

Legal Aid NSW

Annual Report 2016–2017

A NEW WAY TO KEEP CHILDREN
AND FAMILIES SAFER



Who we are

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 Mark Speakman SC, 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.

What we do

We provide legal services across New South Wales, through a state-wide network of 24 offices and 221 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.

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) Limited and pro bono legal services. Our community partnerships include the Cooperative Legal Service Delivery Program and the Women's Domestic Violence Court Advocacy Services, whose funding we administer.

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 purpose and values

We are committed to helping people to understand and protect their legal rights. We do this through advice, advocacy, representation and education, focusing on disadvantaged people and communities.

We are committed to providing an expert service; being inclusive and respectful and making a difference—in line with the New South Wales public service values of integrity, trust, service and accountability. These values are reflected in our Code of Conduct and govern the way we do our business.

Our *Client Service Strategy 2016-2020* supports a client-centred approach to service delivery. It puts clients at the centre of everything we do and makes sure that every decision we make considers the impact it will have on our clients.

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.

Cover photo: Partners in a new approach to keeping children and families safer, gather on the steps of the Family Court in Sydney. The new trauma-informed service in the family law court registries provides clients affected by family violence with integrated legal and social support services. Services are provided by Legal Aid NSW family lawyers, specialist domestic violence services and Relationships Australia. More information appears on page 22.

CONTENTS

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 2016–2017*. The four key objectives of the plan are to:

- promote access to justice through early intervention and prevention and better targeting of legal assistance to disadvantaged people.
- pursue excellence, innovation and efficiency in legal service delivery.
- support and develop our people and improve our systems to meet organisational goals.
- 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 tenth Gold Award.

This is our thirty-eighth annual report. This, and earlier annual reports, are available on the Legal Aid NSW website in PDF format and easy-to-navigate HTML format. They can be found on our website: www.legalaid.nsw.gov.au > *Publications*

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

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The Hon Mark Speakman SC, MP
Attorney General
52 Martin Place
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 2017. 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

Brendan Thomas
Chief Executive Officer
October 2017

Chair's report



On behalf of the Board I am pleased to introduce the 2016–2017 Annual Report.

It is my continuing privilege to chair the Board of such a committed and dynamic organisation.

The Board is responsible for establishing the broad policies and strategic plans of Legal Aid NSW. The members of the Board bring a diverse range of backgrounds, expertise and experience to this role. Their commitment to the task is evidenced by the robust discussions at the Board meetings this year. In the interest of transparency a summary of the decisions made at each Board meeting is published in this report.

Ensuring successful outcomes

The Board continued to monitor the implementation of the policies and plans established by the Board, including the *2016–2017 Strategic Plan*, the *Diversity Action Plan* and the *Reconciliation Action Plan*.

The Board reviewed the financial and operational reports at each Board meeting and considered the reports of the Audit and Risk Committee.

A sad loss and a great legacy

We were all shocked and saddened by the death of Bill Grant within weeks of his retiring as CEO. Bill retired on 2 December 2016. He was a compassionate and inspirational leader. Bill's enduring legacy is the creative culture that he fostered and the leaders he developed within Legal Aid NSW.

Leadership renewal

Steve O'Connor, Deputy CEO, also retired in December 2016. Bill and Steve were champions of Legal Aid NSW and were held in the highest regard by the Board. Steve was also an Honorary Director of the Aboriginal Legal Service (NSW/ACT) Ltd.

Richard Funston, formerly Director Criminal Law, replaced Steve as Deputy CEO.

I thank Richard for his outstanding leadership as acting CEO from December 2016 until May 2017. I also thank the Executive team for their support to the staff and to the Board over this period.

The Board welcomed the appointment of Brendan Thomas as CEO in May 2017. Brendan was previously Deputy Secretary of the Department of Justice. Brendan is the first Aboriginal CEO of Legal Aid NSW.

The Board looks forward to working with the new generation of leaders.

Ensuring that legal aid is provided in the most effective, efficient and economical manner

The Board undertook a major review of the policy on funding Court of Criminal Appeal and High Court appeals, particularly the merit test. The Board re-established the Crime and Grants Sub-Committee to advise on this issue. Consultation was conducted with key legal stakeholders and with victims' groups. The review compared Legal Aid NSW appeal policies and procedures with those of legal aid commissions throughout Australia and New Zealand.

The Board considered a detailed report of the review and resolved not to change the current merit test, but did approve recommendations aimed at improving legal aid practices and procedures; improving the quality of advice relevant to the merit test;

The Board welcomed the appointment of Brendan Thomas as CEO – the first Aboriginal CEO of Legal Aid NSW.

and, to making the process more transparent for the benefit of victims and the wider community. The Board will monitor the implementation of the recommendations.

Changes to policy approved

During the year a number of policies were reviewed to ensure legal help remains available to the most vulnerable clients in the state. The Board was pleased to pass a change to the contributions policy which waived the initial contributions for applicants in custody in local court summary matters, to expand the availability of legal aid to vulnerable young people, to clients in additional types of employment law matters and for serious crime prevention order proceedings.

Funding to Community Legal Centres a major challenge during the year

Funding for Community Legal Centres (CLCs) under the CLC Program, administered by Legal Aid NSW, occupied much of the Board's time, being discussed at two ordinary and two extraordinary meetings in 2016-2017.

The Board expressed its concern about reduced Commonwealth funding available for allocation to CLCs in the next financial year to the NSW Attorney General. Subsequently, additional funding was provided by both the New South Wales and Commonwealth governments. The Board welcomed these decisions in acknowledging the importance of the CLC Program and was pleased to be able to approve increased new funding allocations for 2017-2018.

Jurisdictional planning and cooperation between Legal Aid NSW and our partners in the community legal sector continued apace during this difficult period for CLCs.

Audits review performance and manage risks

The Board also monitored our organisation's performance under the National Partnership Agreement on Legal Assistance Services, and its budgets and financial statements and appointed new members of the Legal Aid Review Committees.

The Audit and Risk Committee implemented its audit strategy, which included internal audits of claims by private lawyers, workplace

injury, services in regional areas, as well as information security and management and business continuity.

The committee also oversaw the implementation of the Activity Based Costing scheme under which our lawyers record time spent in delivering legal services. During the year it reviewed and revised the Audit and Risk Committee Charter and appointed new members following changes at senior executive and board level.

Special thanks

Thank you to all involved in the provision of legal aid.

I wish to acknowledge and thank the staff of Legal Aid NSW for their commitment to the provision of legal aid across the State. Your work is so important. Thank you also to our partners in the private profession and legal assistance sector who we rely on in helping our clients.



Craig Smith
Chair, Legal Aid NSW



In my first few months as incoming CEO at Legal Aid NSW, it has been my great privilege to visit all our 24 offices and to get to know our staff, understand their work, listen to their feedback and learn about our clients and the challenges they face.

Legal Aid NSW is a busy organisation with dedicated, hard-working staff delivering much needed, high quality legal services to socially and economically disadvantaged clients.

Focusing on the needs of our clients

The needs of our clients and the desire to provide the best possible services is what inspires our staff. We have very consciously put clients at the centre of our work through our five-year Client Service Strategy and establishment of our Client Service Unit.

During this year, we looked at client entry—the way clients first interact with Legal Aid NSW. We have simplified many of the letters we send to clients to make them easier to understand, brought the legal aid application form online and introduced PC kiosks in our offices to facilitate client access to our resources.

Our recent client satisfaction survey showed that 87 per cent of them were satisfied with our services. The survey is more extensive than our earlier survey of advice clients and we will use the information to make our services even better.

Providing innovative legal services to disadvantaged people

Nearly all (98.9 per cent) of our clients suffer financial disadvantage—putting us ahead of the benchmark of 95 per cent we are required to meet under the National Partnership Agreement.

Our in-house lawyers and private panel lawyers represented 37,131 clients (up by 5.1 per cent on the previous year) and provided 196,004 duty services (up 12.3 per cent).

The proportion of Aboriginal clients has increased to 12.8 per cent (for casework and duty service) and exceeds 18 per cent in family law. The number of outreach locations serviced by our dedicated Civil Law Service for Aboriginal People increased, helping us reach more clients in remote Aboriginal communities.

A dedicated lawyer now provides community legal education to Aboriginal people.

We launched our impressive new state-funded Refugee Service providing legal advice, assistance and education on legal issues to newly arrived refugees around the State.

Supporting clients experiencing domestic and family violence remained a strong focus and in one of the highlights of the year we launched the new Family Advocacy and Support Service at four family law court registries. This innovative, federally funded service combines legal and social support to families experiencing domestic violence.

Our Women's Domestic Violence Court Advocacy Program led the roll out of the NSW *Safer Pathway* program for female victims of domestic violence to 21 new locations during the year. Services provided support to nine per cent more clients over the full financial year. The service now also has a state-wide phone number (1800 WDV CAS or 1800 938 227).

The needs of our clients and the desire to provide the best possible services is what inspires our staff.

Working with our partners in regional and metropolitan New South Wales

Legal Aid NSW continues to work closely with the private profession, community legal centres and other service providers, especially in regional and remote regions to provide legal services through the Cooperative Legal Service Delivery Program and Regional Outreach Clinic Program.

A further five of our offices developed specific regional service delivery plans to better coordinate service delivery in their area, with more offices to follow.

We have also been working with local partners to review our services in North West New South Wales and along the Victorian border and have rolled out a new preferred provider scheme for private lawyers supplying legal services on behalf of Legal Aid NSW in Moree and Broken Hill.

Private providers this year delivered 43.2 per cent of our case and duty services and our thanks go to all the dedicated professionals who serve our clients well.

Additionally, we have been working closely with other justice partners on a number of initiatives to reduce the trial backlog in the District Court by increasing our role in committals and ensuring early guilty pleas are entered when appropriate.

The close relationships with our partners, especially community legal centres (CLCs) and the Aboriginal Legal Service (ACT/NSW) Ltd (ALS) continues to be strong despite a year in which CLC funding was increased and the ALS cut services in parts of the state.

Listening to and supporting our staff

Staff had extensive input into our review of the role of legal administrative support staff, who support our legal staff and provide customer service to clients. Some changes were made immediately, with other recommendations to be implemented in the longer term.

Staff also participated in the 2016 People Matter Employee Survey, and Legal Aid NSW results were broadly positive and above most other public sector agencies. A number of staff health and wellbeing initiatives are being developed to build on the feedback to further improve our results in coming years.

Legal staff in all divisions received compulsory training in supporting clients who experience domestic and family violence and a new training package was developed and trialled to help staff better deal with clients with mental health issues and intellectual disabilities.

We increased the number of Aboriginal staff from 57 to 69, moving towards our Aboriginal employment target and developed staff in line with our Aboriginal career development strategy.

Thanks

Thanks go to our hardworking staff, our partners in the private and community legal sector, the Board, especially its chair Craig Smith, and to the Legal Aid NSW Executive team for guiding and supporting the work we do.

Special credit is due to Deputy CEO Richard Funston who acted as CEO following the December 2016 retirement of the CEO Bill Grant and his deputy, Steve O'Connor.

Bill Grant sadly passed away shortly after his retirement, but his vision and legacy within Legal Aid NSW will live on for a long time.



Brendan Thomas
CEO, Legal Aid NSW

What we did over the past year

We supported our staff to provide the best possible services.

This year was a time of significant change in the senior leadership of Legal Aid NSW with the midyear retirement of both the CEO and Deputy CEO.

The year also saw some structural change with the creation of a new Client Service Unit, a restructured Community Legal Education Branch and a new unit to drive the development of a new client and case management system. Despite the challenges this posed, significant work was undertaken and the majority of actions in our plan for the year (facing page) were achieved. These are some of our highlights.

OBJECTIVE ACCESS TO JUSTICE

Trauma-informed services support families better.

We launched a service that helps families affected by family violence with needs extending well past the courtroom. For the first time, families are assisted to negotiate their journey between both federal and state systems. See page 22.

Women's Domestic Violence Court Advocacy Services supported 43,006 clients impacted by domestic violence. See page 51.

Safer Pathway—a locally coordinated response to domestic and family violence—was rolled out to 21 more locations. See page 52. The Legal Aid NSW Domestic Violence Unit trained over 850 frontline service staff in working with clients who are experiencing domestic and family violence. See page 65.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

We set about transforming how we deliver services to our clients.

A customer service team began work on the first stage of the *Client Service Strategy 2016-2020* including conducting a client satisfaction survey. See page 25.

OBJECTIVE SUPPORTING OUR PEOPLE

A review acknowledged the complex role played by legal administrative staff.

As well as supporting lawyers, the review showed that our legal support officers seek to provide an outstanding level of customer service to our clients, often under very difficult circumstances.

The review was commissioned in an environment where people are often expected to do more work with the same or fewer resources and where the technology is changing constantly. Recommendations will be implemented next year. See page 61.

OBJECTIVE STRONG PARTNERSHIPS

We exceeded a key Commonwealth performance benchmark.

The *National Partnership Agreement on Legal Assistance Services 2015-2020* requires us to provide 95 per cent of our representation services to people experiencing financial disadvantage. We exceeded this with a rate of 98.9 per cent. See page 13.

The Commonwealth amended the Agreement to provide for additional, defined funding to Community Legal Centres for family law services and family violence related services from 2017-2018. This reinstated funding that was due to be cut from the New South Wales Community Legal Centres Program. See page 49.

The achievements were guided by our *Legal Aid NSW Plan 2016-2017*. The facing page shows a more detailed overview of our achievements. We also developed a new plan for 2017-2018.

Financial summary

Our net financial result was a surplus of \$1.4 million.

	2015-2016 (\$M)	2016-2017 (\$M)	Change %
Operating revenue	273.2	307.8	13%
Operating expenses	283.4	306.4	8%
Total assets	98.9	83.5	(15%)
Total liabilities	106.0	32.0	(69%)
Surplus / (deficit)	(10.2)	1.4	113%
Net equity	(7.1)	51.5	825%

Achievements against the *Legal Aid NSW Plan 2016–2017*

We achieved the majority of actions in our plan for the year. Page six highlights examples of work we did particularly well.

