the cost of providing the defined benefits.

The defined benefit fund assets are invested with independent fund managers and have a diversified asset mix. The Fund has no significant concentration of investment risk or liquidity risk.

Description of significant events

There were no fund amendments, curtailments or settlements during the year.

Reconciliation of the Net Defined Benefit Liability/(Asset)

| | SASS | SANCS | SSS | Total |
|--|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Net Defined Benefit Liability/(Asset) at start of year | (1,648,468) | (1,394,963) | 37,631,286 | 34,587,855 |
| Current service cost | 1,011,522 | 228,235 | 177,968 | 1,417,725 |
| Net Interest on the net defined benefit liability/(asset) | (61,943) | (44,876) | 1,134,771 | 1,027,952 |
| Past service cost | 0 | 0 | 0 | 0 |
| (Gains)/losses arising from settlements | 0 | 0 | 0 | 0 |
| Actual return on Fund assets less Interest income | (43,663) | (5,317) | (80,399) | (129,379) |
| Actuarial (gains)/losses arising from changes in demographic assumptions | 78,201 | (48,787) | 2,275,719 | 2,305,133 |
| Actuarial (gains)/losses arising from changes in financial assumptions | 1,272,694 | 355,241 | 16,519,281 | 18,147,216 |
| Actuarial (gains)/losses arising from liability experience | 121,986 | 95,001 | 160,856 | 377,843 |
| Adjustment for effect of asset ceiling | 0 | 0 | 0 | 0 |
| Employer contributions | (791,696) | (172,177) | (360,220) | (1,324,093) |
| Effects of transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Net Defined Benefit Liability/(Asset) at end of year | (61,367) | (987,643) | 57,459,262 | 56,410,252 |

Reconciliation of the Fair Value of Fund Assets

| | SASS | SANCS | SSS | Total |
|---|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Fair value of Fund assets at beginning of the year | 27,947,635 | 6,716,724 | 58,107,330 | 92,771,689 |
| Interest income | 825,038 | 198,737 | 1,725,420 | 2,749,195 |
| Actual return on Fund assets less Interest income | 43,663 | 5,317 | 80,399 | 129,379 |
| Employer contributions | 791,696 | 172,177 | 360,220 | 1,324,093 |
| Contributions by participants | 386,783 | 0 | 300,076 | 686,859 |
| Benefits paid | (1,572,943) | (678,222) | (2,782,107) | (5,033,272) |
| Taxes, premiums & expenses paid | (139,543) | (53,241) | 46,309 | (146,475) |
| Transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Contributions to accumulation section | 0 | 0 | 0 | 0 |
| Settlements | 0 | 0 | 0 | 0 |
| Exchange rate changes | 0 | 0 | 0 | 0 |
| Fair value of Fund assets at end of the year | 28,282,329 | 6,361,492 | 57,837,647 | 92,481,468 |

Reconciliation of the Defined Benefit Obligation

| | SASS | SANCS | SSS | Total |
|--|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Present value of defined benefit obligations at beginning of the year | 26,299,167 | 5,321,762 | 95,738,616 | 127,359,545 |
| Current service cost | 1,011,522 | 228,235 | 177,968 | 1,417,725 |
| Interest cost | 763,095 | 153,861 | 2,860,190 | 3,777,146 |
| Contributions by participants | 386,783 | 0 | 300,076 | 686,859 |
| Actuarial (gains)/losses arising from changes in demographic assumptions | 78,201 | (48,787) | 2,275,719 | 2,305,133 |
| Actuarial (gains)/losses arising from changes in financial assumptions | 1,272,694 | 355,241 | 16,519,281 | 18,147,216 |
| Actuarial (gains)/losses arising from liability experience | 121,986 | 95,001 | 160,856 | 377,843 |
| Benefits paid | (1,572,943) | (678,222) | (2,782,107) | (5,033,272) |
| Taxes, premiums & expenses paid | (139,543) | (53,241) | 46,309 | (146,475) |
| Transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Contributions to accumulation section | 0 | 0 | 0 | 0 |
| Past service cost | 0 | 0 | 0 | 0 |
| Settlements | 0 | 0 | 0 | 0 |
| Exchange rate changes | 0 | 0 | 0 | 0 |
| Present value of defined benefit obligations at end of the year | 28,220,962 | 5,373,850 | 115,296,908 | 148,891,720 |

Reconciliation of the effect of the Asset Ceiling

| | SASS | SANCS | SSS | Total |
|--|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Adjustment for effect of asset ceiling at beginning of the year | 0 | 0 | 0 | 0 |
| Interest on the effect of asset ceiling | 0 | 0 | 0 | 0 |
| Change in the effect of asset ceiling | 0 | 0 | 0 | 0 |
| Adjustment for effect of asset ceiling at end of the year | 0 | 0 | 0 | 0 |

The adjustment for the effect of asset ceiling has been determined based on the maximum economic benefit available to the entity in the form of reductions in future employer contributions.

Fair value of Fund assets

All Pooled Fund assets are invested by SAS Trustee Corporation (STC) at arm's length through independent fund managers, assets are not separately invested for each entity and it is not possible or appropriate to disaggregate and attribute fund assets to individual entities. As such, the disclosures below relate to total assets of the Pooled Fund.

As at 30 June 2016

| Asset category | Total (A\$'000) | Quoted prices | Significant | Unobservable |
|------------------------------|------------------------|---|--|---------------------------------|
| | | in active markets for identical assets Level 1 (A\$'000) | observable inputs Level 2 (A\$'000) | inputs Level 3 (A\$'000) |
| Short Term Securities | 2,050,414 | 2,044,454 | 5,960 | - |
| Australian Fixed Interest | 2,720,589 | 2,724 | 2,717,865 | - |
| International Fixed Interest | 834,374 | (1,358) | 835,731 | - |
| Australian Equities | 9,720,878 | 9,171,767 | 549,087 | 24 |
| International Equities | 12,093,667 | 9,026,207 | 2,078,766 | 988,694 |
| Property | 3,650,267 | 1,113,253 | 618,946 | 1,918,068 |
| Alternatives | 7,115,949 | 470,130 | 3,122,185 | 3,523,634 |
| Total[^] | 38,186,138 | 21,827,177 | 9,928,540 | 6,430,420 |

The percentage invested in each asset class at the reporting date is:

| As at | 30-Jun-16 |
|------------------------------|------------------|
| Short Term Securities | 5.4% |
| Australian Fixed Interest | 7.1% |
| International Fixed Interest | 2.2% |
| Australian Equities | 25.4% |
| International Equities | 31.7% |
| Property | 9.6% |
| Alternatives | 18.6% |
| Total | 100% |

[^]Additional to the assets disclosed above, at 30 June 2016 the Pooled Fund has provisions for receivables/(payables) estimated to be around \$2.83 billion. This gives total estimated assets of \$41.01 billion.

Level 1—quoted prices in active markets for identical assets or liabilities. The assets in this level are listed shares; listed unit trusts.

Level 2—inputs other than quoted prices observable for the asset or liability either directly or indirectly. The assets in this level are cash; notes; government, semi-government and corporate bonds; unlisted trusts where quoted prices are available in active markets for identical assets or liabilities.

Level 3—inputs for the asset or liability that are not based on observable market data. The assets in this level are unlisted property; unlisted shares; unlisted infrastructure; distressed debt; hedge funds.

Derivatives, including futures and options, can be used by investment managers. However, each manager's investment mandate clearly states that derivatives may only be used to facilitate efficient cashflow management or to hedge the portfolio against market movements and cannot be used for speculative purposes or gearing of the investment portfolio. As such managers make limited use of derivatives.

Fair value of entity's own financial instruments

The disclosures below relate to total assets of the Pooled Fund.

The fair value of the Pooled Fund assets as at 30 June 2016 include \$189.6 million in NSW government bonds.

Of the direct properties owned by the Pooled Fund:

- SAS Trustee Corporation occupies part of a property 100% owned by the Pooled Fund with a fair value of \$222 million (30 June 2015: \$159 million).
- Health Administration Corporation occupies part of a property 50% owned by the Pooled Fund with a fair value of \$243 million (30 June 2015: \$204 million).