Access to justice	Excellence in legal services	Supporting our people	Strong partnerships
<p>OBJECTIVE To promote access to justice through early intervention and better targeting of legal assistance to disadvantaged people</p>	<p>OBJECTIVE To pursue excellence, innovation and efficiency in legal service delivery</p>	<p>OBJECTIVE To support and develop our people and improve our systems to meet organisational goals</p>	<p>OBJECTIVE To build strong, effective service partnerships to respond to the legal and non-legal needs of our clients</p>
<ul style="list-style-type: none"> Developed a new model of legal service delivery assisting high conflict families in the family law system (p 22) Expanded legal assistance services in the Riverina and Murray regions (p 23) Expanded and improved legal service delivery in remote areas (p 23)* Implemented the <i>Domestic and Family Violence Strategy 2016-2018</i> (p 22) Rolled out the <i>Safer Pathway</i> element of the Domestic and Family Violence Reforms to more sites (p 52) Implemented the 2017 part of the <i>Reconciliation Action Plan 2015-2018</i> (pp 23, 58) 	<ul style="list-style-type: none"> Implemented a range of initiatives, including digital initiatives under the new <i>Client Service Strategy 2016-2020</i> (p 25) Implemented a range of initiatives under the <i>Digital Engagement Plan 2016-2020</i> (p 71) Identified the impact of the expanded in-house committals practice (p 30) Implemented the <i>Diversity Action Plan 2016–2017</i> (pp 27, Appendix 9) Implemented the Community Legal Education Strategic Framework (p 38) 	<ul style="list-style-type: none"> Developed a Work Health and Safety Plan to improve staff safety and wellbeing (p 62) Piloted training and resources for staff providing services to people living with mental illness (p 64) Implemented the <i>Aboriginal Employment and Career Development Strategy 2015-2018</i> for 2016–2017 (p 64) Implemented the Activity Based Costing Change Management Model (p 69) Began developing a new client and case management system (p 69) ** Completed the review of the role of legal administrative staff to improve client service and support for lawyers (p 61) 	<ul style="list-style-type: none"> Implemented a framework for Legal Aid NSW to engage in health justice partnerships in a more coordinated way (p 43) Rolled out the new framework for regional service delivery plans for Legal Aid NSW offices (p 68) Collaborated with other justice agencies to improve the criminal justice system (p 70) Reviewed partnerships with university Practical Legal Training and other intern programs (p 66) Conducted a new form of client satisfaction survey (p 25) Implemented the <i>National Partnership Agreement on Legal Assistance Services 2015-2020</i> (p 13)

The year ahead 2017–2018

<ul style="list-style-type: none"> Implement the NSW Government's criminal justice reforms Provide integrated duty lawyer and family violence support services in designated family law courts Implement domestic and family violence reforms and initiatives Develop an elder abuse strategy 	<ul style="list-style-type: none"> Implement: <ul style="list-style-type: none"> recommendations of the criminal appeals review the next stage of the <i>Client Service Strategy 2016-2020</i> initiatives that promote diversity and inclusiveness a monitoring and evaluation model to demonstrate the effectiveness of Legal Aid NSW services 	<ul style="list-style-type: none"> Implement: <ul style="list-style-type: none"> a new client and case management system a program of work responding to the Administrative Support Review Roll out resources and training for staff providing services to people living with mental illness Introduce new wellbeing initiatives to support our staff Develop staff management and leadership capabilities 	<ul style="list-style-type: none"> Establish a model of integrated service delivery with non-legal service providers Develop a new approach to legal services for newly arrived refugees Implement the <i>National Partnership Agreement on Legal Assistance Services 2015-2020</i> Develop a framework for a coordinated state-wide approach to supporting private lawyers
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*Some aspects of this project were unable to be completed including co-location in Broken Hill with the Aboriginal Legal Service, and recruitment of private lawyers for legal aid work in Mildura. Other aspects of this project have been carried forward in the *Legal Aid NSW Plan for 2017–2018*.

** This project was delayed due to later than expected approval of project funds. Implementation is in the *Legal Aid NSW Plan 2017–2018*.

Past and present | our history

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.

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 19 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*.

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.

2017

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.

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

- Members
- Works together with
- ▨ Reports to
- Justice forums
- ◊ Member of NLAF

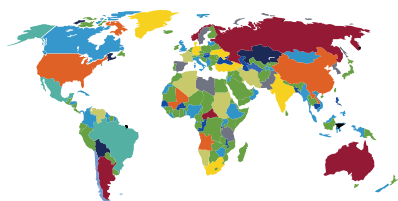


Fact file

Our clients



Aboriginal
12.8%



Born in non-English speaking countries
11.9%



Female
27.4%



Under 18
13.9%



Aged 18–60
83.8%



Over 60
2.3%



On Commonwealth benefits
45.8%



With dependants
12.6%



Rural and regional*
49.1%

*Includes Newcastle and Wollongong

Note: Based on total case grants and in-house duty services

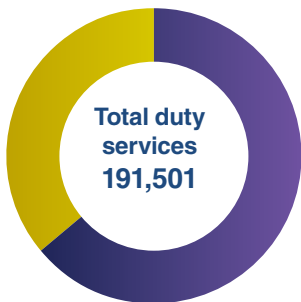
Our client profile has remained relatively stable in the last five years.

- The majority of services delivered by Legal Aid NSW are provided to people from disadvantaged socio-economic groups. This includes people on low incomes, from rural and regional areas and from diverse cultural backgrounds.
- Legal Aid NSW is strongly committed to providing services for Aboriginal people in New South Wales across the range of legal problems, and the percentage of services provided to Aboriginal people has risen steadily over recent years. Over 13 per cent of Legal Aid NSW family law clients identified as Aboriginal, and the dedicated Legal Aid NSW Civil Law Service for Aboriginal People provided 3,555 legal advice and assistance services to clients including those in a number of disadvantaged remote Aboriginal communities.

Services to clients

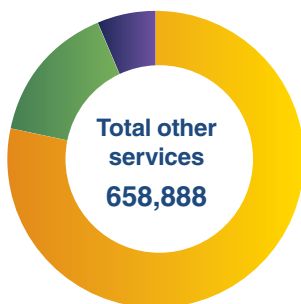


- In-house 12,610
- Private lawyers 25,264



- In-house 117,598
- Private lawyers 73,903

43.2% of our case and duty services were provided by private lawyers. See Appendix 6.



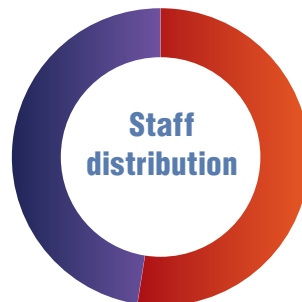
- Information services 517,888
- Legal advice 106,747
- Minor assistance 34,253

Total = 888,263 services

Our staff

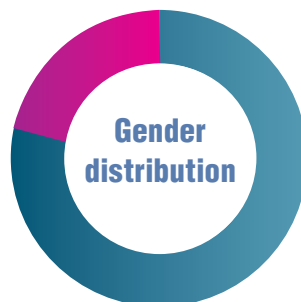


- Regional offices 576
- Central Sydney office 587



- Lawyers 617
- Administrative and corporate staff services 546

77 Legal Aid NSW in-house lawyers have Law Society of NSW specialist accreditation for expertise in their field.



- Women 873
- Men 290

Total = 1,163 employees

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

Our finances

Our total income was \$307.8 million and we spent \$306.4 million.



- Criminal law services 44.0%
- Family law services 27.6%
- Civil law services 13.9%
- Community partnerships 14.5%

Measuring performance

Progress towards better measurement of performance

Legal Aid NSW has implemented a range of initiatives to monitor and review its performance to improve the quality of planning and service delivery.

This year we changed our long-standing approach to measuring client satisfaction with legal advice and minor assistance services. Instead for the first time we surveyed clients¹ who received a grant of aid, as casework is the most complex of our services, involves substantial resources and has the greatest impact on the lives of our

clients. We are pleased to report a satisfaction rating of 87 per cent. See page 25.

We substantially completed work on a monitoring and evaluation framework to embed a culture of evaluation throughout the organisation, to help staff demonstrate and assess the impact of our work to our clients, the community and the justice sector.

We again exceeded the performance benchmark in the *National Partnership Agreement on Legal Assistance Services 2015-2020* that requires 95 per cent or more of representation

services to be delivered to people experiencing financial disadvantage, achieving 98.9 per cent. See page 13.

In 2017–2018, we will develop new key performance indicators for our criminal, family and civil law practices and for the Grants Division which determines applications for legal aid from private lawyers and the in-house practice.

¹ We did not survey clients who were under 16 years of age, in custody or in mental health facilities.

Key performance indicators	2014–15	2015–16	2016–17
Community awareness of legal rights and responsibilities			
Client satisfaction rating	87.0%	N/A*	87.0%
Average waiting time (weeks) for advice appointments	0.87	0.87	0.89
Number of information services provided	564,958	528,798	517,888
Rate per 100,000 of NSW population accessing information services	7,441	6,873	6,644
Number of advice and minor assistance services provided	150,396	147,419	141,000**
Rate per 100,000 of NSW population accessing advice and minor assistance services	1,981	1,916	1,809
Number of publications distributed	707,409	729,120	752,270
Rate per 100,000 of people accessing publications	9,317	9,477	9,651
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	60.1%	60.9%	59.5%
Percentage of Local Court sittings serviced by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive in-house file reviews	97.1%	98.0%	99.4%
Number of Legal Aid NSW lawyers with specialist accreditation	63	79	77
Number of Legal Aid NSW lawyer attendances at training sessions	3,118	2,783	2,781
Number of private lawyer attendances at Legal Aid NSW training sessions	882	700	511***

*N/A—surveys conducted every 2 years **See the explanation for this reduction on page 15.

***The annual criminal law conference was not held in this reporting period.

Service delivery targets	2015–2016 performance	2016–2017 targets	2016–2017 performance
Legal advice services	104,547	105,000	106,747
Information services	528,798	530,000	517,888
In-house and assigned duty services	196,004	196,500	191,501
Conferences - family dispute resolution	2,796	2,800	2,801
Community legal education sessions	2,243	2,300	2,173
Outreach advice services	17,771	17,800	18,185
Locations with regular outreach	248	260	221
Locations with regular outreach for Aboriginal communities	45	48	48

A key benchmark under the *National Partnership Agreement on Legal Assistance Services 2015-2020* is the provision of representation services to financially disadvantaged people (see below). This important benchmark will replace the service delivery targets set in previous years.

Legal Aid NSW will continue to provide legal practice operational statistics (see Appendix 6); however, as it does not control demand for most of its services, targets for these services will no longer be set.

Reporting against the National Partnership Agreement

Commonwealth funding to Legal Aid NSW is governed by the *National Partnership Agreement on Legal Assistance Services 2018–2020 (NPA)*.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

The National Partnership Agreement (NPA) provides funding to Legal Aid Commissions and Community Legal Centres to improve access to justice for disadvantaged people, in a more

integrated, efficient and effective manner. This is the second year of reporting against the *National Partnership Agreement on Legal Assistance Services 2015-2020*.

Legal Aid NSW reports against a number of performance indicators every six months. We also co-ordinate reporting on behalf of the state for services delivered by Community Legal Centres.

We report the number of legal assistance services for service types and law types, facilitated resolution

processes and their outcomes, and the number and proportion of representation services to priority clients. Of all the Commonwealth representation services to priority groups, the highest number and proportion was to people experiencing financial disadvantage, namely, 10,199 or 98.9 per cent.

In 2016–2017, NPA milestones included conducting and providing a summary of a client satisfaction survey (page 25), collaborative service planning, and a sector case study (page 43). In June 2017, the Commonwealth amended the NPA to provide for additional, defined funding to Community Legal Centres for family law services and family violence related services from 2017–2018.

We exceeded the benchmark for representation services.

Selected NPA performance indicators and benchmarks		
Performance indicator	Percentage	Benchmark
Proportion of representation services to people experiencing financial disadvantage	98.9%	95% or more
Proportion of facilitated resolution conferences held by Legal Aid NSW resulting in either partial or full settlement	80.5% *	N/A

*This is the percentage of Commonwealth conferences only. The combined total for State and Commonwealth conferences was 80.7 per cent.



THE YEAR AHEAD

- ➔ Provide supporting evidence to the Commonwealth on the funding distribution to community legal centres, and conduct collaborative service planning with the legal assistance sector.

How our key services tracked over the last five years

Five-year comparisons show that most of our services have increased over this period. See page 15 for an explanation of these services.

Total client services

2012–2013	972,650
2013–2014	1,003,224
2014–2015	925,253
2015–2016	909,352
2016–2017	888,263

Duty services (representation appearances at courts and tribunals)

2012–2013	172,188
2013–2014	171,765
2014–2015	174,562
2015–2016	196,004
2016–2017	191,501

Outreach legal advice services provided by mobile lawyers

2012–2013	12,781
2013–2014	15,558
2014–2015	14,769
2015–2016	17,771
2016–2017	18,185

Legal advice services

2012–2013	92,854
2013–2014	98,939
2014–2015	96,410
2015–2016	104,547
2016–2017	106,747

Minor assistance services

2012–2013	35,865
2013–2014	41,790
2014–2015	53,986
2015–2016	42,872
2016–2017	34,253

Community legal education sessions

2012–2013	2,515
2013–2014	3,160
2014–2015	2,975
2015–2016	2,243
2016–2017	2,173

Aboriginal clients: percentage of total case and in-house duty services

2012–2013	10.3%
2013–2014	10.2%
2014–2015	11.3%
2015–2016	11.5%
2016–2017	12.8%

Family law mediation conferences

2012–2013	2,665
2013–2014	2,726
2014–2015	2,676
2015–2016	2,796
2016–2017	2,801

We provide services to disadvantaged people including vulnerable clients with complex needs and those who are financially disadvantaged. The volume of our services shows the volume of work undertaken, but is not indicative of the degree of complexity of this work.

OBJECTIVE ACCESS TO JUSTICE

Total client services

The overall volume of services has decreased over the last five years. This is primarily due to the decrease in the number of information services which are large volume, non-complex services whose numbers are subject to volatility. Changes to the way in which telephone calls from prisoners are recorded have increased our efficiency but resulted in lower volumes of information services being recorded. Information is increasingly accessed online, via our website which is not captured in these figures.

Duty services

The high number of duty services provided in 2015–2016 was unique to that year and inconsistent with volumes over the five-year period. While the large increase in 2015–2016 was not matched in 2016–2017, total duty services were still well above average for the five-year period. Duty services have shown an overall upward trend, increasing by approximately 11 per cent from 2012–2013.

Legal advice and outreach advice services

There has been an increase of 15 per cent in legal advice services since 2012–2013 and an increase of 2.1 per cent from last financial year. The overall increase reflects a focus on services to disadvantaged communities which

is also demonstrated in outreach advice data. The highest number of outreach services was recorded in 2016–2017, an increase of 2.3 per cent from the previous year and an overall increase of approximately 42 per cent over the last five years. Outreach advice is provided by mobile lawyers in a range of settings outside Legal Aid NSW offices.

Minor assistance

The number of minor assistance services decreased in 2016–2017 and overall volumes are now slightly lower than they were in 2012–2013. The effect of changes in recording practices to align with the *National Partnership Agreement on Legal Assistance Services 2015–2020*, continues to be felt and is reflected in decreasing service volumes. This reflects changes in administrative practice rather than in service provision.

Family law mediation conferences

Demand for these services has seen a steady increase in family mediation conferences since 2012–2013, with the number of conferences held increasing by over five percent during the last five years. These conferences help in the early resolution of disputes allowing a negotiated settlement between parties without the need to go to court.

Community legal education

The number of community legal education (CLE) sessions has declined again this year, by approximately three per cent since 2015–2016 and by over 13 per cent during the last five years. The availability of alternate modes of delivery and improved access to education materials via the website have resulted in fewer face-to-face sessions. A new CLE Branch and strategic framework implemented in 2016–2017 will enhance CLE services provided by Legal Aid NSW.

Aboriginal clients—percentage of services

The proportion of total case and in-house duty services provided to Aboriginal clients increased from 10.3 per cent to 12.8 per cent over the last five years, reflecting concerted efforts to provide access to justice to Aboriginal people who are highly disadvantaged in the justice system and also experience significant socio-economic disadvantage. See page 23.

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 2016–2017. Three-year comparison tables can be viewed in Appendix 6.

Information about the law and legal services

Provided

517,888
information services

A 2.1% 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

752,270
publications

A 3.2% increase on last year

Resources were viewed online

980,729 times

Provided

2,173
community legal education sessions

A decrease of 3.1% 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 groups.

** The review of community legal education at Legal Aid NSW by the Law and Justice Foundation resulted in a restructure of the way CLE is done at Legal Aid NSW. The transition period necessitated a reduction in the number CLE workshops that could be run this year.*

Legal advice and minor assistance

Provided

141,000
advice and minor
assistance services

A decrease of 4.4% 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 221 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.

In some circumstances lawyers might also draft letters or other documents for clients and make telephone calls on their behalf 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. Clients who need further assistance such as attending a court or tribunal, may apply for a grant of aid for legal representation.

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

Duty lawyer services

Provided

191,501
duty services

A 2.3% decrease on last year

117,598 provided in-house and 73,903 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 people experiencing domestic and family violence.

We 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, lawyers 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 advice services are available at the NSW Civil and Administrative Tribunal in Penrith and Sydney, where our lawyers help people understand their claims and how the tribunal can help them. We also offer a duty advice service for tenants who have cases in the Appeal Division of NCAT.

Details about our achievements in client service delivery are summarised in the *Legal Aid NSW Plan 2016–2017* (page 7) and expanded upon in Section 1 of this report.

Our services—a snapshot continued

Legal representation

Provided representation in

37,874 matters

A 2.0% increase on last year

12,610 provided in-house and 25,264 by 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 most 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

15,449 calls

A 2.0% increase on last year

Provided

5,933 legal advice services

A 2.5% increase on last year

4,012 minor assistance services

A 6.9% increase on last year

3,280 legal information services

A decrease of 13.1%* 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

2,801 conferences

A 0.2% increase on last year

We reached full or partial settlement in 80.7%* (full table in Appendix 6).

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 80.5%.*

Specialist services

We ran 17 specialist units and established the Refugee Service to provide legal services and advice to refugee clients.

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
- Appeals and Complex Litigation Unit (family and care matters)
- 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)
- Housing and Homeless Legal Support Program
- Mental Health Advocacy Service
- Prisoners' Legal Service
- Refugee Service
- Sexual Assault Communications Privilege Service
- Veterans' Advocacy Service
- Work and Development Order Service

1 Client services

Our clients come from diverse backgrounds and have diverse needs. This year, our services assisted new arrivals, people with disability, families in debt and families affected by domestic violence by providing integrated legal and social support—as well as education.



In this section

22 Highlights this year: how we made a difference

26 Policies help narrow the 'justice gap'

27 Meeting the needs of diverse clients

29 Highlights from our practice areas

37 Community legal education

38 Contributing to law reform

◀ Senator the Hon George Brandis QC, Commonwealth Attorney-General, launched a new service that puts lawyers who understand trauma in the state's busiest family law courts. He was joined in western Sydney by Legal Aid NSW staff, Family Court judges, and key domestic violence legal and social support providers. See page 22.

Photo: Marinco Kojdanovski



Key achievements

- ★ A new service combines specialist legal assistance and social support to help families affected by violence as they navigate the family law courts (page 22).
- ★ A new Refugee Service assists newly arrived migrants to learn about Australian law and helps protect their rights (page 27).
- ★ Mediations took place in 2,801 matters, achieving a successful settlement rate of 80.7 per cent (page 32).
- ★ Fewer matters were committed to the District Court due to a successful pilot in Burwood (page 30).
- ★ Our casework in National Disability Insurance Scheme matters increased; however we were able to accept all referrals (page 35).
- ★ Our role in community legal education is now defined by a strategic framework (page 38).
- ★ We made 41 law reform submissions (page 38).



The year ahead

- ➔ Better tailor our services to our clients' needs through better assessment and triage for advice services.



Key challenge

- ★ Making sure our new performance benchmarks strengthen our ability to respond to the legal and non-legal needs of our clients, and bring real benefits to our clients.

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

An integrated approach to service delivery leads us to move away from traditional legal practices so we can provide client-centred services.

OBJECTIVE ACCESS TO JUSTICE

New approach to keep children and families safer

A new service is combining specialist legal assistance and social support to help families who have been affected by violence as they navigate the family law courts. It recognises that families affected by violence may also have complex non-legal needs in areas like housing and mental health.

The service, launched in western Sydney on 17 May by Commonwealth Attorney-General, Senator George Brandis QC, puts lawyers who understand trauma on hand in some of the state's busiest family law courts.

Legal Aid NSW received Commonwealth funding to establish the Family Advocacy and Support Service (FASS) in New South Wales under the *National Plan to Reduce Violence Against Women and Their Children*.

Under the national scheme, Legal Aid Commissions in Australian states and territories work alongside specialist domestic violence services to help families affected by violence straddle both state and federal court systems.

In New South Wales, Legal Aid NSW operates FASS services at family court registries in Parramatta, Sydney, Newcastle and Wollongong.

The FASS builds on existing duty services in family law court settings to offer legal advice, risk screening and assessments, safety planning, social support services and referrals for families affected by violence.

This innovative approach aims to keep children and parents safer by offering the right support at a crucial time, with an emphasis on practical measures to keep them safe.

Social support is delivered through local Women's Domestic Violence Court Advocacy Services, which have been successfully operating in NSW courts for more than 20 years; and Relationships Australia, a leading provider of relationship support services for individuals, families and communities.



CASE STUDY

Keeping Sarah and her child safe at home, at court and in the community

Sarah* had been in an on-again, off-again relationship with Rod* for almost a decade. The only constant over their years together was violence, both physical and psychological. Rod repeatedly stalked Sarah, and physically hurt her while she was pregnant with their son, Zach*.

Sarah reached a turning point when Rod punched her in the face and threw her to the ground in front of Zach, who is now a toddler. Following this incident, Sarah stopped sending Zach to stay with his father, and the two parents headed to court. When Sarah arrived at the courthouse she did not have a lawyer and was terrified of going before a judge and telling her story on her own. Tearful and shaking, she approached the FASS duty lawyer and revealed her family's history of violence.

The FASS lawyer appeared on her behalf that day and was able to seek an adjournment so that the Court could properly consider all the evidence about Rod and Sarah's history together, and how best to keep Zach safe.

Sarah has also been connected with a FASS support worker, who has been working with Sarah, the court and other services to help keep Sarah and Zach safe at home, at court and in the community. This specialist support has helped Sarah feel more confident about coming back to court, and hopeful about her future.

**Names have been changed*

Safety for victims of domestic violence

The purpose of the *Legal Aid NSW Domestic and Family Violence Strategy 2016-2018* is to ensure that Legal Aid NSW delivers high quality client-centred services to people affected by domestic and family violence.

Implementation of the *Domestic and Family Violence Strategy 2016-2018* is well underway. A summary of the Strategy can be found on the Legal Aid NSW website under *What we do > Domestic and family violence*.

Under the Strategy, more specialised services were provided to victims of domestic and family violence. Throughout the year, the Legal Aid NSW Domestic Violence Unit (DVU) provided services to victims of domestic and family violence alongside the Apprehended Domestic Violence Order lists at Burwood, Fairfield, Liverpool and Bankstown Local Courts. The DVU also established advice clinics at Bankstown Women's Health and Burwood Community Welfare Services.

The DVU delivered 1,926 in-court duty services in 2016–2017. The unit's specialist lawyers also delivered 2,082 legal advice and assistance sessions to people experiencing domestic violence, from 94 different countries of origin.

In 2016–2017, the Women's Domestic Violence Court Advocacy Services supported 43,006 clients. The Women's Domestic Violence Court Advocacy Program (WDVACP) rolled out *Safer Pathway*—a locally coordinated, holistic response to domestic and family violence—to 21 more locations and trained 2,030 of our partners involved in providing support to women across the state (page 52). Legal Aid NSW manages the WDVACP.

Increasing our services to Aboriginal communities

Strategies in the *Legal Aid NSW Reconciliation Action Plan 2015-2018* address the legal needs of Aboriginal and Torres Strait Islander people and communities across New South Wales.

One of the goals is to provide legal services to Aboriginal communities that have difficulty accessing legal services and are experiencing high levels of disadvantage.

We established new outreach services for Aboriginal communities in Minto, Tweed Heads and Wallaga Lake in response to identified gaps in the provision of legal services to Aboriginal communities in those areas.

A dedicated Civil Law Service for Aboriginal Communities—75 per cent of whom are Aboriginal employees—provided advice, assistance, and casework services for a range of civil law problems. Housing and consumer issues made up 67 per cent of their work whilst fines and social security issues made up a further 12 per cent. This includes assisting clients

to avoid eviction, obtain repairs, ensure fair application of Housing NSW policies, and obtain compensation in unfair credit and consumer lease contracts.

The team focused on legal issues that lead to contact with the criminal justice system (such as unpaid fines, housing issues and debt) and systemic consumer issues.

This year, the Service had a regular presence in more than 15 communities across New South Wales and recently expanded to several communities on the South Coast and a specialist service in Dubbo. The Service also provided 75 advice and minor assistance services, particularly around housing, to Aboriginal women at Silverwater Correctional Centre.

In the last two years, the Service has achieved debt waivers and compensation for their clients totalling \$1,210,031, of which 76 per cent arises from unfair consumer deals and the remainder from fines work and housing disputes.

In 2016–2017, 13.9 per cent of all in-house civil law advice services were provided to Aboriginal clients. In-house family law advice sessions to Aboriginal people increased by 18.3 per cent from 2015–2016.

Expanding services in the Riverina and Murray regions

After last year's opening of the Albury satellite office in the Riverina-Murray, we expanded services where they were needed the most. For example, having a family lawyer in Albury, allowed us to provide legal representation in care and protection matters in Deniliquin, some two and a half hours from Albury. Deniliquin is a rural community that we identified as having unmet legal need.

We worked closely with Hume Riverina Community Legal Centre, the Wagga Wagga and Albury Co-operative Legal Service Delivery Program and Victoria Legal Aid to plan joint services to clients in this cross-border region.

The Riverina-Murray office was also one of five Legal Aid NSW offices to develop a plan that responds to the particular legal and related needs of clients living in that area.

Early contact can mean early resolution

Legal Aid NSW continues to strengthen and expand the use of outreach legal advice services as a way of reaching disadvantaged communities.

Advice clinics in the heart of communities: we don't wait for clients to come to us

Locations with regular legal outreach services	221
Outreach services for Aboriginal communities*	48
Locations with regular outreach services in regional and remote areas	172
Locations based in Centrelink offices	4
Locations where clients can access civil law advice**	164
Locations where clients can access family law advice**	95
Locations where clients can access criminal law advice***	35

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

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

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

Our lawyers step out of their traditional legal practices, away from casework, so that they can focus on establishing a range of new services at outreach locations accessible to communities. This way, they can help clients to identify an issue in the early stages before it becomes a complex case.

A number of new metropolitan and regional outreach services were established throughout 2016–2017. Of particular note is a new civil law advice service at the Calvary Riverina Hospital in Wagga Wagga. The hospital service is for the exclusive use of patients attending the drug and alcohol rehabilitation clinic. Post discharge, any ongoing casework is undertaken by the Wagga Wagga Legal Aid office.

Findings from the *Legal Australia-Wide (LAW) Survey 2012* show a correlation between the experience of long-term illness/disability and legal problems. The link strengthens as severity of an illness or disability increases, and is particularly strong for mental illness.¹

There is also increasing recognition that legal problems can have a detrimental impact on the health and social circumstances of individuals.²

¹Coumarelos, C., Pleasence, P. and Wei, Z, Law and Disorders: illness/disability and the experience of everyday problems involving the law, Law and Justice Foundation of NSW, Justice Issues Paper 17, September 2013.

²Note (Ibid 1 above, page 27).

Staff with years of experience were recruited for the new Client Service Unit to guide us in carrying out the *Client Service Strategy 2016-2020*.



OBJECTIVE STRONG PARTNERSHIPS

New approach—surveying casework clients

A new form of client satisfaction survey was undertaken to meet the requirements of the *National Partnership Agreement on Legal Assistance Services 2015-2020*.

Over the past 10 years our bi-annual client satisfaction surveys canvassed satisfaction with legal advice and minor assistance services. This year, we took a different approach and surveyed a random sample of casework clients with current files (serviced by in-house lawyers only). Taverner Research interviewed 690 clients by the end of June 2017. The overall client satisfaction rating was 87 per cent.

New questions were asked about the process of applying for a grant of aid, what happens after you get a grant, and paying contributions.

Once the data is analysed, we will be able to use the information to feed directly into service improvements.

Who answered the survey?



690 Clients helped by in-house lawyers, who had a grant of aid between March and June 2017*.



agreed that:

- their lawyer helped them to understand how to deal with their legal problem
- their lawyer listened to their legal problem
- they would recommend the legal service to other people.

* Clients in custody and mental health facilities and clients who were less than 16 years of age were not interviewed.



87% satisfied with the overall service.



Over 86% satisfied with administrative and reception staff and their Legal Aid NSW lawyer.



80% satisfied with service received from the Grants Division. (For those who had direct contact with Grants staff).

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Getting it right when clients first approach us

During 2016, Legal Aid NSW developed our *Client Service Strategy 2016-2020* with the intention of transforming how we deliver services by putting our clients at the centre of everything we do. The Legal Aid NSW Board endorsed the Strategy in September 2016.

The Strategy identifies strategic shifts and initiatives to improve our client service—mainly to provide services that are consistent and processes that are easy for clients to use. It also commits us to communicate clearly with clients and strengthen partnerships so clients are referred between legal and social services more easily.

The program of work for the first 18 months of the Strategy focuses on redesigning 'client entry', as well as some more complex work such as starting a longer term project to review the Legal Aid NSW advice model and develop a strategic framework for advice services.

Initiatives since September 2016 include:

- reviewing amenities for clients with diverse needs at all Legal Aid NSW offices
- launching an online legal aid application form to broaden access for clients
- testing a case management approach for a small group of clients with complex needs who have multiple touch points across the organisation.

Other actions to ensure our systems and processes are more efficient and effective—contributing to a better client experience—appear on pages 68 and 70.



THE YEAR AHEAD

- ➔ Design a 'triage' approach to assess client need and capability on first entry to Legal Aid NSW.
- ➔ Make service improvements in response to client feedback.
- ➔ Provide integrated duty lawyer and family violence support services in designated family law courts as part of the Family Advocacy and Support Service.
- ➔ Expand legal service delivery in remote New South Wales to improve client access to legal assistance.
- ➔ Deliver culturally competent legal services to Aboriginal and Torres Strait Islander people and communities in partnership with local communities.
- ➔ Implement domestic and family violence reforms.

Our policies help to narrow the ‘justice gap’

In 2016–2017, Legal Aid NSW amended selected policies to target our services to those most in need, ensuring access to justice while meeting ongoing funding challenges.

We ensured our eligibility policies meet the legal needs of the most disadvantaged people across New South Wales, particularly people experiencing, or at risk of, domestic or family violence, in a challenging funding environment.

Policy changes included taking into account personal vulnerability criteria to make sure more people facing disadvantage can access our services.

OBJECTIVE ACCESS TO JUSTICE

Employment policy targets older and younger workers who are vulnerable

In early 2016, we expanded the eligibility criteria for employment law matters by introducing a new test called the Social Disadvantage Test. The new test looks at financial and personal vulnerability and is intended to target the most vulnerable and socially disadvantaged workers. In November 2016, we expanded the personal vulnerability criteria to include young people up to the age of 25 and applicants who are 55 years of age and above.