Significant Actuarial Assumptions at the Reporting Date

| As at | 30-Jun-16 |
|---|--|
| Discount rate | 1.99% |
| Salary increase rate (excluding promotional increases) | 2.50% 2016/2017 to 2018/2019; 3.50% 2019/2020 and 2020/2021; 3.00% pa 2021/2022 to 2025/2026; 3.50% pa thereafter |
| Rate of CPI increase | 1.5% 2015/2016; 1.75% 2016/2017; 2.25% 2017/2018; 2.50% pa thereafter |
| Pensioner mortality | The pensioner mortality assumptions are as per the 2015 Actuarial Investigation of the Pooled Fund. These assumptions are disclosed in the actuarial investigation report available from the trustee's website. The report shows the pension mortality rates for each age. |

Sensitivity Analysis

The entity's total defined benefit obligation as at 30 June 2016 under several scenarios is presented below. The total defined benefit obligation disclosed is inclusive of the contribution tax provision which is calculated based on the asset level at 30 June 2016.

Scenarios A to F relate to sensitivity of the total defined benefit obligation to economic assumptions, and scenarios G and H relate to sensitivity to demographic assumptions.

| | Base Case | Scenario A -1.0% discount rate | Scenario B +1.0% discount rate |
|----------------------------------|-------------|--------------------------------------|--------------------------------------|
| Discount rate | 1.99% | 0.99% | 2.99% |
| Rate of CPI increase | as above | as above | as above |
| Salary inflation rate | as above | as above | as above |
| Defined benefit obligation (A\$) | 148,891,719 | 173,790,196 | 129,497,022 |

| | Base Case | Scenario C +0.5% rate of CPI increase | Scenario D -0.5% rate of CPI increase |
|----------------------------------|-------------|---|---|
| Discount rate | as above | as above | as above |
| Rate of CPI increase | as above | above rates plus 0.5% pa | above rates less 0.5% pa |
| Salary inflation rate | as above | as above | as above |
| Defined benefit obligation (A\$) | 148,891,719 | 159,029,423 | 139,840,873 |

| | Base Case | Scenario E +0.5% salary increase rate | Scenario F -0.5% salary increase rate |
|----------------------------------|-------------|---|---|
| Discount rate | as above | as above | as above |
| Rate of CPI increase | as above | as above | as above |
| Salary inflation rate | as above | above rates plus 0.5% pa | above rates less 0.5% pa |
| Defined benefit obligation (A\$) | 148,891,719 | 150,223,627 | 147,606,185 |

| | Base Case | Scenario G Higher Mortality* | Scenario H Lower Mortality** |
|----------------------------------|-------------|---------------------------------|---------------------------------|
| Defined benefit obligation (A\$) | 148,891,719 | 147,510,370 | 151,327,837 |

*Assumes the long term pensioner mortality improvement factors for years post 2021 also apply for years 2016 to 2021

**Assumes the short term pensioner mortality improvement factors for years 2016–2021 also apply for years after 2021

The defined benefit obligation has been recalculated by changing the assumptions as outlined above, whilst retaining all other assumptions.

Asset-Liability matching strategies

The Trustee monitors its asset-liability risk continuously in setting its investment strategy. It also monitors cashflows to manage liquidity requirements. No explicit asset-liability matching strategy is used by the Trustee.

Funding arrangements

Funding arrangements are reviewed at least every three years following the release of the triennial actuarial review and was last reviewed following completion of the triennial review as at 30 June 2015. Contribution rates are set after discussions between the employer, STC and NSW Treasury.

Funding positions are reviewed annually and funding arrangements may be adjusted as required after each annual review.

Surplus/deficit

The following is a summary of the 30 June 2016 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":

| | SASS | SANCS | SSS | Total |
|---------------------------------|------------------|------------------|------------------|------------------|
| | 30-Jun-16 | 30-Jun-16 | 30-Jun-16 | 30-Jun-16 |
| | A\$ | A\$ | A\$ | A\$ |
| Accrued benefits* | 24,381,310 | 4,449,441 | 51,830,477 | 80,661,228 |
| Net market value of Fund assets | (28,282,328) | (6,361,492) | (57,837,646) | (92,481,466) |
| <i>Net (surplus)/deficit</i> | (3,901,018) | (1,912,051) | (6,007,169) | (11,820,238) |

*There is no allowance for a contribution tax provision within the Accrued Benefits figure for AAS 25. Allowance for contributions tax is made when setting the contribution rates.

Contribution recommendations

Recommended contribution rates for the entity are:

| | SASS | SANCS | SSS |
|--|---|------------------------|---|
| | multiple of member contributions | % member salary | multiple of member contributions |
| | 1.9 | 2.50% | 1.6 |

Economic assumptions

The economic assumptions adopted for the 30 June 2015 actuarial investigation of the Pooled Fund are:

Weighted-Average Assumptions

| | |
|--|--|
| Expected rate of return on Fund assets backing current pension liabilities | 7.8% pa |
| Expected rate of return on Fund assets backing other liabilities | 6.8% pa |
| Expected salary increase rate (excluding promotional salary increases) | 3.0% to 30 June 2019 then 3.5% pa thereafter |
| Expected rate of CPI increase | 2.5% pa |

Expected contributions—Para 147(b)

| | SASS | SANCS | SSS | Total |
|---------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| | Financial Year to 30 June 2017 | Financial Year to 30 June 2017 | Financial Year to 30 June 2017 | Financial Year to 30 June 2017 |
| | A\$ | A\$ | A\$ | A\$ |
| Expected employer contributions | 734,888 | 195,645 | 480,122 | 1,410,655 |

Maturity profile of defined benefit obligation

The weighted average duration of the defined benefit obligation is 14.6 years.

Profit or Loss Impact

| | SASS | SANCS | SSS | Total |
|---|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Current service cost | 1,011,522 | 228,235 | 177,968 | 1,417,725 |
| Net interest | (61,943) | (44,876) | 1,134,771 | 1,027,952 |
| Past service cost | 0 | 0 | 0 | 0 |
| (Gains)/Loss on settlement | 0 | 0 | 0 | 0 |
| Profit or loss component of the Defined Benefit Cost | 949,579 | 183,359 | 1,312,739 | 2,445,677 |

Other Comprehensive Income

| | SASS | SANCS | SSS | Total |
|--|---|---|---|---|
| | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 | Financial Year to 30 June 2016 |
| | A\$ | A\$ | A\$ | A\$ |
| Actuarial (gains) losses on liabilities | 1,472,881 | 401,455 | 18,955,856 | 20,830,192 |
| Actual return on Fund assets less Interest income | (43,663) | (5,317) | (80,399) | (129,379) |
| Effects of transfers in/out due to business combinations and disposals | 0 | 0 | 0 | 0 |
| Change in the effect of asset ceiling | 0 | 0 | 0 | 0 |
| Total remeasurement in Other Comprehensive Income | 1,429,218 | 396,138 | 18,875,457 | 20,700,813 |

9 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income:

| | 2016 \$'000 | 2015 \$'000 |
|--|------------------------|------------------------|
| Net cash from operating activities | - | - |
| (Increase)/decrease in provisions | (4,660) | (2,483) |
| (Increase) /decrease in creditors | 2,408 | (626) |
| (Decrease) /increase in prepayments and other assets | 22,953 | 6,874 |
| Net Result | 20,701 | 3,765 |

10 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Agency has no contingent liabilities or assets at 30 June 2016 (2014-15: nil).

11 COMMITMENTS FOR EXPENDITURE

The Agency did not have any expenditure commitments in 2015-16 (2014-15: nil).

12 FINANCIAL INSTRUMENTS

The Agency's principal financial instruments are outlined below. These financial instruments arise directly from the Agency's operations or are required to finance the Agency's operations. The Agency does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

(a) Financial Instrument Categories

| | Note | Category | Carrying Amount 2016 \$'000 | Carrying Amount 2015 \$'000 |
|------------------------------|------|--|-----------------------------------|-----------------------------------|
| Financial Assets | | | | |
| Class | | | | |
| Receivables ¹ | 5 | Receivables (at amortised cost) | 529 | 2,937 |
| Financial Liabilities | | | | |
| Class | | | | |
| Payables ² | 6 | Financial Liabilities measured at amortised cost | 529 | 2,937 |

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB7)

(b) Credit Risk

Credit risk arises when there is the possibility of the Agency's debtors defaulting on their contractual obligations, resulting in a financial loss to the Agency. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance or impairment).

(c) Liquidity risk

Liquidity risk is the risk that the Agency will be unable to meet its payment obligations when they fall due. The Agency's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Agency did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the Agency's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities:

| | Nominal Amount ¹ | Non-Interest bearing | Maturity < 1 year |
|-------------------|-----------------------------|----------------------|-------------------|
| 2016 | | | |
| <i>Payables</i> | | | |
| Accounts payables | 529 | 529 | 529 |
| 2015 | | | |
| <i>Payables</i> | | | |
| Accounts payables | 2,937 | 2,937 | 2,937 |

¹ The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which Legal Aid can be required to pay. The tables includes principle cash flows therefore will not reconcile to the 'Statement of Financial Position'.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Agency's exposure to market risk is minimal. The Agency has no exposure to foreign currency risk and does not enter into commodity contracts.