Aid for serious crime prevention orders

In May 2017, we introduced a new policy which makes legal aid available for applicants in proceedings under the *Crimes (Serious Crime Prevention Orders) Act 2016 (NSW)* (the Act). The Act commenced in November 2016. It introduces serious crime prevention orders to restrict the activities of individuals or organisations in order to prevent, restrict or disrupt their involvement in serious crime-related activities. If a person breaches an order they can receive up to a five year gaol sentence. The new policy ensures disadvantaged people can access legal representation in these types of matters.

Ensuring vulnerable clients can access legal help

In 2016, we commenced a comprehensive review of the Legal Aid NSW eligibility policies to ensure our policies are clear and accessible and reflect our funding priorities. The review focussed on ensuring our policies also reflect the objectives of the *Legal Aid NSW Domestic and Family Violence Strategy 2016–2018*. The aim is for policies to clearly explain the availability of legal aid to applicants who are experiencing, or at risk of, domestic or family violence, ensuring those who are most vulnerable can access legal assistance in family law disputes.

Some policies were reviewed to assess the financial impact of the changes made to those policies, and to see how well they are working. These were reported to the Legal Aid NSW Board and appear on page 68.



THE YEAR AHEAD

- Develop a new type of service—known as Early Resolution Assistance—that will assist clients to resolve their legal disputes at an early stage in a dispute resolution forum.
- Increase access to family law legal assistance services for people who experience domestic and family violence, by expanding and simplifying our eligibility guidelines.

Meeting the needs of diverse clients

Many of our services are targeted to the most disadvantaged people in our community.

The *Legal Aid NSW Diversity Action Plan 2016–2017* 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.

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

FACT FILE

- Proportion of case grants and in-house duty services to clients born in non-English speaking countries: 11.9%
- Amount spent on interpreters and translators: \$1,256,446
- Amount contributed to the cost of interpreters in Community Legal Centres: \$49,857
- Number of culturally diverse family dispute resolution practitioners on our panels: 21
- Proportion of staff in our Refugee Service from culturally diverse backgrounds: 100%

The Refugee Service team with the NSW Coordinator-General of Refugee Resettlement, Professor Peter Shergold AC who launched the service in Fairfield.

OBJECTIVE ACCESS TO JUSTICE

Delivering services to refugees on the settlement journey

The State Government allocated funding to Legal Aid NSW to help refugees, especially additional arrivals from Syria, settle into Australian society.

We established the Refugee Service in February 2017 to assist refugees to learn about their rights and obligations under the law.

This service is based at the Bankstown office but operates advice clinics at SydWest Multicultural Services, Liverpool Migrant Resource Centre, CORE Multicultural Communities and Auburn Diversity Services. Bilingual lawyers and a community engagement officer provide invaluable assistance to engage Arabic, Assyrian and Spanish speaking communities. The service firstly aims to help refugees avoid legal problems through highly targeted legal education and information. If legal problems are encountered, then the service encourages early access to legal services to prevent them from escalating. Unresolved legal problems can also have an adverse impact on resettlement because they create stress, which can act as a roadblock to recovery for those suffering from trauma or torture. The kinds of legal problems the service has seen include tenancy, Centrelink, fines, employment, driving and immigration issues.

The service also identifies systemic legal problems affecting refugee communities and advocates on a policy level to address those problems.



Diverse education programs for diverse client groups

Many of our services are targeted to the most disadvantaged people in our community.

We delivered 413 face-to-face community legal education workshops for multicultural clients, 687 for young people aged 10-17 years, 159 for older people, and 851 for people in rural and regional areas of New South Wales. Sessions specifically tailored to the legal needs of diverse clients included education for:

- elderly clients about cyber safety
- migrant communities about obtaining Australian citizenship
- young people who are recent arrivals about criminal law.

Legal Aid NSW publishes legal education resources in 25 languages. This year we published fresh translations of our *Get Street Smart* brochure for young people in Arabic, Hazaragi and Dari/Farsi.

We produced *How can I bring my refugee family here?* in Assyrian, Dari/Farsi and Arabic.

We established new outreach clinics for communities disproportionately affected by domestic and family violence.

We expanded our community legal education services on domestic and family violence. Additional target groups included asylum seekers and recently arrived migrants. We also delivered the community legal education package at a Settlement Services International (SSI) Community Hub and trialled evening sessions when delivering this content to SSI staff.

The rise in National Disability Insurance Scheme casework (page 35) was accompanied by extensive legal education to lawyers, community workers and others about the Scheme.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Through diversity planning we made changes that assist clients with specific needs. Examples from this year include:

- revising 34 of our standard client letters into plainer language to improve our communication with people with disability or limited literacy or English skills
- introducing more extensive user testing of new brochures with targeted community groups to determine the effectiveness and usefulness of our new resources
- piloting data collection on people with disability on our online complaints form from 1 January 2017 to 30 May 2017. At the conclusion of the pilot we had received 14 complaints from and on behalf of people with disability, which is 10 per cent of the total complaints during that period.

OBJECTIVE STRONG PARTNERSHIPS

We collaborated with pro bono partners across New South Wales to provide community legal education and assistance with drafting wills, powers of attorney and enduring guardianships for targeted disadvantaged clients.

Our new Refugee Service established new advice clinics at SydWest Multicultural Services, Liverpool Migrant Resource Centre, CORE Multicultural Communities and Auburn Diversity Services.

In partnership with the NSW Police Force and Settlement Services International, we delivered community legal education workshops to groups of Korean and Afghan women on family law, domestic violence and Legal Aid NSW services generally.



THE YEAR AHEAD

- ➔ Expand the Refugee Service to establish advice clinics in Newcastle and Wollongong.
- ➔ Develop an integrated approach to legal services for newly arrived refugees.
- ➔ Respond to the legal needs of diverse new and emerging communities.

Highlights from our practice areas

We have three legal practices—criminal law, family law and civil law. Each legal practice has a number of specialist services. Their characteristics and highlights appear under each individual practice. Although distinct practices, in some cases, the practice areas collaborate to help clients with multiple legal needs.

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 35 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 Service and the Commonwealth Crime Unit.

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

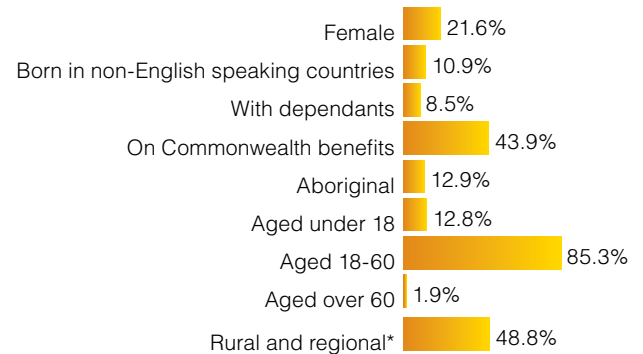
FACT FILE

- Total staff: 304
- Total expenditure: \$134.9M
- Proportion of overall expenditure on criminal law services: 44.0%

Early pleas saw more matters going to sentence rather than trial—a benefit for all parties and for the justice system.

Criminal law client profile

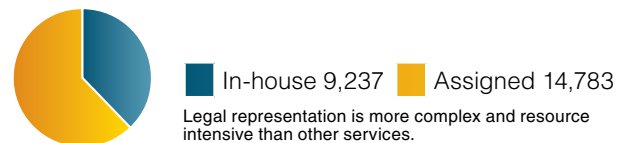
Based on total case grants and in-house duty services



*Includes Newcastle and Wollongong

We provided 444,258 criminal law services to clients in 2016–2017

Legal representation: 24,020



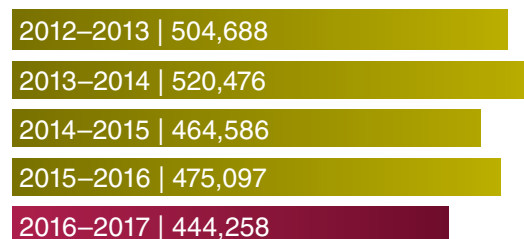
Duty services: 166,114



Other services: 254,124



Criminal law client services over five years



OBJECTIVE ACCESS TO JUSTICE

Holistic services provided to young people

Our lawyers appearing for young people in criminal matters ensure that other legal and social needs are not neglected. This year, criminal lawyers at the Children's Legal Service (CLS) made 81 referrals to the civil law practice as well as referrals to other legal and social support services. Referrals were most commonly made in relation to out-of-home care issues, complaints against police and insurance and debt problems.



CASE STUDY

Young person gets her life back on track

Kim's mother had complex issues and several of Kim's siblings had been removed by Family and Community Services (FACS). When Kim's relationship with her mother deteriorated, her mother placed an apprehended violence order (AVO) on her and eventually Kim was charged with breaching the AVO. When Kim attended the Children's Court she was homeless. FACS was offering Kim a placement at a refuge which was several hours away from Sydney and all of Kim's support networks. She had no money as Centrelink had suspended payments because Kim could not provide an address for the Centrelink form.

The CLS lawyer worked together with the Children's Civil Law Service and Children's Court Assistance Scheme to obtain immediate crisis accommodation. With the assistance of those services Kim obtained a refuge placement within Sydney, had her Centrelink payments reinstated with backpay, obtained casework support at her new placement and re-engaged with schooling with transition to a local high school.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Positive impact on outcomes for defendants, victims, witnesses and the criminal justice system

We identified the impact of an expanded in-house committals practice that was introduced last year.

The recruitment of ten additional lawyers has allowed Legal Aid NSW to expand the reach of its in-house practice to new regional and remote committal courts, and to increase the proportion of committal matters dealt with at courts already serviced.

Data shows that committal matters dealt with by in-house lawyers that conclude by way of a guilty plea are resolved at an earlier stage.

The cost of preparation of a trial is avoided where a plea of guilty is entered at an early stage. The defendant benefits from greater certainty and the victim benefits by avoiding a prolonged court matter. Efficiencies for the criminal justice system are created as fewer matters are committed for trials that ultimately do not run, contributing to a reduced trial backlog.

Committal pilot reduces District Court workload

Legal Aid NSW has an agreement with the Office of the Director of Public Prosecutions (ODPP) to work together in plea charge negotiations at the committal stage of proceedings in order to encourage appropriate early guilty pleas.

This year, our Burwood lawyers and the ODPP Burwood Pilot Group (Sydney) applied a unique approach to the agreement, meeting regularly to negotiate a broad range of offences with varying degrees of complexity.

As a result, more matters were finalised early, and fewer matters were committed to the District Court. Of those committed, a greater number were committed for sentence rather than trial. This represents savings in time and money for all parties and for the justice system.

OBJECTIVE STRONG PARTNERSHIPS

Key information for remand prisoners

In response to the significant number of calls from prisoners to Legal Aid NSW and LawAccess NSW, and to assist in managing prisoner expectations surrounding our services, Legal Aid NSW developed a brochure for remand prisoners—*I am in prison on remand—how can Legal Aid NSW help me?* This resource explains the legal process in basic terms and sets out what prisoners on remand can expect from Legal Aid NSW, including how to contact us. The brochure will be given to each new prisoner with the gaol's induction booklet as part of the prisoner intake process.

Successful start to health justice partnership

In February 2017, Legal Aid NSW and the Western Sydney Local Health District Drug Health Service started a Health Justice Partnership (HJP) at the Methadone Clinic at Blacktown Hospital (page 43).

Other criminal law initiatives appear under the section headings:

Community legal education, page 37
Contributing to law reform, page 38

Responding to changing laws and amendments

In August 2016, the *Criminal Procedure Act 1986* was amended to expand the number of break and enter offences that can be finalised in the Local Court. Break and enter offences committed in company where the total value of the stolen property does not exceed \$60,000 are now in Table 1, which means they stay in

the Local Court unless the prosecution or the defendant elects to have them committed to the District Court. Legal Aid NSW lawyers at courts throughout New South Wales have revised their advice to clients on these offences.

It is anticipated that this legislative change will reduce the trial backlog in New South Wales.

Legal Aid NSW lawyers appear for clients in higher court cases that clarify points of law or set legal precedents. In some cases, decisions are mitigated or overturned.



CASE STUDIES

High Court emphasises the need to prove a child appreciates their actions were morally wrong

RP v The Queen [2016] HCA 53

In late 2016, the High Court handed down its first full consideration of the doctrine of *doli incapax* (the presumption of criminal incapacity for children) in the decision of *RP v The Queen* [2016] HCA 53. The age of criminal responsibility in New South Wales is 10 years. No child younger than this can be charged with a crime. At common law, a child between 10 and 13 is presumed to be incapable of forming a criminal intent. The prosecution must rebut this presumption as an element of their case with evidence that the child knew that their actions were seriously, criminally wrong. RP was 12 years old at the time of the offence.

RP was represented in the High Court proceedings by the same Legal Aid NSW lawyer who had instructed in his District Court trial in 2014 and in the Court of Criminal Appeal. In the High Court proceedings, the lawyer instructed senior and junior counsel with extensive appellate experience. The lawyer supported RP and his family through more than two years of legal proceedings.

The High Court overturned the decision of the Court of Criminal Appeal and RP was acquitted, having spent 11 months of a two year and six months sentence in adult custody.

The High Court restated the principles of *doli incapax*, emphasising the need for the prosecution to prove that the child appreciated their actions were morally wrong rather than an awareness of mere naughtiness. The majority of four judges stated that proof of this cannot be based solely on evidence of the act charged.

Re-sentence ordered to correct earlier errors

LD v R [2016] NSWCCA 217

LD was a juvenile when he committed a home invasion in the company of three adult co-offenders. The victim was wounded inside his home during the offence.

LD pleaded guilty on the first day of trial and was sentenced to a total term of three years' imprisonment with a non-parole period of 18 months.

A severity appeal was heard in the Court of Criminal Appeal. The Crown conceded an error in that the sentencing judge failed to apply the provisions of the *Children (Criminal Proceedings) Act 1987* (the Act). In particular, there was no background report, no consideration of the particular principles relevant to children, including the importance of the principle of rehabilitation in sentencing children, and no requirement to deal with the offence according to law as it was not a 'serious children's indictable offence' as defined by the Act.

On the day of the hearing, the Court allowed the appeal and directed that the matter be remitted to the District Court for re-sentence. LD was re-sentenced to a fixed term, commencing on the day he went into custody and ending on the date of re-sentence—a period of one year and 23 days.



THE YEAR AHEAD

- ➔ Ensure a greater understanding of how to deal with clients living with mental health issues through all criminal law staff participating in mental health training.
- ➔ Provide advice clinics and representation at 10 remote and regional locations as part of the Government's driver disqualification reforms.
- ➔ Implement the New South Wales Government's package of early appropriate guilty plea reforms.

Family law practice

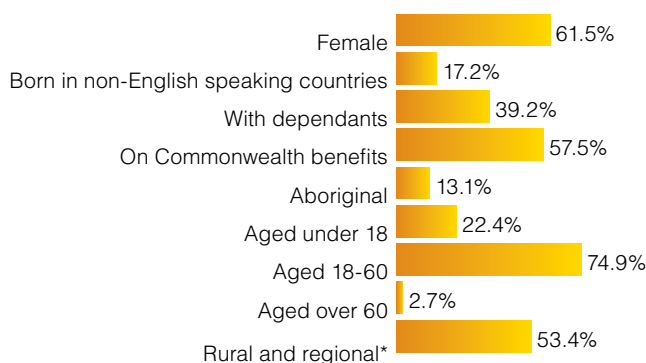
Our family law practice provides legal advice, information, minor assistance, duty services, dispute resolution and case representation in family law matters, including child support and care and protection matters, at our offices and 95 outreach locations across the state.