Interest rate risk

The Agency does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. The Agency's exposure to interest rate risk is set out below.

| | | \$'000 | | 1% | |
|------------------------------|-----------------|---------------|---------------|---------------|---------------|
| | Carrying | Profit | Equity | Profit | Equity |
| | Amount | -1% | | | |
| 2016 | | | | | |
| <i>Financial assets</i> | | | | | |
| Receivables | 529 | (5) | (5) | 5 | 5 |
| <i>Financial liabilities</i> | | | | | |
| Payables | 529 | (5) | (5) | 5 | 5 |
| 2015 | | | | | |
| <i>Financial assets</i> | | | | | |
| Receivables | 2,937 | (29) | (29) | 29 | 29 |
| <i>Financial liabilities</i> | | | | | |
| Payables | 2,937 | (29) | (29) | 29 | 29 |

(e) Fair value measurement

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

13 AFTER BALANCE DATE EVENTS

No events have occurred subsequent to the reporting date, which will materially affect the financial statements.

END OF AUDITED FINANCIAL STATEMENTS

Other Information

1 PAYMENT PERFORMANCE

(a) Payment to Creditors

Legal Aid NSW processed 98.76% of invoices received within 30 days during 2015–2016 compared to 98.88% in 2014–2015.

| Period | 2015-16 | | 2014-15 | |
|----------------|----------------|-------------|----------------|-------------|
| | Invoices | % | Invoices | % |
| Within 30 days | 137,919 | 98.76% | 131,266 | 98.88% |
| Over 30 days | 1,725 | 1.24% | 1,487 | 1.12% |
| Total | 139,644 | 100% | 132,753 | 100% |

Accounts paid within 30 days by quarter is as follows

| Accounts Paid within 30 days by quarter | Target % | Achieved % | Amount paid within 30 days \$000 | Total Amount Paid \$000 |
|---|----------|------------|----------------------------------|-------------------------|
| September | 100.00 | 99.21% | 50,248 | 51,016 |
| December | 100.00 | 98.94% | 35,709 | 36,188 |
| March | 100.00 | 98.48% | 47,659 | 48,390 |
| June | 100.00 | 98.43% | 44,107 | 45,771 |

(b) Ageing of Creditors

Aged Creditors analysis at end of each quarter is as follows:

| Quarter | \$'000 Current | \$'000 < 30 Days | \$'000 31-60 Days | \$'000 61-90 Days | \$'000 > 90 Days |
|-----------|----------------|------------------|-------------------|-------------------|------------------|
| September | 624 | 3 | 1 | 0 | 0 |
| December | 610 | 1 | 6 | 0 | 0 |
| March | 1255 | 0 | 3 | 0 | 0 |
| June | 880 | 3 | 0 | 0 | 0 |

2 LEGAL AID FUND AND TRUST ACCOUNT

As required by the *Legal Aid Commission Act 1979*, Legal Aid NSW administers a Legal Aid Fund and a Trust Account. All monies received for or on behalf of legally aided clients is deposited into the Trust Account. All other monies are paid into the Legal Aid Fund.

Overseas visits

There were no overseas visits made by staff during the year.

Consultancies

Consultancies equal to or more than \$50,000

Legal Aid NSW engaged two consultants, whose individual cost was greater than \$50,000 during 2015–2016.

The total cost of these consultants was \$275,000

Consultancies less than \$50,000

Legal Aid NSW engaged eight consultants, whose individual cost was less than \$50,000 during 2015–2016.

The total cost of these consultancies was \$217,000

Charitable and deductible gifts

Recipient Institution

Legal Aid NSW is a Charitable Institution and a Deductible Gift Recipient institution under the *Income Tax Assessment Act 1997*. Gifts to Legal Aid NSW of monies or property with a value of \$2, or more, may be claimed by the donor as a tax deduction.

Unclaimed monies

Pursuant to Section 14 of the *Public Finance and Audit Act 1983*, all unclaimed monies are forwarded to the Treasury for credit to the Consolidated Fund and are available for refund from that account. No unclaimed amounts have been held in the accounts of Legal Aid NSW.

Risk management

Legal Aid NSW maintains insurance policies for, workers compensation, motor vehicles, miscellaneous property and public liability with the NSW Treasury Managed Fund. The 2015–2016 premium for worker's compensation insurance decreased by 32.4% to \$356,000 (2014–2015 \$527,000) whilst the premium for the other insurance types decreased by 3% to \$121,000 (2014–2015 \$125,000).

Motor vehicle claims

The number of motor vehicle claims in 2015–2016 was nine (17 in 2014–2015) which incurred a net cost of \$28,000 (\$48,659 in 2014–2015). The average number of vehicles in the Legal Aid NSW fleet in 2015–2016 was 71 (69 in 2014–2015) which results in an average claim cost per vehicle of \$395 compared to \$705 in 2014–2015.

The 2015–2016 deposit premium for motor vehicles was unchanged from 2014–2015 at \$39,039.

Workers compensation

Five workers compensation claims were lodged in 2015–2016.

Three of these were accepted, one claim was declined and one claim remained under investigation as at 30 June 2016.

The cost of new claims was \$8,800 compared to \$88,860 last year, a decrease of \$80,060 or 90.1%. This equates to an average claim cost of \$8.55 per staff member compared with \$93.95 per staff member in 2014–2015.

The number of accepted claims (includes claims accepted under provisional liability), decreased from 10 in 2014–2015 to five in this reporting period.

Of the accepted claims in this reporting period, there was one fall/slip and one body stress (e.g. Repetitive Strain Injury) claims amounting to \$5,597 or 63.6% of the total cost of claims.

One psychological injury claim was lodged, down from five last year. It was declined following investigation. The cost, including a factual investigation and medical examination, was \$2,580 or 29.3% of the total cost of claims for 2015–2016.

Investment performance

Legal Aid NSW is authorised under section 65 of the *Legal Aid Commission Act 1979* to invest funds that are not immediately required. The avenues of investment are restricted to any securities approved by the Treasurer on the recommendation of the Minister. Legal Aid NSW provides for its daily expenditure needs via an on-call bank account. Legal Aid NSW's current banker is the Westpac Banking Corporation. The average yield obtained from this account was 1.78% (3.01% in 2014–2015).

6 Appendices

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Appendix 1 Human resources information

Central Sydney/Regional

FTE staff as at 30 June 2016

| | |
|------------------------|-----------------|
| Central Sydney | 525.70 |
| Regional Offices | 503.25 |
| Total Staff FTE | 1,028.95 |

FTE staff as at 30 June 2016

| | |
|---------------------------|-----------------|
| CEO/SES | 10 |
| Legal Officers | 537.60 |
| Legal Admin Support Staff | 481.35 |
| Total staff FTE | 1,028.95 |

Number of actual staff by employment type

| | 2013-2014 | 2014-2015 | 2015-2016 |
|---------------------|------------|--------------|--------------|
| Ongoing Full Time | 585 | 675 | 807 |
| Ongoing Part-time | 165 | 184 | 87 |
| Temporary Full Time | 191 | 132 | 159 |
| Temporary Part-time | 44 | 42 | 39 |
| Contract SES | 4 | 6 | 10 |
| Non – SES | 0 | 0 | 0 |
| Casual | 5 | 7 | 14 |
| Other | 0 | 0 | 0 |
| Total | 994 | 1,046 | 1,116 |

Number of actual staff by type of work

| | Central Sydney | Regional | Total |
|----------------|----------------|------------|--------------|
| Lawyers | 241 | 345 | 586 |
| Administrative | 321 | 209 | 530 |
| Total | 562 | 554 | 1,116 |

Number of executive roles

| Band | Range (\$) | Average remuneration | | 2015 | | 2016 | |
|----------------------------------|-----------------------|----------------------|-----------|----------|----------|----------|----------|
| | | 2015 | 2016 | Female | Male | Female | Male |
| Band 3 (Chief Executive Officer) | \$313,051 – \$441,200 | \$343,183 | \$360,557 | 0 | 1 | 0 | 1 |
| Band 2 (Executive Director) | \$242,851 – \$313,050 | \$270,000 | \$276,750 | 0 | 1 | 0 | 1 |
| Band 1 (Director) | \$174,500 – \$248,850 | \$194,064 | \$204,935 | 6 | 3 | 7 | 4 |
| Total | | | | 6 | 5 | 7 | 6 |

NOTE

Public Service Commission Circular 2014-09 requires that all Senior Officers and Senior Executive Service Officers that are still to transition to the Public Sector Executive bands are to be included in the equivalent band. Legal Aid NSW has three Senior Officers still to transition.