FACT FILE

- Total staff: 235
- Total expenditure: \$84.5M
- Proportion of overall expenditure on family law services: 27.6%

Family law client profile

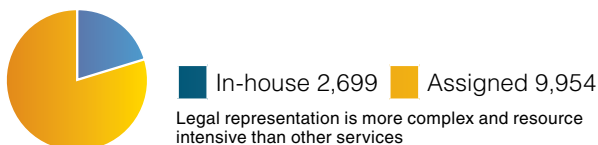
Based on total case grants and in-house duty services



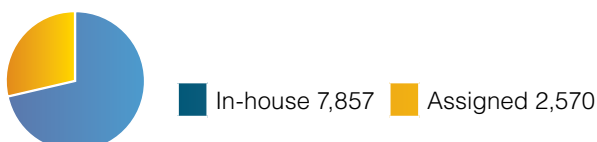
*Includes Newcastle and Wollongong

We provided 189,704 family law services to clients in 2016–2017

Legal representation: 12,653



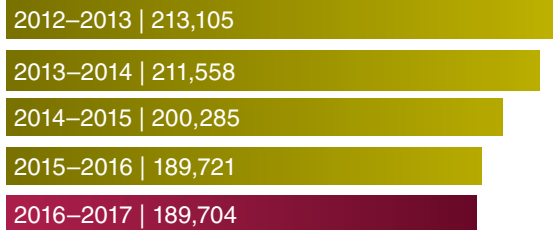
Duty services: 10,427



Other services: 166,624



Family law client services over five years



OBJECTIVE ACCESS TO JUSTICE

Providing more services to especially disadvantaged groups

The practice expanded its services to children, Aboriginal people and domestic violence victims. Achievements included:

- a 13 per cent increase in our duty services in domestic violence and child protection court lists
- an 18.3 per cent increase in advice sessions to people identifying as Aboriginal after introducing five new specialist outreach services across New South Wales
- new outreach advice locations in South West Sydney targeting communities disproportionately affected by domestic and family violence
- a new advocacy and support service for families affected by domestic and family violence (page 22)
- new health justice partnerships at the Royal Hospital for Women and the Sydney Children's Hospital Network at Randwick
- advice to Aboriginal clients as part of the new Federal Circuit Court Indigenous List Days at the Sydney Registry
- publications that explain the adoption process for birth parents.

Settling matters out of court

Our Family Dispute Resolution Service helps people to resolve their disputes without going to court. Mediations focus on what is best for the children.

This year, 2,801 mediations were held with a successful settlement rate of 80.7 per cent.

Mediations are highly skilled negotiations that cover a range of family law areas.

Other family law initiatives

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

- New approach to keep children and families safer, page 22
- Safety for victims of domestic violence, page 22
- Community legal education, page 37
- Contributing to law reform, page 38

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



CASE STUDIES

Birth and adoptive parents agree on adoption plan

The mediation took place between a birth mother, Family and Community Services, Crown Solicitors and the prospective adoptive parents. The children had been removed and parental responsibility was with the Minister. At the beginning of the mediation the mother did not consent to the adoption and was only seeking contact arrangements.

Eventually, a positive agreement was reached, gaining the mother's consent to the adoption plan. The birth and adoptive parents agreed to contact arrangements, and Family and Community Services agreed to pay for flights and accommodation for the parties.

High Court case recognises children's wishes

Bondelmonte v Bondelmonte & Anor [2017] HCA 8

We participated in an appeal to the High Court of Australia, from a decision of the Full Court of the Family Court of Australia.

The father lodged the appeal and the mother did not participate in the appeal. We took conduct of the matter on behalf of the second respondent—the Independent Children's Lawyer. The appeal raised important issues around the role of the Independent Children's Lawyer, the conduct of interim hearings and the way in which children's wishes and views should be placed before the Court.

Responding to changing laws and amendments

In December 2016, amendments to the *Crimes (Domestic and Personal Violence) Act 2007* (the Act) came into effect. The Act allows domestic violence orders to be made by the Children's Court of its own motion, or at the request of Family and Community Services or a child representative. It is another important mechanism to protect children from domestic violence. We trained our staff and worked with the Children's Court to implement new processes.

The appeal was dismissed with costs in favour of Legal Aid NSW.

This case attracted national interest and was the subject of a *Law Report* episode on Radio National.

Court supports young person's right to decide gender identity

Quinn [2016] FamCA 617 (29 July 2016)

Legal Aid NSW was the children's legal representative for Quinn, a young person born female who identifies as male and has dressed as a boy from the age of four. Quinn's parents made an application to the Family Court for a declaration that Quinn, aged 15, is competent to consent to male chest reconstruction surgery for the purpose of treatment for gender dysphoria. Quinn had not commenced treatment until a late stage which meant he had developed an E-cup breast which caused physical and psychological discomfort.

Family and Community Services intervened and submitted that because the proposed treatment did not follow the usual course, there was a dispute within the meaning of *Re Jamie*, which required the Court to make the decision of whether the treatment was in Quinn's best interest. The Court disagreed and declared that Quinn was competent to make decisions about his own surgery.



THE YEAR AHEAD

- Work with Family and Community Services and the Children's Court to improve legal services to parents and children in Guardianship Order matters.
- Develop a new approach to highly vulnerable clients who come into early contact with our services but who need to be transitioned carefully into our casework services.

Civil law practice

Our civil law practice helps people resolve legal problems that impact on their everyday lives. Civil law advice clinics operate in our offices and 164 outreach clinics across New South Wales.

Duty services are available at the Administrative Appeals Tribunal, NSW Civil and Administrative Tribunal and Mental Health Review Tribunal.

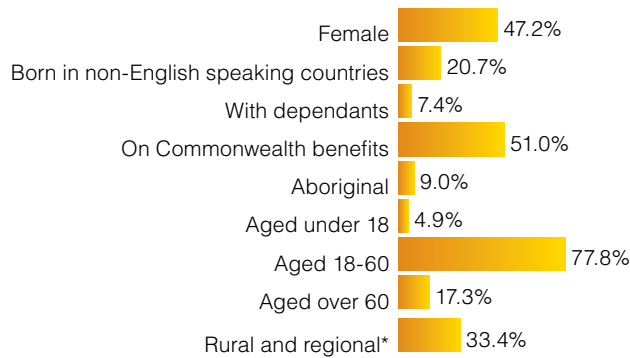
FACT FILE

- Total staff: 195
- Total expenditure: \$42.6M
- Proportion of overall expenditure on civil law services: 13.9%

We reached out to the most disadvantaged communities and tailored our services so that they can deliver the most impact.

Civil law client profile

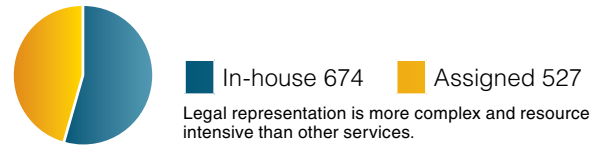
Based on total case grants and in-house duty services



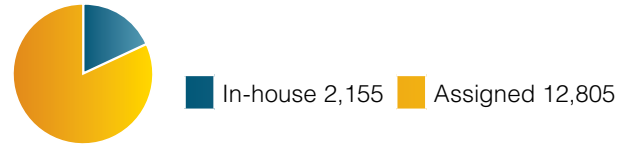
*Includes Newcastle and Wollongong

We provided 254,301 civil law services to clients in 2016–2017

Legal representation: 1,201



Duty services: 14,960

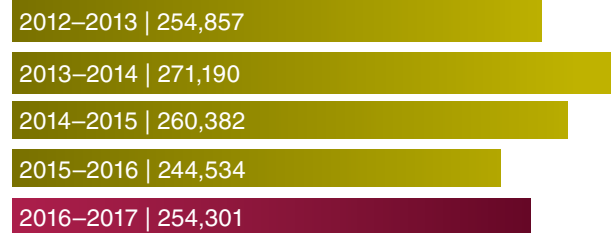


Other services: 238,140



Note: The 24.5 per cent drop in minor assistance reflects changes to the counting rules under the new National Partnership Agreement.

Civil law client services over five years



OBJECTIVE ACCESS TO JUSTICE

Helping tenants stay in their homes

In 2016–2017, lawyers advised 872 people about termination of a tenancy; 207 of those were public tenants. We provided 219 instances of minor assistance to tenants at risk of eviction from a public tenancy and made 27 grants of aid.

We established a service for tenancy matters before the Appeal Panel of NSW Civil and Administrative Tribunal (NCAT). In just under 12 months, this service has advised more than 125 tenants. More than half of matters relate to eviction orders. We represented 21 clients in their NCAT appeals with seven social housing tenancies and three private tenancies retained, two clients getting more time to move out, and three clients receiving increased compensation.

Casework increasing under National Disability Insurance Scheme

Under an agreement with the Department of Human Services, Legal Aid NSW provides legal representation to clients with “complex and novel” National Disability Insurance Scheme (NDIS) matters before the Administrative Appeals Tribunal.

This work includes conducting conferences and hearings in the Tribunal, Federal Court litigation and extensive legal education to lawyers, community workers and others about the NDIS.

Referrals under the MOU have been steadily increasing. In 2016–2017, we received 37 referrals of complex cases compared with 10 in 2015–2016. We have accepted all referrals.

Delivering services to refugees on the settlement journey

We established the Refugee Service in February 2017 to assist refugees to learn about their rights and obligations under the law (page 27).

Health and insurance cover

In March 2017, Legal Aid NSW launched a survey for the Health Conditions and Insurance Project, looking into how people’s health affects their ability to access insurance. We received over 250 completed surveys, showing that 75 per cent of people with an insurance problem did not seek legal advice or lodge a complaint.

We provided legal advice and assistance to people with an ongoing legal issue.

Rapid response to natural disasters

Legal Aid NSW is the Government’s lead agency to provide legal services to people affected by disasters. Assistance is given in relation to insurance claims, credit commitments, and tenancy, employment and social security issues. The disaster recovery centres in Murwillumbah and Lismore were open for eight weeks and lawyers attended both centres seven days a week. Most people were unable to afford flood cover (having received quotes for premiums of up to \$16,000) and insurers denied cover on the basis that flood caused the damage to the properties. We provided over 289 advices to clients and at least 70 per cent of those clients are expected to need additional follow up assistance.

Private training college disputes

We assisted clients with complaints about VET FEE-HELP providers to obtain reversals of enrolments, have debts remitted, or have enrolments and course credits transferred to a more reputable course provider. We worked closely with the Department of Education and

the Australian Competition and Consumer Commission in their investigations of providers. We assisted 120 clients with their complaints.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Expanding duty advice services at tribunals

The practice expanded duty advice schemes to operate at the Administrative Appeals Tribunal (both tiers); NSW Civil and Administrative Tribunal (in the Consumer and Commercial Division, Administrative and Equal Opportunity Division and the Appeal Panel) and the Fair Work Commission.

Clearing fines debt

The Work and Development Order (WDO) Service diverts vulnerable people from the fines enforcement system and enables them to clear debt by taking part in a wide range of activities or treatment programs. Located across four regional and two metropolitan locations, specialist fines lawyers and paralegals lead WDO expansion in areas of high fine debt and social disadvantage. During 2016–2017, 485 new sponsors came on board, bringing the total to 2,198 sponsors across New South Wales.

In a record year for WDOs, 23,122 new orders were approved and \$27,647,442 in fines debt was cleared. Since WDOs were introduced in 2012, a total of 74,179 orders have been approved reducing outstanding debt by \$89,977,737 cleared (to 30 June 2017).

Responding to changing laws and amendments

Large numbers of clients who owe a Centrelink debt were experiencing issues with Centrelink’s new automated online debt system. We established a partnership with LawAccess NSW, the Welfare Rights Centre and Illawarra Legal Centre to provide urgent advice and assistance, advising clients on how to challenge the debts, obtain government information such as employment records and Centrelink files, and how to appeal.

We gave evidence to a Senate Community Affairs Committee inquiry into Centrelink’s online compliance intervention system, raising issues that impact on our clients such as problems with how debts are raised, their lack of timeliness, and the improper imposition of a 10 per cent penalty to debts.

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 37
- Contributing to law reform, page 38

The following cases illustrate how civil law problems can seriously impact on people's lives, but also how legal assistance can help turn people's lives around.



CASE STUDIES

Debt waived for client fleeing domestic violence

We helped a woman in Silverwater Women's Correctional Centre save her tenancy. She was a 40-year-old Aboriginal woman with a history of domestic violence, homelessness, substance abuse and mental health issues. She was subjected to ongoing and life-threatening violence while in her Housing NSW property. Our client obtained an apprehended domestic violence order, fled the property and stopped paying the rent. Housing NSW obtained orders to terminate her tenancy because of rental arrears and classified her as an unsatisfactory former tenant. She had a rental arrears debt of \$5,570. Her appeal was refused so we appealed to the Housing Appeals Committee who agreed that her tenancy should be reinstated as her absence was caused by domestic violence. They also recommended that the debt be waived. Housing NSW accepted the recommendation.

Client wins access to national disability insurance

Our client, Mr T, suffered from cardiomyopathy, sleep apnoea, Crohn's disease, grand obesity, chronic anxiety and depression. The National Disability Insurance Agency (NDIA) rejected his application to join the NDIS on the basis that his obesity and depression were not permanent and that the remaining conditions were "health conditions" not disabilities. We assisted Mr T to obtain additional diagnostic materials and an occupational therapy assessment. We wrote submissions to the NDIA arguing that Mr T's morbid obesity and depression were permanent and resulted in substantially reduced functional capacity in the areas of mobility and self-care, and he therefore met the disability requirements to become a participant in the NDIS. The NDIA conceded the appeal and the NDIA decision was set aside. The matter only required one preliminary case conference at the Administrative Appeals Tribunal.

Legal Aid NSW secures precedent-setting tenancy win

Angela Violet v Mohsen Ghaderi-Araghi

Legal Aid NSW assisted a client to retain damages for the non-economic loss he suffered by being made homeless by his landlord. The client, a 65 year old man, was made homeless after his landlord illegally evicted him by changing the locks at the premises he rented.

Legal Aid NSW acted for our client in the landlord's appeal against a decision of the NSW Civil and Administrative Tribunal (NCAT) to award him compensatory damages for loss of enjoyment of the property.

The case raised an important public interest matter regarding the power of Courts and Tribunals to award damages for non-economic loss caused by loss of enjoyment of residential premises. The *Civil Liability Act 2002* (CLA) generally restricts damages for non-economic loss when they amount to personal injury damages. The NCAT Appeals Panel accepted our submissions that damages for being made homeless as a result of an illegal eviction amount to damages for discomfort and loss of enjoyment, and are therefore not subject to the restrictions of the CLA.

The result in this case has potentially wide-ranging implications for our clients, particularly tenants who suffer non-economic losses caused by breaches to their right to quiet enjoyment of premises.



THE YEAR AHEAD

- ➔ Increase our capacity to provide advice, representation and community legal education in relation to NDIS issues as the Scheme rolls out to additional locations.
- ➔ Contribute to developing the New South Wales Homelessness Strategy.
- ➔ Enhance services to clients with complex needs, including through partnerships.

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

Vulnerable clients learn about their rights and responsibilities

In 2016–2017, we focused on new arrivals, young people, older people and Aboriginal people.