Appendix 2 Workforce diversity groups

| Number of actual staff in different workforce diversity groups | 2013–2014 | 2014–2015 | 2015–2016 |
|--|------------|--------------|--------------|
| Men | 263 | 277 | 284 |
| Women | 731 | 769 | 832 |
| Aboriginal people | 45 | 48 | 57 |
| People from racial, ethnic, ethno–religious minority groups | 157 | 165 | 178 |
| People whose first language is not English | 65 | 80 | 104 |
| People with a disability | 35 | 36 | 54 |
| People with a disability requiring a work-related adjustment | 14 | 16 | 14 |
| Total | 994 | 1,046 | 1,116 |

Parliamentary annual report tables

Table 1: Trends in the representation of workforce diversity groups

| Workforce diversity Group | % Total staff | | | |
|---|-------------------------|------|------|------|
| | Benchmark or target (%) | 2014 | 2015 | 2016 |
| Women | 50 | 74.0 | 73.5 | 74.5 |
| Aboriginal people and Torres Strait Islanders | 2.6 | 5.7 | 4.6 | 5.1 |
| People whose first language spoken as a child was not English | 19.0 | 6.3 | 7.6 | 15.9 |
| People with a disability | N/A | 5.1 | 3.4 | 4.8 |
| People with a disability requiring a work-related adjustment | 1.5 | 1.7 | 1.5 | 1.2 |

Table 2: Trends in the distribution of workforce diversity groups

| Workforce diversity Group | Distribution index | | | |
|---|-------------------------|------|------|------|
| | Benchmark or target (%) | 2014 | 2015 | 2016 |
| Women | 100 | 89 | 90 | 89 |
| Aboriginal people and Torres Strait Islanders | 100 | 86 | 86 | 84 |
| People whose first language spoken as a child was not English | 100 | 96 | 95 | 94 |
| People with a disability | 100 | 102 | 104 | 104 |
| People with a disability requiring a work-related adjustment | 100 | N/A | N/A | N/A |

NOTES

Staff numbers as at 30 June 2016.

Excludes casual staff.

A Distribution Index of 100 indicates that the centre of the distribution of the EEO groups across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels.

The Distribution Index is not calculated where Workforce Diverse group or non-Workforce Diverse group numbers are less than 20.

Appendix 3 Learning and development

| | Legal Aid NSW staff | Private lawyers | Other (including not-for-profit) | Total |
|---|---------------------|-----------------|----------------------------------|--------------|
| Legal Aid NSW conferences | | | | |
| Civil Law Conferences | 142 | 2 | 0 | 144 |
| Criminal Law Conferences | 579 | 137 | 374 | 1,090 |
| Family Law Conferences | 490 | 107 | 201 | 798 |
| Total | 1,211 | 246 | 575 | 2,032 |
| Legal Aid NSW seminars | | | | |
| Generic CPD* | | | | |
| Face-to-face | 198 | 255 | 20 | 473 |
| Online | 60 | 4 | 8 | 72 |
| Civil Law CPD | | | | |
| Face-to-face | 191 | 18 | 0 | 209 |
| Online | 73 | 41 | 14 | 128 |
| Criminal Law CPD | | | | |
| Face-to-face | 37 | 0 | 0 | 37 |
| Online | 123 | 19 | 37 | 179 |
| Family Law CPD | | | | |
| Face-to-face | 184 | 80 | 103 | 367 |
| Online | 72 | 7 | 5 | 84 |
| Total | 938 | 424 | 187 | 1,549 |
| Legal Aid NSW training sessions | | | | |
| Business Skills | | | | |
| Face-to-face | 1,281 | 9 | 64 | 1,354 |
| Online | 456 | 2 | 4 | 462 |
| Customer Service | | | | |
| Face-to-face | 207 | 7 | 0 | 214 |
| Online | 124 | 2 | 2 | 128 |
| Health and Wellbeing | | | | |
| Face-to-face | 162 | 3 | 1 | 166 |
| Online | 176 | 0 | 0 | 176 |
| Leadership and Management | | | | |
| Face-to-face | 329 | 1 | 0 | 330 |
| Online | 0 | 0 | 0 | 0 |
| Team and Culture | | | | |
| Face-to-face | 60 | 6 | 1 | 67 |
| Online | 9 | 0 | 0 | 9 |
| Total | 2,804 | 30 | 72 | 2,906 |
| Lawyers attending Legal Aid NSW conferences seminars and training | | | | |
| Legal Aid NSW lawyers | | | | 2,783 |
| Private lawyers | | | | 700 |
| Total conferences, seminars and training (face-to-face and online) | | | | |
| Seminars and conferences (face-to-face) | | | | 3,118 |
| Training sessions (face-to-face) | | | | 2,131 |
| Online seminars and training | | | | 1,238 |
| Total | | | | 6,487 |

*CPD Continuing Professional Development

Appendix 4 Women's Domestic Violence Court Advocacy Program funding

As part of this program, we provided funding to 28 Women's Domestic Violence Court Advocacy Services (WDVCASs).

| WDVCAS | Service Provider | Component of LCP funding Included | Total Funding |
|---|---|-----------------------------------|-------------------|
| Blue Mountains | Blue Mountains Women's Health and Resource Centre | | 226,954 |
| Burwood | Burwood Community Welfare Services | | 286,590 |
| Central Coast | Central Coast Domestic Violence Court Advocacy Service | | 379,308 |
| Central West | Housing Plus | 123,907 | 348,873 |
| Far South Coast | Southern Women's Group | | 227,869 |
| Far West | Far West Community Legal Centre | 88,690 | 315,974 |
| Hunter | Hunter Women's Domestic Violence Court Service | | 471,181 |
| Hunter Valley | Carrie's Place Women's and Children's Services | | 319,298 |
| Illawarra | Wollongong Women's Information Service | | 370,321 |
| Macarthur | Macarthur Legal Centre | | 795,829 |
| Macquarie | Macquarie Legal Centre | 83,678 | 430,295 |
| Mid-North Coast | Mid-Coast Women's Domestic Violence Court Advocacy | | 284,864 |
| New England | Tamworth Family Support Service | | 236,789 |
| North Coast | Warrina Women and Children's Refuge Co-operative Society | | 395,411 |
| North West | Inverell Refuge Centre | | 211,022 |
| North West Sydney | Hawkesbury Nepean Community Legal Centre | | 51,814 |
| | Blacktown Women's and Girls Health Centre | | 316,415 |
| Northern Rivers | Northern Rivers Community Legal Centre | 135,128 | 564,095 |
| Northern Sydney | CatholicCare Broken Bay | | 333,272 |
| Riverina | Linking Communities Network Ltd | | 212,766 |
| South Coast | YWCA NSW | | 233,896 |
| South Eastern | Molonglo Women's and Children's Services | | 220,216 |
| South West Sydney | South West Sydney Legal Centre | 172,095 | 651,213 |
| Southern | Women's Centre for Health and Wellbeing (Albury-Wodonga) | | 206,160 |
| Southern Sydney | Sutherland Shire Family Services | | 455,015 |
| Sydney | Redfern Legal Centre | 140,007 | 650,332 |
| Wagga Wagga | Wagga Wagga Family Support Service | | 634,893 |
| Western | Dubbo Emergency Accommodation Project | | 379,496 |
| Western Sydney | Penrith Women's Health Centre | | 407,705 |
| WDVCAS NSW Chairperson | Macarthur Legal Centre (Jul-Dec 2015) | | 6,000 |
| | Blue Mountains Women's Health and Resource Centre (Jan-Jun 2016) | | 6,000 |
| Aboriginal Specialist Worker Chairperson | Dubbo Emergency Accommodation Project | | 3,000 |
| Multicultural Specialist Worker Chairperson | Molonglo Women's and Children's Services | | 3,000 |
| WDVCAS NSW | Women's Domestic Violence Court Advocacy Service NSW (peak representative body for WDVCASs) | | 109,737 |
| Total | | | 10,743,611 |

NOTES

In 2015-16, six WDVCASs received funding for Local Coordination Point (LCP) implementation as part of the NSW Government *It Stops Here Safer Pathway reforms*. This funding is provided by NSW Treasury through Women NSW.

In 2015-2016 \$304,000 was provided to WDVCASs to assist with the cost of wage increases associated with the Social and Community Services (SACS) Modern Award Equal Remuneration Order (ERO). This is not shown separately, it is included in the total funding.

Appendix 5 Community Legal Centres Program Funding

| Community Legal Centre | Commonwealth funding \$ | State funding \$ | Public Purpose Fund Funding \$ | Total payments \$ |
|--|-------------------------|------------------|--------------------------------|-------------------|
| Australian Centre for Disability Law | 329,439 | 44,190 | 79,747 | 453,376 |
| Central Coast Community Legal Centre | 474,693 | 40,246 | 161,105 | 676,044 |
| Community Legal Centres NSW | 463,862 | 315,814 | 82,500 | 862,176 |
| Court Support Scheme | 37,703 | 8,550 | 4,192 | 50,446 |
| Domestic Violence Advocacy Service | 0 | 494,537 | 0 | 494,537 |
| Elizabeth Evatt Community Legal Service | 273,857 | 201,170 | 89,518 | 564,545 |
| Environmental Defender's Office | 0 | 216,191 | 0 | 216,191 |
| Far West Community Legal Centre | 481,302 | 0 | 61,507 | 542,809 |
| Financial Rights Legal Centre | 371,443 | 148,722 | 0 | 520,165 |
| Hawkesbury/ Nepean Community Legal Centre | 352,284 | 144,451 | 127,018 | 623,753 |
| HIV/AIDS Legal Centre | 148,053 | 96,765 | 123,012 | 367,830 |
| Hume Riverina Community Legal Service | 75,000 | 0 | 69,077 | 144,077 |
| Hunter Community Legal Centre | 621,367 | 288,487 | 0 | 909,854 |
| Illawarra Legal Centre | 538,561 | 242,420 | 79,424 | 860,406 |
| Immigration Advice & Rights Centre | 211,517 | 274,103 | 0 | 485,620 |
| Inner City Legal Centre | 234,760 | 182,716 | 65,782 | 483,258 |
| Intellectual Disability Rights Service | 0 | 0 | 94,625 | 94,625 |
| Kingsford Legal Centre | 327,364 | 146,940 | 0 | 474,305 |
| Macarthur Legal Centre | 409,658 | 239,219 | 79,424 | 728,301 |
| Macquarie Legal Centre | 486,459 | 372,463 | 167,696 | 1,026,618 |
| Marrickville Legal Centre | 318,757 | 325,225 | 0 | 643,983 |
| Mid North Coast Community Legal Centre | 346,014 | 129,470 | 0 | 475,483 |
| Mt Druitt & Area Community Legal Centre | 491,066 | 19,832 | 0 | 510,898 |
| North & North West Community Legal Service | 394,676 | 19,935 | 94,625 | 509,236 |
| Northern Rivers Community Legal Centre | 530,791 | 57,016 | 132,125 | 719,932 |
| Public Interest Advocacy Centre | 150,392 | 138,687 | 0 | 289,079 |
| Redfern Legal Centre | 230,239 | 283,846 | 0 | 514,085 |
| Refugee Advice & Casework Service | 0 | 310,000 | 94,625 | 404,625 |
| Seniors Rights Service | 133,485 | 60,114 | 160,223 | 353,823 |
| Shoalcoast Community Legal Centre | 457,191 | 255,566 | 37,500 | 750,257 |
| South West Sydney Community Legal Centre | 446,559 | 267,879 | 0 | 714,438 |
| Tenants' Union of NSW | 84,752 | 138,355 | 0 | 223,107 |
| Welfare Rights Centre | 423,157 | 139,656 | 0 | 562,813 |
| Western NSW Community Legal Centre | 480,233 | 57,337 | 94,625 | 632,195 |
| Wirringa Baiya Aboriginal Women's Legal Centre | 0 | 530,352 | 94,625 | 624,977 |
| Women's Legal Service NSW | 785,367 | 366,280 | 0 | 1,151,647 |
| Grants for interpreter services | 0 | 48,030 | 0 | 48,030 |
| Total allocation | 11,109,998 | 6,604,567 | 1,992,978 | 19,707,543 |

NOTES

The above funding excludes funding provided to 22 CLCs in January 2015 for 18-month Care Partner arrangements under the 'Safe Home for Life' Reforms. An additional \$8,342.11 was also paid to CLCs in 2015-16 to attend Care and Protection training and conferences.

The Commonwealth funding excludes a direct payment of \$160,000 to Financial Rights Legal Centre for the Insurance Law Service.

The Commonwealth funding includes \$302,555 in project funding provided to CLCs for projects to implement administrative efficiencies. This was provided to Central Coast CLC, CLCNSW, Hawkesbury Nepean CLC, Inner City Legal Centre, Kingsford Legal Centre, Macquarie Legal Centre, Public Interest Advocacy Centre and Seniors Rights Service noting that one of the grants for Kingsford Legal Centre was for a joint project with Redfern Legal Centre and Inner City Legal Centre.

The State funding includes one-off grants of \$310,000 to Refugee

Advice and Casework Service.

Both State and Commonwealth funding includes the Social and Community Services Equal Remuneration Order supplementation.

The PPF funding includes allocations for the Children's Court Assistance Schemes run by four CLCs but does not include funding for the Environmental Defender's Office and Public Interest Advocacy Centre which is administered directly by the PPF (not included above).

The table excludes \$330,000 in funding from the NPA that is retained by Legal Aid NSW for program management and jurisdictional planning.

Appendix 6 Legal practice operational statistics

| Legal Aid NSW totals | 2013–2014 | 2014–2015 | % change from previous year | 2015–2016 | % change from previous year |
|---------------------------------------|------------------|----------------|-----------------------------|----------------|-----------------------------|
| Case Matters | | | | | |
| Applications Received | 44,715 | 44,205 | -1.1% | 46,253 | 4.6% |
| Applications Refused | 9,280 | 8,839 | -4.8% | 8,864 | 0.3% |
| Inhouse Grants | 11,138 | 11,231 | 0.8% | 11,837 | 5.4% |
| Assigned Grants | 24,634 | 24,106 | -2.1% | 25,294 | 4.9% |
| Total Case Grants | 35,772 | 35,337 | -1.2% | 37,131 | 5.1% |
| Grant Rate | 79.4% | 80.0% | 0.7% | 80.7% | 0.9% |
| Applications Determined | 45,052 | 44,176 | -1.9% | 45,995 | 4.1% |
| Applications Undetermined at year end | 1,011 | 1,116 | 10.4% | 1,278 | 14.5% |
| Grants Finalised | 24,006 | 54,717 | 127.9% | 35,691 | -34.8% |
| Current Grants on Hand at year end | 64,749 | 39,321 | -39.3% | 40,450 | 2.9% |
| Duty Services | | | | | |
| Inhouse Duty Services | 111,132 | 110,974 | -0.1% | 125,239 | 12.9% |
| Assigned Duty Services | 60,633 | 63,588 | 4.9% | 70,765 | 11.3% |
| Total Duty Services | 171,765 | 174,562 | 1.6% | 196,004 | 12.3% |
| Other Services | | | | | |
| Advice | 98,939 | 96,410 | -2.6% | 104,547 | 8.4% |
| Minor assistance | 41,790 | 53,986 | 29.2% | 42,872 | -20.6% |
| Information | 654,958 | 564,958 | -13.7% | 528,798 | -6.4% |
| Total Other Services | 795,687 | 715,354 | -10.1% | 676,217 | -5.5% |
| Total Client Services | 1,003,224 | 925,253 | -7.8% | 909,352 | -1.7% |

| Criminal Law Totals | 2013–2014 | 2014–2015 | % change from previous year | 2015–2016 | % change from previous year |
|---------------------------------------|----------------|----------------|-----------------------------|----------------|-----------------------------|
| Case Matters | | | | | |
| Applications Received | 25,432 | 24,782 | -2.6% | 26,359 | 6.4% |
| Applications Refused | 4,184 | 3,954 | -5.5% | 4,334 | 9.6% |
| Inhouse Grants | 8,194 | 7,730 | -5.7% | 8,334 | 7.8% |
| Assigned Grants | 13,015 | 13,019 | 0.0% | 13,689 | 5.1% |
| Total Case Grants | 21,209 | 20,749 | -2.2% | 22,023 | 6.1% |
| Grant Rate | 83.5% | 84.0% | 0.6% | 83.6% | -0.5% |
| Applications Determined | 25,393 | 24,703 | -2.7% | 26,357 | 6.7% |
| Applications Undetermined at year end | 384 | 502 | 30.7% | 595 | 18.5% |
| Grants Finalised | 16,207 | 30,578 | 88.7% | 20,848 | -31.8% |
| Current Grants on Hand at year end | 29,275 | 15,812 | -46.0% | 16,795 | 6.2% |
| Duty Services | | | | | |
| Inhouse Duty Services | 101,343 | 102,001 | 0.6% | 115,246 | 13.0% |
| Assigned Duty Services | 47,332 | 48,124 | 1.7% | 55,654 | 15.6% |
| Total Duty Services | 148,675 | 150,125 | 1.0% | 170,900 | 13.8% |
| Other Services | | | | | |
| Advice | 28,408 | 27,080 | -4.7% | 30,733 | 13.5% |
| Minor assistance | 4,246 | 4,569 | 7.6% | 6,583 | 44.1% |
| Information | 317,938 | 262,063 | -17.6% | 244,858 | -6.6% |
| Total Other Services | 350,592 | 293,712 | -16.2% | 282,174 | -3.9% |
| Total Client Services | 520,476 | 464,586 | -10.7% | 475,097 | 2.3% |