Highlights included:

- over 350 workshops for young people—almost 40 per cent of these were for *Putting the X in sexy text*—a Legal Aid NSW interactive multimedia resource, alerting young people to the risks associated with social media
- a new resource for young people and community workers to help them identify when they may have a civil law issue
- education programs and resources for newly arrived refugees (page 28)
- monthly education sessions at Silverwater Women's Correctional Centre on housing, fines and Centrelink issues
- resources for adopting parents, information about the National Disability Insurance Scheme and a series of Easy English booklets explaining police powers.

▲ The way Legal Aid NSW does community legal education (CLE) was rethought after a review by the Law and Justice Foundation of NSW, and a restructured CLE Branch was created at the end of last year. The new CLE team came on board between October 2016 and April this year.

Timely information can prevent legal problems getting worse

Sometimes, early information can help people to resolve their legal issue before it escalates. Legal Aid NSW has a strong tradition of resourcing the community about many areas of law.

We distributed over 750,000 publications through our online ordering system, including the sixth edition of the *Legal Topics for Older People Diary*—once again, at almost 80,000 copies ordered, our most popular publication—followed by information about fines and domestic violence.

Our resources were viewed online almost one million times (980,729) last year.

We conducted 2,173 community legal education sessions.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

We implemented key recommendations of the Law and Justice Foundation of NSW review of CLE activities at Legal Aid NSW. A restructured CLE Branch was formed to help staff across Legal Aid NSW apply best practice principles when they plan, develop and evaluate CLE.

A new advisory committee ensured that all CLE is informed by the incoming CLE strategic framework, and that our CLE is coordinated, targeted, cost-effective and aligned with the organisation's broader strategic direction and priorities.

OBJECTIVE SUPPORTING OUR PEOPLE

We established a CLE Community of Practice of 19 lawyers across the three practice divisions to start building the capacity of staff to design, develop and deliver best practice CLE.

New processes and templates will guide staff working on CLE projects.

OBJECTIVE STRONG PARTNERSHIPS

We established an external consultative committee of our key partners in the sector to ensure that all CLE done by Legal Aid NSW is collaborative, client-focused and coordinated with the work that other key agencies are doing.

CLE was delivered through partnerships with other legal and non-legal services:

- Our Aboriginal Women Leaving Custody Service collaborated with the Women's Legal Service to provide CLE on care and protection and victims support to female prisoners at Silverwater Women's Correctional Centre.
- During Law Week our lawyers partnered with the State Library of NSW to deliver CLE in more than 30 libraries around the state on cyber safety for older people and traffic law.



THE YEAR AHEAD

- ➔ Develop two flagship products that explain what Legal Aid NSW does—one for higher capability audiences and a short animated video for clients with limited English skills.
- ➔ Build the capacity of staff to plan, deliver and evaluate CLE based on a user-centred, best practice approach.

Contributing to law reform

Our experience and expertise in representing socially and economically disadvantaged people who have come into contact with the justice system, puts us in a unique position to contribute to law reform at state and national levels.

In 2016–2017, Legal Aid NSW made 41 law reform submissions. Further details appear in Appendix 7.

OBJECTIVE ACCESS TO JUSTICE

Criminal law—a proactive voice in major reforms

We contributed to the development of the NSW Government's appropriate early guilty plea reforms. We made submissions to the statutory reviews of section 25A and 25B of the *Crimes Act 1900* (the "one punch offences"), the *Crimes (High Risk Offenders) Act 2006*, and the mandatory pre-trial defence disclosure provisions. We also scrutinised and provided feedback on draft Commonwealth and State criminal legislation and policy proposals on a range of topics.

In 2016–2017 we made submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse, and gave evidence to the Inquiry in November 2016, including about our involvement in the Child Sexual Assault Pilot scheme. We also made submissions to the Legislative Assembly Inquiry into violence against emergency service personnel, and to the NSW Government's consultation on serious vilification laws. We met with the Commissioner leading the Australian Law Reform Commission's inquiry into Indigenous incarceration and identified Legal Aid NSW priorities for criminal justice reforms in this area.

We engaged with the NSW Department of Justice on a range of issues, including the new offence of sharing intimate images without consent.

Legal Aid NSW actively participates in a number of interagency committees concerning bail, prisoners' issues and domestic violence. We were represented on the Bail Act Monitoring Group convened by the Department of Justice.

Changing unfair aspects of the law or the way in which it operates is fundamental to our mission to make a difference.

Our Criminal Law Reform and Policy Consultation Group, made up of a broad cross-section of Legal Aid NSW lawyers, played a key role in capturing ‘frontline’ experiences of Legal Aid NSW lawyers and informing contributions to law reform processes. The Group meets quarterly, comments on current law reform proposals and draft legislation, and proactively identifies laws in need of reform.

Family law—arguing for laws that better protect vulnerable people

Legal Aid NSW contributed to a number of law reform submissions, including the Australian Law Reform Commission inquiry into elder abuse, the Commonwealth Attorney-General’s Department consultation on criminalising breaches of personal protection injunctions in the Family Court, the NSW Law Reform Commission’s inquiry into alternative dispute resolution (addressing family disputes), and the Australian Parliament’s Standing Committee on Social Policy and Legal Affairs inquiry into how the family law system can better protect people affected by family violence. We also scrutinised and provided feedback on draft Commonwealth and State criminal legislation and policy proposals on topics including family law, domestic violence, and evidence given by children.

We also participated in a number of interagency law reform committees, including the National Legal Aid Family Law Working Group and the New South Wales and Commonwealth Government Working Group to prevent forced marriage. Legal Aid NSW lawyers were actively involved in Family Court committees, including the Self Represented Litigants Committee and the Children’s Committee.

Civil law—addressing issues like elder abuse, homelessness and freedom of speech

Legal Aid NSW made extensive contributions to the Treasury review of the financial system external dispute resolution framework, and also contributed to reviews of the marketing of financial products, general insurance, life insurance, time-share schemes and funeral funds.

We made submissions to the NSW Law Reform Commission’s inquiry into the *Guardianship Act 1987* and (as noted above) submissions to the Australian Law Reform Commission’s inquiry into elder abuse. We also made a submission to the Department of Family and Community Services on a homelessness strategy for New South Wales and to the *Statutory Review of the Coroners Act 2009*.

Other civil law submissions addressed freedom of speech, the Federal Government’s proposed new citizenship test, and corporate evasion of the *Fair Work Act 2009 (Cth)*.

Legal Aid NSW made a submission to the New South Wales Department of Justice’s consultation on civil justice reform, and participated in the Civil Justice Strategy Consultation Group. We also participated in the Work and Development Order Scheme Governance Group, and a range of ombudsman and tribunal user groups.



THE YEAR AHEAD

Legal Aid NSW will continue to contribute to law reform processes on issues that affect socially and economically disadvantaged people in the justice system. Some of the significant reform processes on the horizon for 2017–2018 include:

- ➔ reforms to sentencing, parole and driver licence disqualification laws in New South Wales
- ➔ the NSW Sentencing Council’s inquiry into the role of victims in the sentencing process
- ➔ the Australian Law Reform Commission’s inquiry into Indigenous incarceration
- ➔ the NSW Law Reform Commission’s review of the *Guardianship Act 1987*
- ➔ potential reforms to civil justice in New South Wales, following the New South Wales Government’s consultations on this issue
- ➔ reforms to the penalty notice system.
- ➔ early guilty plea reforms, including training for staff and private lawyers, and recruiting new staff.

2 Collaborating with our partners

Partnerships and working collaboratively are an essential element in providing client-centred services and ensuring the most efficient use of resources.



In this section

42	Key partners at a glance
43	Effective partnerships benefit the community
46	Private lawyers
49	Community programs
53	Regional partnerships
56	Justice forums
58	Aboriginal community partnerships

◀ Funding commitments from State and Federal Governments made the official opening of the new Community Legal Centres NSW offices an occasion for celebration. Jenny Leong, Member for Newtown (left), Shadow Attorney General for New South Wales, Paul Lynch (centre) and Mark Speakman, SC, Attorney General of New South Wales (right) celebrated with Community Legal Centre staff, representatives from Legal Aid NSW and people from across the sector. See page 50.

Photo: Community Legal Centres NSW



Key achievements

- ✦ Health justice partnerships started in seven new health locations, including the first clinic where our lawyers can advise people before they appear in a criminal court (page 43).
- ✦ A Good Practice Guide for Independent Children's Lawyers aims to improve children's experience of the family law process (page 44).
- ✦ Panel lawyer audits—an increase of 41 per cent—revealed evidence of better compliance with our practice standards (page 47).
- ✦ New funding to Community Legal Centres will assist in meeting growing demand for legal services (page 49).
- ✦ A *Safer Pathway* rollout to 21 more locations and training for 2,030 of our partners provided support to more women across the State (page 52).
- ✦ Legal Aid NSW prepared for an increase of Aboriginal clients as a result of Aboriginal Legal Service (NSW/ACT) Ltd service changes (page 58).



The year ahead

- ➔ Working with Women's Domestic Violence Court Advocacy Services in rolling out *Safer Pathway* to over seven new sites.



Key challenge

- ✦ Building better partnerships with our community partners to improve client service outcomes.

Key partners at a glance

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

Private lawyers p 46
Private lawyers provided 43.2 per cent of all Legal Aid NSW case and duty services.

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

LawAccess NSW
LawAccess NSW made 53,034 referrals to Legal Aid NSW offices compared with 43,368 last year.

LawAccess NSW is a free service that assists 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. Anyone 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. Depending on a person's level of disadvantage and legal need, they may then be assisted to obtain a grant of legal aid for a dispute resolution conference or representation in court for complex litigation.

The main areas people sought help with in 2016–2017 were debt, family law parenting arrangements, neighbours, wills, apprehended domestic violence orders, property settlement, employment and car accidents.

National Legal Aid (NLA) p 56
Implemented a new national Family Advocacy and Support Service at family law court registries responding to recommendations of the Third National Action Plan of the *National Plan to Reduce Violence against Women and their Children*.

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.

NSW Legal Assistance Forum (NLAF) . . . p 56
Resourced parents and children involved in Compulsory Schooling Order proceedings in the Children's Court and *Education Act* prosecutions in the Local Court.

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.

Aboriginal Legal Service (NSW/ACT) Ltd . . p 58
Trauma-informed practice training took place in readiness for the New South Wales Reparations Scheme.

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd share a statement of commitment ensuring that both agencies work together to address the legal needs of Aboriginal people in New South Wales.

Cooperative Legal Service Delivery (CLSD) Program p 53
A Northern Rivers project has the potential to improve legal outcomes for families.

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

Community Legal Centres (CLCs) p 49
Community Legal Centres welcomed the new funding announced by the State and Commonwealth Governments.

Legal Aid NSW administers funding to 32 generalist and specialist Community Legal Centres and their peak body in New South Wales.

Women's Domestic Violence Court Advocacy Services (WDVCASs) p 51
The Services rolled out *Safer Pathway*—a new service model to 21 more locations across the state and launched a new 1800 number.

Women's Domestic Violence Court Advocacy Services work with the NSW Police Force, Victims Services, New South Wales Local Courts and legal, health, welfare and accommodation services in the community. These Services provide an integrated response to women and children impacted by domestic and family violence. The 28 WDVCASs are administered by the Women's Domestic Violence Court Advocacy Program within Legal Aid NSW.

Effective partnerships benefit the community

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

OBJECTIVE ACCESS TO JUSTICE

Achieving better health and legal outcomes for clients

Legal Aid NSW has increased its response to Australian and international evidence regarding the adverse health and social consequences resulting from unresolved legal problems. Research shows a correlation between long-term illness/disability and legal problems with the number of legal problems increasing with the level of disability or illness. Health justice partnerships aim to integrate health and legal services to improve health, wellbeing and legal outcomes for clients.

Our partnerships with health services expanded over the year to include new partnerships with Headspace in Dubbo, Community Mental Health in Campbelltown, Maayu Mali Aboriginal Residential Rehabilitation Service in Moree, Calvary Riverina Hospital Drug and Alcohol Service Rehabilitation Clinic in Wagga Wagga, and The Royal Women's Hospital and the Sydney Children's Hospital Network in Randwick. We are also partnering with a number of services for the Northcott renewal project—a housing renewal project for the public housing precinct in Surry Hills.

In a first for Legal Aid NSW, we launched a new partnership with Blacktown Drug Health Service (DHS) where our lawyers attend a weekly advice clinic, engaging with clients before they appear in court. The DHS includes a methadone clinic where over 200 patients attend daily.

Lawyers see clinic patients on a non-appointment basis and have assisted 55 clients since the partnership began. Many more patients have been assisted informally with legal information and referrals.

Rounding things off, the DHS has now become a Work and Development Order provider assisting clients to work off their debts. At the same time, a family law health justice partnership at Blacktown Hospital meets clients' family law needs. These combined initiatives address clients' multiple legal and health needs efficiently and effectively.



CASE STUDY

Health justice partnership location: Blacktown Hospital Methadone Clinic

Our lawyer saw *Phil who had a criminal matter already listed for hearing at a nearby Local Court. Phil had not sought legal advice before and had represented himself until this point. He had no intention of instructing a lawyer at the hearing.

Our partners at the clinic referred Phil to our lawyer for on-site advice. We were able to advise Phil that the reasons he had pleaded not guilty were not in fact a defence to the charge. However, these reasons would be taken into account by the Court in reducing his sentence.

Health justice partnership location: The Hub Community Health Centre and Budyari Aboriginal Community Health Centre

Jane* was referred to us by an Aboriginal health worker who was worried that Jane was being bullied and harassed by her son, who had recently moved into her public housing home. Jane could not leave her house due to illness, so we provided Jane with telephone advice. We advised Jane to tell Housing NSW that her son was living in her home or she could be in breach of her lease. This could lead to termination of her lease and a large rental debt. Jane had asked her son to leave but he refused. Her son had to go to court soon and she was worried about what would happen.

Our lawyer explained Jane's options to her and told her son that he could not live at his mother's house without the knowledge of Housing NSW. Jane's son eventually left her home, and her tenancy was no longer at risk. We referred Jane's son to South West Sydney Legal Centre for help with his criminal matter.

** Not our clients' real names.*

Protecting vulnerable young people stops their 'drift into crime'

Just over a year ago, Family and Community Services, the Association of Children's Welfare Agencies and Family and Community Care State Secretariat (NSW) entered into a formal protocol with Police on a way to respond better to challenging behaviours by children and young people in out-of-home care. Legal Aid NSW worked closely with the NSW Ombudsman's Office to drive the development of the protocol.

The protocol was a response to long held concerns about the use of callouts to Police as a behaviour management tool for young people in care. This has led to unnecessary and frequent interaction with the criminal justice system for a group of extremely vulnerable young people.

Legal Aid NSW is a member of the state-wide steering committee that includes Family and Community Services, Juvenile Justice, NSW Ombudsman's Office, Aboriginal Legal Service (NSW/ACT) Ltd, Office of the Children's Guardian, NSW Advocate for Children and Young People, out-of-home care providers, and Police.

In practice, the protocol has provided a more holistic and hands-on approach to dealing with children in care, particularly when they have complex needs. Stakeholders such as Police, residential care providers, counsellors and Legal Aid NSW lawyers have worked together to achieve the best outcomes for these young people.

During 2016–2017, we partnered with Family and Community Services to train our partners and increase their awareness of the protocol's guidelines.



CASE STUDY

Unnecessary interaction with the criminal justice system avoided

Legal Aid NSW assisted Family and Community Services caseworkers to open a dialogue with Police about the protocol in relation to a young person in out-of-home care. The out-of-home care provider had earlier approached the Police about how they could best manage the young person's trauma-induced behaviour without criminalising her.

Police at first felt constrained by domestic violence legislation; however, when introduced to the Protocol they were happy to use it as a framework for a more supportive model of intervention as opposed to each interaction leading to a charge.

OBJECTIVE STRONG PARTNERSHIPS

New tool for lawyers working with vulnerable clients

In partnership with the Centre for Children and Young People at Southern Cross University, we developed a *Good Practice Guide for Independent Children's Lawyers* guided by the results of a survey and a literature review. It encourages Independent Children's Lawyers and others to reflect on the ways they currently engage with children and how this may impact on children's understanding and experience of family law processes.

Tenants are paying off their debts and remaining housed

A ground-breaking housing partnership between Bridge Housing Limited, Legal Aid NSW and other community partners offers tenants an alternative way to repay arrears and to address underlying issues that have led to their debt.

Hand Up is modelled on the successful Work and Development Order (WDO) Scheme, a partnership between Legal Aid NSW, Revenue NSW and the Department of Justice, that enables people experiencing serious hardship to pay off fines through approved activities.

Hand Up tenants with high or repeat arrears are able to 'pay off' the debt owed to Bridge Housing by undertaking financial counselling plus an approved activity or treatment program.

Hand Up was formally evaluated this year (report released in May 2017) with extremely positive findings. All participating tenants have remained housed and some have already paid off their debt entirely.

Interdisciplinary learning and training will improve client service

Training guided our partners to identify legal issues. It included:

- education workshops at Melaleuca House mental health facility and Blacktown Hospital
- lunchtime learning talks held by the Illawarra Health Justice Partnership in Wollongong on topics like elder financial abuse, and assisting clients whose application for the Disability Support Pension has been rejected
- regional training about compulsory schooling orders included panel lawyers and Magistrates
- advocacy training for Independent Children's Lawyers
- a clinical supervision program to state wide family dispute resolution practitioners to ensure a continuing high standard of mediation.

OBJECTIVE STRONG PARTNERSHIPS

Turning young Aboriginal lives around

The Youth Koori Court based at Parramatta Children's Court marked its second year as a pilot program. Legal Aid NSW partners with the Aboriginal Legal Service (NSW/ACT) Ltd to provide advice to young Aboriginal people with complex needs and, often, multiple civil law issues which, if left unattended, would affect their path to rehabilitation and staying out of the criminal justice system.

The Court's success depends very much on wider collaboration from all sides of the legal fraternity, including Elders, Magistrates, the Police, Juvenile Justice, Western Sydney Community Legal Centre and non-government organisations that support the Court.

Since the program commenced, Legal Aid NSW lawyers have worked with over 70 participants. In February 2017, Senator for Western Australia, Pat Dodson attended the court and spoke to young people directly. He commended the partners of the Court for their work in "laying down the pathway for our youth to reduce their interface with the criminal justice system".



CASE STUDY

"My life has changed since I joined the court"

Laura, a young mother, had pleaded guilty to offences of violence but had been out of trouble since she had commenced on her Youth Koori Court action and support plan. She told the Court that "ever since I joined the Court, my life has turned around and changed. I have goals and my support worker helped me accomplish them".

Seeking more effective state and national models

Legal Aid NSW and the Mental Health Commission of NSW co-chair the NSW Health Justice Partnership Community of Practice. This year we hosted *Putting the Consumer First: Creating a person-centred HJP* attended by more than 50 health, legal and community services practitioners.

Legal Aid NSW chairs the Sydney East Justice and Wellbeing Task group—a multi-agency task group which aims to progress more effective models of collaboration between the health and justice sectors.

The Task Group worked on a blueprint for evaluation strategies.

Legal Aid NSW worked closely with Clayton Utz and Justice Connect in their establishment of Health Justice Australia—the new national centre for health justice partnerships. The centre will conduct research and evaluation and develop resources for lawyers as well as advocate for reform.

We worked with partners across New South Wales and Commonwealth Government agencies to establish the New South Wales and Commonwealth Government Working Group to Prevent Underage Forced Marriage.

By expanding the scope of work of Legal Aid Care Partners, we were able to capture early intervention work with families, leading to more referrals and support for early intervention liaison between care partners, non-government organisations and Family and Community Services.

We convened the Child Support Liaison Group with membership from Community Legal Centres NSW, LawAccess NSW, the Department of Human Services and the Commonwealth Ombudsman.

In partnership with the Inner City Legal Centre, we organised a forum on the social, medical and legal issues facing children with gender dysphoria, attracting over 100 attendees.



THE YEAR AHEAD

- ➔ Strengthen our health justice partnerships and undertake strategic planning to help allocate resources where they will have the most impact for our clients.
- ➔ Participate in an evaluation of the out-of-home care protocol and deliver training about it to the Judiciary and Police prosecutors.
- ➔ Lead the development of a multi-disciplinary training program for lawyers on the representation of children in family law matters.
- ➔ Develop a framework for a coordinated state-wide approach to supporting private lawyers through shared training and resources.
- ➔ Develop a management framework for Legal Aid NSW key partnerships.

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 2016–2017, private lawyers provided 43.2 per cent 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 in-house practice. Applications are submitted and managed electronically. Staff in this division have regular telephone contact with lawyers and clients.

FACT FILE

Total staff: 77

Total applications for legal aid processed: 47,529

- in criminal law: 29,129
- in family law: 16,450
- in civil law: 1,950

Number of individual lawyers appointed to 12 Legal Aid NSW panels*: 1,980

Percentage of legally aided case and duty services provided by private lawyers: 43.2%

**This includes lawyers appointed to more than one panel*

Number of private lawyers on Legal Aid NSW panels 2016–2017*

General Criminal Law	1,301
General Family Law	828
Care and Protection**	244
Serious Criminal Law	212
Children's Criminal Law	184
General Civil Law	153
Mental Health Advocacy	148
Independent Children's Lawyer	136
Specialist Barrister Panel (Criminal Appellate Matters)	90
Specialist Barrister Panel (Complex Criminal Law)	73
Domestic Violence	51
Veterans' Law	4

*This includes lawyers appointed to more than one panel.

**152 of the 244 Care and Protection Panel members are appointed to act for children as well as adults.

All of the numbers include current active panel members whose appointment start dates are before 30 June 2017.

OBJECTIVE ACCESS TO JUSTICE

More private lawyers were available to represent legally aided clients

Private lawyers doing legal aid work are required to be a member of a Legal Aid NSW panel. 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 1,980 individual private lawyers who are current members of one or more panels.

In 2016–2017, there were 651 appointments of new lawyers to our panels. In addition, we reappointed 202 current panel members whose five-year panel appointments expired throughout the year. This means that panel lawyers will continue to be available to represent legally aided clients.

Parents and children in Moree and Broken Hill now have somewhere to turn

Legal Aid NSW identified the need for better access to legal representation in care and protection proceedings in Moree and Broken Hill. To address this, we selected a group of lawyers as ‘preferred providers’ to represent children, parents and others, on behalf of Legal Aid NSW in child protection matters.

Pilot schemes in Broken Hill and Moree have strengthened our position to deliver a consistent, high-quality supply of lawyers in care and protection matters to service these communities. In both towns, the pilots are being accompanied by an increased Legal Aid NSW in-house presence.

A new Domestic Violence Panel provides specialist legal assistance

The Domestic Violence Panel replaces the Domestic Violence Practitioner Scheme, which operated as a duty service in some Local Courts. The panel is a specialist state-wide panel open to solicitors and barristers in private practice. Lawyers appointed to the panel are expected to have specialist knowledge and skills in providing legal assistance to victims of domestic and family violence.

The panel re-opened for applications in December 2016. We received 206 applications from private lawyers, which are under consideration by the panel selection committee. The panel will be operational again in the second half of 2017 once selection of lawyers for the panel is completed.

Disability awareness e-learning module

The disability awareness e-learning module was made available for panel lawyers and community workers to increase awareness among panel lawyers about people with disability and the issues they face. It contains information about different disabilities, common misconceptions, dos and don'ts when interacting with people with disability, and how to minimise barriers for them.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Lawyers complied better with practice standards due to audits

Audits are a part of our general business practice and are important as they enable Legal Aid NSW to verify that work has been done and that claims are accurate.

We conducted 41 per cent more panel lawyer audits this year—auditing 705 panel lawyers and 3,448 files/claims and requesting refunds of \$142,770—close to our target.

Spot check audits of claims were a priority. This year, we focused on claims for general disbursements, client conferences and prison visits, preparation of court documents in care matters, and court time in indictable crime matters.

There has been an overall improvement in compliance with the practice standards by panel lawyers in relation to file management and the maintenance of adequate file notes, including start and finish times for all court appearances.

We also completed file audits of 16 files for three panel lawyers appointed to the General Criminal Law Panel, General Family Law Panel and the Care and Protection Panel.

A review of our audit strategy is in progress.

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	705	3,448	\$142,770

We conducted 41 per cent more panel lawyer audits this year.

Some lawyers failed to cooperate with audit

Failing or refusing to cooperate with a Legal Aid NSW audit can have serious consequences for panel lawyers under section 52B (11) of the *Legal Aid Commission Act 1979* including removal of the lawyer from panels to which the lawyer is appointed. In 2016–2017, four panel lawyers were removed from the panels to which they were appointed because they failed to cooperate with an audit. In addition to this, two panel lawyers requested to be removed from all

panels to which they are appointed after receiving an audit notification from Legal Aid NSW.

Panel lawyers received regular updates about audit issues and activities in monthly Legal Aid News bulletins. There has been a particular emphasis on alerting panel lawyers to the increase in audit activity and the potential serious consequences of not cooperating with an audit request.

Monitoring breaches of service 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 New South Wales Bar Association and Legal Aid NSW, makes recommendations to Legal Aid NSW about lawyers who have breached panel service agreements.

During 2016–2017, we investigated 61 panel lawyers; however no referrals were made to the Monitoring Committee for apparent breaches of the service agreement. More than 50 per cent of these matters related to the General Criminal Law Panel—the largest of the panels.

We have recently updated our Learning Management System module called an “Introduction to Professional Practices”. It provides information about how Legal Aid NSW manages panels of private lawyers, the audit process and investigation of apparent breaches of service agreements.

OBJECTIVE STRONG PARTNERSHIPS

Seminars and technology provide practical support to private lawyers

Free seminars conducted for private lawyers on Grants policies and procedures and the use of Grants Online took place in Armidale, Bathurst, Byron Bay, Dubbo, Parramatta and Tamworth.

Legal Services Commissioner, Mr John McKenzie, joined with our staff to present the sessions in Tamworth and Armidale.

The Dubbo and Bathurst sessions included a clinical training component for local lawyers that fitted within the broader Regional Service Delivery Plans of our regional offices. The clinical training components for these seminars were delivered by a local Magistrate and the senior lawyer of the regional office.

A Central Sydney session was webcast to lawyers across the state.



THE YEAR AHEAD

- ➔ Develop and implement a new panel of private lawyers for Sexual Assault Communication Privilege matters.
- ➔ Complete the next five-year review of the Care and Protection Panel, General Family Law Panel and Veterans' Law Panel.
- ➔ Re-open the Specialist Barrister Panel (Complex Criminal Law) for applications from current panel members and new applicants.
- ➔ Appoint new panel lawyers to support the Domestic Violence Panel across New South Wales.
- ➔ Finalise the review of the Panel Lawyer Audit Strategy and implement its recommendations.
- ➔ Review the way we conduct our grants processes in order to make improvements.
- ➔ Implement new grants processes resulting from early appropriate guilty plea reforms.

Community programs

Community Legal Centres

Legal Aid NSW administered the Community Legal Centre Program for 32 Community Legal Centres (CLCs) in New South Wales and the state peak body, Community Legal Centres NSW (CLCNSW).

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.

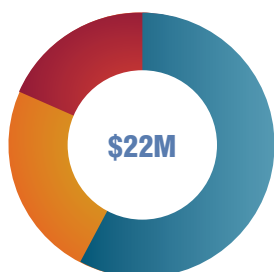
Legal Aid NSW also administers funding for Children's Court Assistance Schemes that operate at seven Children's Courts under the auspice of four CLCs.

FACT FILE

- 32 centres assisted 36,748 people
- Provided 43,117 advices to clients
- Opened 6,220 new cases and completed 6,150 cases
- Delivered 1,032 education programs
- Made and received 77,023 referrals

Funding in 2016–2017

A total of \$22,193,047 was paid to CLCs through the program comprising:



- Commonwealth funding \$11,582,192
- State funding \$6,417,541
- Public Purpose Fund (PPF) funding \$4,193,314

The PPF also provides funding directly to some CLCs.

Legal Aid NSW also provided \$442,223 to 12 CLCs for providing early intervention legal assistance under the Care Partner Program and an additional \$25,000 to support CLC attendance at training on care and protection matters.

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

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

New funding will assist in meeting increasing demand for services

Community Legal Centres continued to exceed the benchmark for providing representation services to clients who are defined as 'financially disadvantaged'. In 2016–2017, 95.4 per cent of major casework was directed to financially disadvantaged clients—exceeding the benchmark of 85 per cent.

In April 2017, the NSW Attorney General announced an increase of over \$6 million in additional funding for the CLC Program over two years. This funding was provided on the principle that no CLC would be 'worse off' in 2017–2018 than in 2016–2017.

The Commonwealth Attorney-General also announced funding of \$3.27 million per annum for the remaining three years of the *National Partnership Agreement on Legal Assistance Services 2015-2020* (the NPA) for the provision of family law services and legal services for people experiencing or at risk of family violence. The Premier signed the varied NPA on 27 June 2017. This reinstated funding which was due to be cut from the New South Wales CLC Program.

New funding has been distributed based on Commonwealth and State priorities, and the needs-based funding methodology. The new funding allocation approach for 2017–2018 was approved by the Legal Aid NSW Board. The NSW Attorney General also announced that there would be a review to inform future allocations from 2018–2019 onwards.

Over ninety five per cent of major casework was directed to financially disadvantaged clients—exceeding the benchmark of 85 per cent.

Engaging earlier with families that are at risk

In 2016–2017, Legal Aid NSW implemented recommendations arising from a review of the Care Partner Program which commenced in January 2015. The program was introduced as part of an early intervention and alternative dispute resolution pilot in response to the Safe Home for Life reforms to care and protection legislation. A final review of the program was endorsed by the Legal Aid NSW CEO in June 2017.

As a result, new Care Partner Service Agreements will be issued to the 12 participating CLCs. These new agreements will provide further opportunities for CLCs to continue important work engaging earlier in care and protection matters with at risk families, and building on their capacity to deliver these services.

New case management and reporting database

The National Association of CLCs (NACLCL) has worked to develop the Community Legal Assistance Services System (CLASS), the new case management and reporting database for the CLC sector. CLCs migrated to CLASS in March 2017. Legal Aid NSW is continuing to work with NACLCL to ensure that reports will be available for planning of service delivery, analysis and reporting to the Commonwealth Government under the NPA. However, at time of publishing, there had been delays in CLASS being able to fully support CLC data reporting.