| Family Law totals | 2013–2014 | 2014–2015 | % change from previous year | 2015–2016 | % change from previous year |
|---------------------------------------|------------------|------------------|------------------------------------|------------------|------------------------------------|
| Case Matters | | | | | |
| Applications Received | 17,251 | 17,295 | 0.3% | 17,953 | 3.8% |
| Applications Refused | 4,209 | 4,072 | -3.3% | 3,801 | -6.7% |
| Inhouse Grants | 2,219 | 2,798 | 26.1% | 2,845 | 1.7% |
| Assigned Grants | 11,101 | 10,469 | -5.7% | 11,057 | 5.6% |
| Total Case Grants | 13,320 | 13,267 | -0.4% | 13,902 | 4.8% |
| Grant Rate | 76.0% | 76.5% | 0.7% | 78.5% | 2.6% |
| Applications Determined | 17,529 | 17,339 | -1.1% | 17,703 | 2.1% |
| Applications Undetermined at year end | 582 | 572 | -1.7% | 629 | 10.0% |
| Grants Finalised | 6,711 | 21,546 | 221.1% | 13,591 | -36.9% |
| Current Grants on Hand at year end | 32,034 | 21,524 | -32.8% | 21,691 | 0.8% |
| Duty Services | | | | | |
| Inhouse Duty Services | 7,096 | 6,652 | -6.3% | 7,263 | 9.2% |
| Assigned Duty Services | 2,268 | 2,772 | 22.2% | 2,885 | 4.1% |
| Total Duty Services | 9,364 | 9,424 | 0.6% | 10,148 | 7.7% |
| Other Services | | | | | |
| Advice | 30,133 | 28,253 | -6.2% | 30,447 | 7.8% |
| Minor assistance | 16,927 | 20,981 | 23.9% | 11,131 | -46.9% |
| Information | 141,814 | 128,360 | -9.5% | 124,093 | -3.3% |
| Total Other Services | 188,874 | 177,594 | -6.0% | 165,671 | -6.7% |
| Total Client Services | 211,558 | 200,285 | -5.3% | 189,721 | -5.3% |
| Civil Law totals | 2013–2014 | 2014–2015 | % change from previous year | 2015–2016 | % change from previous year |
| Case Matters | | | | | |
| Applications Received | 2,032 | 2,128 | 4.7% | 1,941 | -8.8% |
| Applications Refused | 887 | 813 | -8.3% | 729 | -10.3% |
| Inhouse Grants | 725 | 703 | -3.0% | 658 | -6.4% |
| Assigned Grants | 518 | 618 | 19.3% | 548 | -11.3% |
| Total Case Grants | 1,243 | 1,321 | 6.3% | 1,206 | -8.7% |
| Grant Rate | 58.4% | 61.9% | 6.1% | 62.3% | 0.7% |
| Applications Determined | 2,130 | 2,134 | 0.2% | 1,935 | -9.3% |
| Applications Undetermined at year end | 45 | 42 | -6.7% | 54 | 28.6% |
| Grants Finalised | 1,088 | 2,593 | 138.3% | 1,252 | -51.7% |
| Current Grants on Hand at year end | 3,440 | 1,985 | -42.3% | 1,964 | -1.1% |
| Duty Services | | | | | |
| Inhouse Duty Services | 2,693 | 2,321 | -13.8% | 2,730 | 17.6% |
| Assigned Duty Services | 11,033 | 12,692 | 15.0% | 12,226 | -3.7% |
| Total Duty Services | 13,726 | 15,013 | 9.4% | 14,956 | -0.4% |
| Other Services | | | | | |
| Advice | 40,398 | 41,077 | 1.7% | 43,367 | 5.6% |
| Minor assistance | 20,617 | 28,436 | 37.9% | 25,158 | -11.5% |
| Information | 195,206 | 174,535 | -10.6% | 159,847 | -8.4% |
| Total Other Services | 256,221 | 244,048 | -4.8% | 228,372 | -6.4% |
| Total Client Services | 271,190 | 260,382 | -4.0% | 244,534 | -6.1% |

| Commonwealth and State allocation of Legal Aid Services | State Matter | State Matter % | Commonwealth Matter | Commonwealth Matter % | Total |
|--|---------------------|-----------------------|--------------------------------|----------------------------------|----------------|
| Family Law | | | | | |
| Grants | 5,421 | 39.0% | 8,481 | 61.0% | 13,902 |
| Duty Appearances | 4,701 | 46.3% | 5,447 | 53.7% | 10,148 |
| Advice | 2,886 | 9.5% | 27,561 | 90.5% | 30,447 |
| Minor assistance | 1,530 | 13.7% | 9,601 | 86.3% | 11,131 |
| Information Services | 15,999 | 12.9% | 108,094 | 87.1% | 124,093 |
| Total | 30,537 | 16.1% | 159,184 | 83.9% | 189,721 |
| Criminal Law | | | | | |
| Grants | 21,682 | 98.5% | 341 | 1.5% | 22,023 |
| Duty Services | 167,989 | 98.3% | 2,911 | 1.7% | 170,900 |
| Advice | 30,359 | 98.8% | 374 | 1.2% | 30,733 |
| Minor assistance | 6,570 | 99.8% | 13 | 0.2% | 6,583 |
| Information Services | 224,507 | 91.7% | 20,351 | 8.3% | 244,858 |
| Total | 451,107 | 95.0% | 23,990 | 5.0% | 475,097 |
| Civil Law | | | | | |
| Grants | 1,009 | 83.7% | 197 | 16.3% | 1,206 |
| Duty Services | 14,895 | 99.6% | 61 | 0.4% | 14,956 |
| Advice | 28,979 | 66.8% | 14,388 | 33.2% | 43,367 |
| Minor assistance | 16,355 | 65.0% | 8,803 | 35.0% | 25,158 |
| Information Services | 121,088 | 75.8% | 38,759 | 24.2% | 159,847 |
| Total | 182,326 | 74.6% | 62,208 | 25.4% | 244,534 |
| Legal Aid NSW Total | | | | | |
| Grants | 28,112 | 75.7% | 9,019 | 24.3% | 37,131 |
| Duty Services | 187,585 | 95.7% | 8,419 | 4.3% | 196,004 |
| Advice | 62,224 | 59.5% | 42,323 | 40.5% | 104,547 |
| Minor assistance | 24,455 | 57.0% | 18,417 | 43.0% | 42,872 |
| Information Services | 361,594 | 68.4% | 167,204 | 31.6% | 528,798 |
| Total | 663,970 | 73.0% | 245,382 | 27.0% | 909,352 |

| Inhouse and private lawyer allocations of legal work | Inhouse lawyer | Inhouse lawyer % | Private lawyer | Private lawyer % | Total |
|---|-----------------------|-------------------------|-----------------------|-------------------------|----------------|
| Family Law | | | | | |
| Duty Services | 7,263 | 71.6% | 2,885 | 28.4% | 10,148 |
| Grants of Legal Aid | 2,845 | 20.5% | 11,057 | 79.5% | 13,902 |
| Total | 10,108 | 42.0% | 13,942 | 58.0% | 24,050 |
| Criminal Law | | | | | |
| Duty Services | 115,246 | 67.4% | 55,654 | 32.6% | 170,900 |
| Grants of Legal Aid | 8,334 | 37.8% | 13,689 | 62.2% | 22,023 |
| Total | 123,580 | 64.1% | 69,343 | 35.9% | 192,923 |
| Civil Law | | | | | |
| Duty Services | 2,730 | 18.3% | 12,226 | 81.7% | 14,956 |
| Grants of Legal Aid | 658 | 54.6% | 548 | 45.4% | 1,206 |
| Total | 3,388 | 21.0% | 12,774 | 79.0% | 16,162 |
| Legal Aid NSW Total | | | | | |
| Duty Services | 125,239 | 63.9% | 70,765 | 36.1% | 196,004 |
| Grants of Legal Aid | 11,837 | 31.9% | 25,294 | 68.1% | 37,131 |
| Total | 137,076 | 58.8% | 96,059 | 41.2% | 233,135 |

| Community Legal Education | 2013–2014 | 2014–2015 | % change from previous year | 2015–2016 | % change from previous year |
|----------------------------------|------------------|------------------|------------------------------------|------------------|------------------------------------|
| Criminal Law | 785 | 913 | 16.3% | 715 | -21.7% |
| Family Law | 1,084 | 843 | -22.2% | 575 | -31.8% |
| Civil Law | 1,291 | 1,219 | -5.6% | 953 | -21.8% |
| Total | 3,160 | 2,975 | -5.9% | 2,243 | -24.6% |

| Family Dispute Resolution - Family Law | 2013–2014 | 2014–2015 | % change from previous year | 2015–2016 | % change from previous year |
|---|------------------|------------------|------------------------------------|------------------|------------------------------------|
| Number of conferences | 2,726 | 2,676 | -1.8% | 2,796 | 4.5% |
| Agreements reached | 2,173 | 2,137 | -1.7% | 2,196 | 2.8% |
| Agreement rate | 79.7% | 79.9% | 0.2% | 78.5% | -1.6% |

Appendix 7 Law reform submissions

In 2015–2016, Legal Aid NSW made 32 law reform submissions to a range of government and non-government bodies about issues that impact upon our clients and our organisation.

Criminal law submissions

- Review of Implementation and Operation of Police Issued ADVOs (NSW Department of Justice) July 2015
- Statutory Review of the *Terrorism (Police Powers) Act 2002* (NSW) (NSW Department of Justice) July 2015
- Children (Detention Centre) Regulation 2015 (NSW) (NSW Department of Justice) August 2015
- Children's champions and pre-recording of evidence (NSW Department of Justice) August 2015
- The operation of section 102 of the *Crimes (Appeal and Review) Act 2001* (NSW) (NSW Wood Review) August 2015
- Inquiry into security classification and management of inmates sentenced to life imprisonment (Legislative Council Standing Committee on Law and Justice) October 2015
- Statutory Review of intensive correction orders (NSW Sentencing Council) December 2015
- Statutory Review of the summary proceedings court costs levy (NSW Department of Justice) December 2015
- Statutory Review of the *Crimes (High Risk Offenders) Act 2006* (NSW) (NSW Department of Justice) February 2016
- Reforms to the *Mental Health (Forensic Provisions) Act 1900* (NSW) (NSW Department of Justice) April 2016

Civil law submissions

- Reform of strata scheme laws in NSW (NSW Fair Trading) August 2015
- Review of Small Amount Credit Contract Laws (NSW Treasury) October 2015
- Workplace Relations Framework (Productivity Commission) October 2015
- Inquiry into elder abuse (Legislative Council General Purpose Standing Committee No.2) November 2015
- Aboriginal Women Leaving Custody: Report into Barriers to Housing (Legal Aid NSW Report) 2016
- Residential Tenancies Act Review (NSW Treasury) January 2016
- Willing to Work Inquiry (Australian Human Rights Commission) January 2016
- Life Insurance Code of Practice (Financial Services Council) February 2016
- Review of Small Amount Credit Contract Laws Interim Report (NSW Fair Trading) February 2016
- *Review of Guardianship Act 1987* (NSW) (NSW Law Reform Commission) March 2016
- Reparations for the Stolen Generation in New South Wales (Legislative Council General Purpose Standing Committee No.3) October 2015, March 2016, April 2016
- Senate Inquiry into Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia (Senate Community Affairs References Committee) April 2016

Civil law submissions cont.

- Review (Consumer Affairs Australia and New Zealand) May 2016
- Institutional Responses to Child Sexual Abuse in Out-of-Home Care (Royal Commission into Institutional Responses to Child Sexual Abuse) May 2016
- Review of Small Amount Credit Contract Laws Final Report (NSW Treasury) May 2016
- Statutory Review of Local Government Rating System (Independent Pricing and Regulatory Tribunal) May 2016

Family law submissions

- Families with complex needs and the intersection of the family law and child protection systems (Family Law Council Terms of Reference 3-5) October 2015

General law submissions

- Inquiry into service coordination in communities with high social needs (Legislative Council Standing Committee on Social Issues) July 2015
- Traditional rights and freedoms (Australian Law Reform Commission) September 2015
- Receipting of Trust Monies (Legal Services Council) June 2016

Appendix 8 Right to Information

Obligations under the *Government Information (Public Access) Act 2009* (GIPA Act)

1. Review of proactive release program – Clause 7(a)

Under Section 7(3) of the GIPA Act, agencies must review their programs for the release of government information to identify the kinds of information that can be made publically available. This review must be undertaken at least once every 12 months.

Our agency's program for the proactive release of information involves providing information on the Legal Aid NSW website. During the reporting period, we uploaded additional documents to the site and will continue to update the site regularly.

2. Number of access applications received – Clause 7(b)

During the reporting period, our agency received a total of 19 formal access applications (including withdrawn applications but not invalid applications).

3. Number of refused applications for Schedule 1 information – Clause 7(c)

During the reporting period, our agency refused a total of 3 formal access applications (either wholly or partly) because the information requested was information referred to in Schedule 1 to the GIPA Act.

4. Statistical information about access applications – Clause 7(d) and Schedule 2

Table A: Number of applications by type of applicant and outcome*

| | Access granted in full | Access granted in part | Access refused in full | Information not held | Information already available | Refuse to deal with application | Refuse to confirm/deny whether information is held | Application withdrawn |
|--|------------------------|------------------------|------------------------|----------------------|-------------------------------|---------------------------------|--|-----------------------|
| Media | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Members of Parliament | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Private sector business | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Not for profit organisations or community groups | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Members of the public (by legal representative) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Members of the public (other) | 11 | 3 | 1 | 0 | 0 | 3 | 0 | 0 |

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome

| | Access granted in full | Access granted in part | Access refused in full | Information not held | Information already available | Refuse to deal with application | Refuse to confirm/deny whether information is held | Application withdrawn |
|--|------------------------|------------------------|------------------------|----------------------|-------------------------------|---------------------------------|--|-----------------------|
| Personal information applications* | 8 | 2 | 1 | 0 | 0 | 2 | 0 | 0 |
| Access applications (other than personal information applications) | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Access applications that are partly personal information applications and partly other | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |

* A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

| Reason for invalidity | No of applications |
|---|--------------------|
| Application does not comply with formal requirements (section 41 of the Act) | 4 |
| Application is for excluded information of the agency (section 43 of the Act) | 0 |
| Application contravenes restraint order (section 110 of the Act) | 0 |
| Total number of invalid applications received | 4 |
| Invalid applications that subsequently became valid applications | 3 |

| Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act | Number of times consideration used* |
|--|--|
| Overriding secrecy laws | 0 |
| Cabinet information | 0 |
| Executive Council information | 0 |
| Contempt | 0 |
| Legal professional privilege | 2 |
| Excluded information | 0 |
| Documents affecting law enforcement and public safety | 0 |
| Transport safety | 0 |
| Adoption | 0 |
| Care and protection of children | 0 |
| Ministerial code of conduct | 1 |
| Aboriginal and environmental heritage | 0 |

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

| Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act | Number of occasions when application not successful |
|---|--|
| Responsible and effective government | 2 |
| Law enforcement and security | 0 |
| Individual rights, judicial processes and natural justice | 3 |
| Business interests of agencies and other persons | 2 |
| Environment, culture, economy and general matters | 0 |
| Secrecy provisions | 1 |
| Exempt documents under interstate Freedom of Information legislation | 0 |

| Table F: Timeliness | Number of applications |
|--|-------------------------------|
| Decided within the statutory timeframe (20 days plus any extensions) | 12 |
| Decided after 35 days (by agreement with applicant) | 1 |
| Not decided within time (deemed refusal) | 6 |
| Total | 19 |

| TABLE G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome) | Decision varied | Decision upheld | Total |
|---|------------------------|------------------------|--------------|
| Internal review | 0 | 0 | 0 |
| Review by Information Commissioner* | 1 | 2 | 3 |
| Internal review following recommendation under section 93 of Act | 1 | 0 | 1 |
| Review by NCAT | 0 | 1 | 1 |
| Total | 2 | 3 | 5 |

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

| Table H: Applications for review under Part 5 of the Act (by type of applicant) | Number of applications for review |
|---|--|
| Applications by access applicants | 5 |
| Applications by persons to whom information the subject of access application relates (see section 54 of the Act) | 0 |

| Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer) | Number of applications transferred |
|--|---|
| Agency-initiated transfers | 0 |
| Applicant-initiated transfers | 0 |

Appendix 9 *Diversity Action Plan 2015–2016*

The *Diversity Action Plan 2015–2016* is an inclusive plan that targets a broad range of people including people from multicultural backgrounds, people with disability, younger people, older people, women, people of diverse genders, sexes and sexualities, and people living in rural and regional areas. The plan was developed against the four objectives of the *Legal Aid NSW Plan*.

Multicultural matters and disability-related matters are subject to mandatory reporting. The reporting below follows requirements in the Multicultural NSW Multicultural Policies and Services Program (MPSP) Multicultural Framework and Disability Inclusion Action Plan Guidelines. Actions that are not from the *Diversity Action Plan 2015–2016* for multicultural and disability achievements are noted with an*.

| Multicultural | |
|---|--|
| These achievements are reported against the activity areas of the MPSP | |
| Activity areas | What we achieved |
| Planning and evaluation | <ul style="list-style-type: none"> Conducted an audit and made recommendations on ways Legal Aid NSW engages with tertiary institutions and students with English language difficulties. Contributed to the review of Multicultural NSW's Multicultural Policies and Services Program.* |
| Capacity building and resourcing | <ul style="list-style-type: none"> Produced an e-learning module on cultural awareness for enhanced client service and individual development. Conducted two training sessions on clear written communication. Introduced cultural awareness training for the staff induction program for 2016–2017.* |
| Programs and services | <ul style="list-style-type: none"> Delivered 317 face-to-face community legal education workshops for multicultural workers and multicultural clients.* Translated publications on a range of topics into 25 community languages.* Produced four radio advertisements in collaboration with The Senior Rights Service to educate Arabic, Croatian, Serbian and Macedonian speaking elderly people on the dangers of borrowing money against their home for the benefit of their children. Developed publications in easy English on domestic violence, family law and police powers and on laws relating to forced marriage. |
| Building potential through partnerships | <ul style="list-style-type: none"> Conducted five training sessions for NAATI accredited interpreters on basic legal terminology. Provided support to a research project conducted by UNSW on interactions between lawyers and interpreters.* |
| Disability | |
| These achievements are reported against the key outcome areas under the Family and Community Services' Disability Inclusion Action Plan Guidelines | |
| Activity areas | What we achieved |
| Attitudes and behaviours | <ul style="list-style-type: none"> Established and publicised the work of the Legal Aid NSW Staff Disability Network to improve workplace outcomes for staff with disability. Developed and implemented a content management policy to ensure best practice in and compliance with accessibility requirements. Included Legal Aid NSW diversity and inclusion principles and practices in panel lawyer application documents and the training module for panel lawyer selection committees. |
| Liveable communities | <ul style="list-style-type: none"> Conducted training on deafness awareness and basic Auslan. Developed two new video resources in Auslan on family law topics in collaboration with the Deaf Society of NSW Introduced disability awareness training in the staff induction program for 2016–2017.* Conducted five training sessions on working effectively with the National Relay Service. Updated the Client Services Security Strategy to include information about clients with disability. |

| | |
|-----------------------|--|
| Employment | <ul style="list-style-type: none"> • Developed and implemented a mentoring program for staff with disability. • Developed a 'reasonable adjustment pass' to record approved reasonable adjustments for staff to use across the organisation. • Developed a workforce strategy for the recruitment, employment and retention of people with disability. • Implemented the Stepping Into program for two internships in legal service. • Implemented the PACE program to assist career opportunities for students and job seekers with disability.* |
| Systems and processes | <ul style="list-style-type: none"> • Developed a framework to improve the skills and knowledge of staff who work with clients with mental illness so clients can receive legal services that meet their needs. • Developed administrative guidelines for the mentoring placement program for jobseekers with disability. • Developed an online legal aid application to improve accessibility to legal aid. • Amended forms and key client databases to collect disability data, and trained staff.* • Conducted an audit on accessibility of Legal Aid NSW intranet pages. |

Other actions

Reported against Legal Aid NSW Plan objectives

Activity areas

What we achieved

| | |
|---|--|
| To promote access to justice through early intervention and prevention and better targeting of legal assistance to disadvantaged people | <ul style="list-style-type: none"> • Published a brochure on laws relating to forced marriage. • Rolled out the new Best for Kids resources at seven locations across NSW and by webinar. |
| To pursue excellence, innovation and efficiency in legal service delivery | <ul style="list-style-type: none"> • Reviewed the performance of teleconferencing facilities to improve communication for staff in regional offices. • Evaluated the Putting <i>The X in sexy</i> text project to help young people and their families |
| To support and develop our people and improve our systems to meet organisational goals | <ul style="list-style-type: none"> • Dedicated the August 2015 edition of the Legal Aid NSW newsletter Verbals to diversity. • Introduced equity impact considerations in drafting new finance policies. |
| To build strong, effective service partnerships to respond to the legal and non-legal needs of our clients | <ul style="list-style-type: none"> • Developed a strategy to promote law webinars to rural and remote areas in line with the National Broadband Network rollouts. • Conducted law check-up training for Women's Domestic Violence Court Advocacy Services. |

NOTE

The actions reported above are from the *Diversity Action Plan 2015–2016* where those actions are not attributable to mandatory multicultural and disability reporting. More information is on page 33.

Appendix 10 Private law firm expenditure

Expenditure across the private law firms which received the highest aggregate payments for legal aid services 2015–2016.

| | Firm Name | Case payments \$ | Number of case files on which payments made | Duty payments \$ | Number of duty services provided | Total amount paid* \$ |
|----|--|-------------------------|--|-------------------------|---|------------------------------|
| 1 | Archbold Legal Solutions | 1,050,660 | 72 | | | 1,050,660 |
| 2 | Bannisters Lawyers | 980,647 | 95 | | | 980,647 |
| 3 | Hadden Kemp Solicitors Pty Ltd | 856,024 | 475 | 89,231 | 608 | 945,255 |
| 4 | George Sten & Co | 801,112 | 74 | | | 801,112 |
| 5 | Blair Criminal Lawyers Pty Limited | 744,765 | 174 | | | 744,765 |
| 6 | Scott Murrell Lawyers | 669,550 | 224 | 48,158 | 475 | 717,708 |
| 7 | Tim Mara Solicitor with Rafton Family Lawyers Parramatta | 684,839 | 349 | 20,688 | 72 | 705,527 |
| 8 | Matouk Joyner Lawyers | 638,887 | 71 | | | 638,887 |
| 9 | Blue Water Legal | 608,459 | 173 | 29,288 | 242 | 637,747 |
| 10 | Sydney Criminal & Traffic Lawyers | 599,721 | 62 | 1,275 | 16 | 600,996 |
| 11 | Zahr & Zahr Lawyers | 600,313 | 37 | | | 600,313 |
| 12 | O'Brien Winter Partners Pty Ltd | 461,315 | 261 | 135,638 | 1,219 | 596,952 |
| 13 | Oxford Lawyers Pty Ltd | 580,921 | 120 | | | 580,921 |
| 14 | Sydney Criminal Lawyers | 550,445 | 71 | 300 | 1 | 550,745 |
| 15 | Hallak Lawyers | 550,274 | 30 | | | 550,274 |
| 16 | O'Brien Solicitors | 501,445 | 130 | 47,550 | 467 | 548,995 |
| 17 | Verekers Wollongong Lawyers | 500,340 | 184 | 4,800 | 21 | 505,140 |
| 18 | Ramsland Graham Solicitors | 473,243 | 108 | 28,913 | 344 | 502,155 |
| 19 | Phillip Ryan | 405,712 | 105 | 86,088 | 765 | 491,799 |
| 20 | Randall Legal | 473,808 | 111 | 17,625 | 224 | 491,433 |

NOTE

Individual cases vary in duration and complexity and individual firms vary in size and capacity to undertake legal aid services.

*These figures include disbursements as well as legal costs. Disbursements can include counsel's fees and expert reports.

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Note: Entries in bold are reported in accordance with the Annual Reports (Departments) Regulation 2015, Annual Reports (Statutory Bodies) Regulation 2015 and the Commonwealth, State, and Territory Disability Agreement.

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