Planning for sustainable service delivery

Legal Aid NSW, CLCNSW and individual CLCs have continued to work on projects to reduce administrative costs and plan for sustainable service delivery into the future. Outcomes achieved in 2016–2017 include:

- amalgamating three CLCs to form Western Sydney CLC to reduce administrative costs and ensure continued services are delivered to the areas of greatest need
- co-locating CLCNSW and Welfare Rights Centre to reduce rental and overhead costs
- negotiating a cheaper secure document storage service resulting in Sydney-based CLCs either saving on archive costs and/or having more office space to engage volunteers
- consolidating legal information and education resources by a range of CLCs
- increased participation of CLCs in the NSWBuy/Procurepoint scheme run by the State Government which has resulted in significant cost savings.



THE YEAR AHEAD

- ➔ Work with CLCs to identify and implement service delivery strategies for family law and family violence services and monitor progress towards NPA benchmarks for financial disadvantage.
- ➔ Assess CLC compliance with Aboriginal cultural safety standards and other service standards.
- ➔ Work with CLCs to implement further administrative efficiencies, including new sector-wide information technology and telecommunication systems.
- ➔ Participate in the State Government review of CLC funding which is likely to inform funding for 2018-2019 and beyond.

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. They play a key role in the New South Wales Government's *Safer Pathway* strategy, acting as hosts for Local Coordination Points. See page 52.

FACT FILE

- A 9% increase in the number of clients compared with last year
- A 6% increase in the number of services provided compared with last year
- 11% of WDVCAS clients identified as Aboriginal or Torres Strait Islander
- 18% of clients were from culturally diverse backgrounds
- 7% of WDVCAS clients identified as having a disability

Number of women supported by WDVCASs

2014-2015	22,775
2015-2016	39,434
2016-2017	43,006

Client numbers continue to rise since the *Domestic Violence Justice Strategy* was introduced in 2015-2016.

Funding in 2016-2017

In 2016-2017, \$17,067,620 was paid in grants through the Program to incorporated, not for profit, non-government service providers under a triennial funding agreement. These service providers host WDVCASs in 28 locations across New South Wales.

This amount includes \$6,012,840 paid by NSW Treasury through Women NSW to support the 27 Local Coordination Points (LCPs) hosted by WDVCASs as part of the NSW Government's *It Stops Here: Standing together to end domestic and family violence in New South Wales* reforms. It does not include Commonwealth Family Advocacy Support Service funding for the period April to June 2017.

In addition to recurrent WDVCAP funding, total funding amounts include an additional allowance to support the WDVCASs in the implementation of the New South Wales *Domestic Violence Justice Strategy*.

➤ Details of grant allocations are in Appendix 4.

OBJECTIVE ACCESS TO JUSTICE

More support for those impacted by domestic and family violence

In 2016-2017, WDVCASs supported 43,006 clients, a nine per cent increase from 2015-2016. WDVCASs provided 154,277 services, an increase of six per cent from the previous year.

Clients were referred by WDVCASs to local agencies for a broad range of services, including family support and counselling, accommodation and health services, and legal advice on Apprehended Domestic Violence Orders, tenancy and child protection.

A new service for Walgett addresses a geographic gap

Castlereagh Local Area Command (LAC) has been the only LAC not covered by a WDVCAS. In April 2017, the State Government announced that a new WDVCAS would commence operations from July, covering Coonamble, Lightning Ridge and Walgett Local Courts. WDVCAP has completed the tender process to find a suitable service provider to host the new WDVCAS, with the new service due to commence in July 2017.

Protection for victims strategy rolled out to 21 additional locations

WDVCASs are key partners in the implementation of the New South Wales Government's *It Stops*

Here: *Standing together to end domestic and family violence in New South Wales* reforms. WDV CAP and the WDV CASs were chosen to implement the *Safer Pathway* strategy and host Local Coordination Points.

Safer Pathway includes a risk identification tool, and electronic management of referrals from domestic violence incidents attended by the NSW Police Force to a Central Referral Point and subsequently to Local Coordination Points (LCPs). *Safer Pathway* provides improved reach to victims, and Safety Action Meetings improve the safety of victims who are identified as being at serious threat of harm or death.

WDV CAP rolled out 12 new *Safer Pathway* sites in November 2016 at Blacktown, Coffs Harbour, Deniliquin, Far South Coast, Mount Druitt, Newcastle, Nowra, Newtown, Taree, Wagga Wagga, Wollongong and Wyong. A further nine sites commenced operations in March 2017 at Bourke, Campbelltown, Griffith, Hunter Valley, Lismore, Northern Beaches, Queanbeyan, St George and Tamworth. There were 27 *Safer Pathway* sites in operation as at July 2017.

A collaborative service model—*Safer Pathway*—was rolled out to 21 more locations.

Using a mix of methods to support women

WDV CAP took a number of steps aimed at supporting women. These included:

- a new 1800 number (1800 938 227) so that women anywhere in New South Wales can be directed to their local WDV CAS
- responsibility for providing support services for women at four Family Court Registries—part of the new FASS service that aims to bridge the gap across Commonwealth family law, state domestic violence and state child protection jurisdictions for families (see page 22 for details)
- re-publishing *Charmed and Dangerous*, which provides information for women on how to improve their safety in five languages
- engaging an Aboriginal project officer in January 2017, to improve engagement with Aboriginal women and communities
- finalising an agreement with the NSW Police Force to run Domestic Violence Prosecutor Clinics. Clinics provide an opportunity for domestic violence victims to prepare for defended hearings.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

In 2016, WDV CAP was a finalist in the NSW Premier's Awards category Reducing Domestic Violence for its work on the *Safer Pathway* rollout.

WDV CAP training for WDV CAS staff was revised to address contemporary issues in domestic and family violence, including trauma informed counselling.

OBJECTIVE STRONG PARTNERSHIPS

The WDV CAP supported each new *Safer Pathway* site with an information session for community representatives, Safety Action Meeting training, mentoring and refresher training.

Training was provided on *Safer Pathway* to over 2,030 people across the state in 2016–2017. Representatives from the NSW Police Force, NSW Health, Family and Community Services, Community Corrections, Education and a range of non-government organisations attended the training. WDV CAP also produced a training DVD to demonstrate all aspects of a Safety Action Meeting to stakeholders.

WDV CAP provided specialist training sessions for NSW Police Force Domestic Violence Liaison Officers and Prosecutors.



THE YEAR AHEAD

- ➔ Roll out more *Safer Pathway* sites at Local Coordination Points hosted by WDV CASs.
- ➔ Commence operations at the new Castlereagh WDV CAS.
- ➔ Train and mentor WDV CAS and LCP staff across New South Wales, so that those impacted by domestic and family violence will receive the best possible services.

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

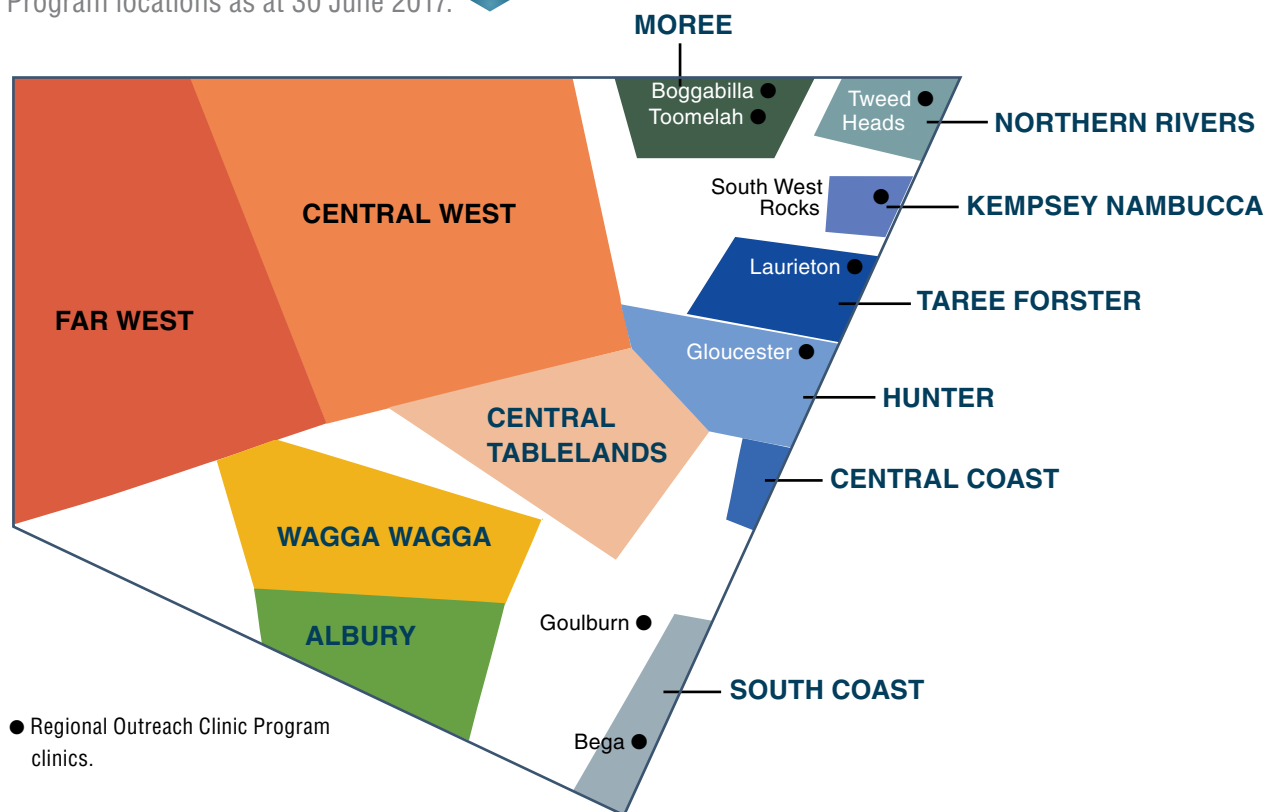
- 40 CLSD Program projects commenced or completed
- 32% of projects delivered with Aboriginal communities
- 6 wills clinics with 6 Aboriginal communities
- 6 joint service clinics operating across regional and remote New South Wales
- 32 education sessions in 17 locations
- Weekly traffic law advice and representation clinics in Broken Hill, Wyong and Toronto Local Courts

The Cooperative Legal Service Delivery Program (CLSD) supports regional partnerships between legal and related non-legal services to improve access to legal services for disadvantaged people. CLSD partnerships aim to target the needs of disadvantaged people, improve coordination of legal services and extend regional capacity through cooperation.

There are currently 12 CLSD Program partnerships across regional and remote New South Wales, each with a funded CLSD Program Regional Coordinator based at a local organisation. Each CLSD Program partnership meets face to face four times 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 regional justice partnerships across New South Wales.

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

CLSD Program and Regional Outreach Clinic Program locations as at 30 June 2017. ▼





CASE STUDY

Early guidance can improve legal outcomes for families

The Northern Rivers CLSD Program partnership implemented an early intervention referral project to improve legal outcomes for families that have contact with NSW Family and Community Services (FACS) about their children. The project, led by the Northern Rivers Community Legal Centre with the Lismore Legal Aid NSW office, the Aboriginal Legal Service and the local Women's Domestic Violence Court Advocacy Service, has produced a referral card of Northern Rivers free legal assistance services for child protection issues, domestic violence, family violence support and advocacy support and a referral map to identify when and why it is important for families to get legal advice.

The project grew out of a concern by CLSD partners that service providers and families were not aware that a FACS intervention or notification was a legal issue, and did not know where families could get legal help. The project also aims to address the underuse of FACS early intervention opportunities such as parent responsibility contracts.

Since February 2017 the project has focussed on sector development, with workshops held to date in Lismore and Tabulam.

Northern Rivers—bringing legal information to families early enough can make a difference.

OBJECTIVE ACCESS TO JUSTICE

Projects aim to remove barriers to justice

CLSD partners work together to develop projects and strategies to assist disadvantaged people with complex legal and related needs and low legal capability.

Each of the 12 CLSD Program partnerships determines service priorities by drawing on local empirical data and demographics to help identify local legal needs and gaps in legal and related non-legal services.

The CLSD Program also funds collaborative, needs-based projects. In 2016-17, there were 48 CLSD Program partnership meetings across New South Wales, including two strategic planning days.

In 2016–2017, CLSD Program partners took part in 40 projects in regional, rural and remote New South Wales. The CLSD Program supported projects and initiatives including:

- joint service advice and minor assistance clinics in various regional locations
- joint legal and non-legal service outreach days in Warren, Coonamble, Mungindi, Bourke and Brewarrina
- community legal education initiatives
- advice and representation in traffic matters for which legal aid is not available in various Local Courts
- a cross-border forum in the Northern Rivers with the Cross Border Commissioner
- pro bono legal advice for tribunal representation for Aboriginal tenants in Walgett and Moree and wills/planning ahead clinics for Aboriginal people in Bourke, Brewarrina, Taree, Wilcannia, Central Coast and Bathurst.

OBJECTIVE EXCELLENCE IN SERVICE DELIVERY

The CLSD Program Unit brought the CLSD Regional Coordinators together for workshops in December 2016 and June 2017 to develop their capacity to strengthen the regional justice partnerships.

OBJECTIVE STRONG PARTNERSHIPS

CLSD Program projects draw upon the collective resources and know-how of local services, both legal and non-legal, to address locally identified needs, and promote access to legal assistance and information about legal rights and services.

The annual Bourke and Brewarrina Law Week project each May is an example of how strong partnerships develop and mature over time through joint action to respond to the particular needs of a community. Through the Central West CLSD Program partnership, around 20 services collaborated on outreach to provide legal and related non-legal services in these communities. As well as providing legal advice and free wills, services assisted with birth certificates, fines, tenancy and consumer issues.

The CLSD Program hosts speakers and consultations on state-wide initiatives. In 2016–2017, CLSD Program partnerships hosted representatives from the Department of Justice's Civil Justice Strategy and MERIT re-design team, LawAccess NSW, Liquor and Gaming, the Cross-Border Commissioner and Fair Trading NSW.

The CLSD Program participated in various cross-sector committees including the NSW Legal Assistance Forum (NLAF) and NLAF working groups to address systemic justice and policy issues identified through the CLSD Program partnerships.



THE YEAR AHEAD

- ➔ Convene collaborative service planning in Moree, Broken Hill, Dubbo, Kempsey and the Riverina.
- ➔ Advocate to address some of the systemic issues arising through the CLSD Program regional justice partnerships.
- ➔ Identify and develop initiatives to assist disadvantaged young people, for example in relation to school attendance and for court support.

Regional Outreach Clinic Program

FACT FILE

- 456 advice services
- 62 advice services (13.6%) delivered to Aboriginal clients

Regional Outreach Clinic Program (ROCP) services are part of a flexible suite of Legal Aid NSW services provided by in-house and external lawyers.

Under the ROCP, Legal Aid NSW funds private and community legal centre legal lawyers to provide legal advice and minor assistance services to communities that have little, or no, access to public legal services. They are located in areas identified as high need where it may not be feasible or efficient to provide a regular in-house outreach service.

The Program also aims to increase the uptake of grants of legal aid for representation in regional New South Wales. ROCP clinics operate from host agencies including local neighbourhood centres, Local Courts, public libraries and family support services.

The work of the ROCP Program is guided by a Steering Committee that scopes and determines ROCP locations.

OBJECTIVE ACCESS TO JUSTICE

ROCP services are reviewed regularly and realigned to complement in-house outreach activity. In 2016–2017, we re-established the ROCP clinics in Toomelah and Boggabilla and continued clinics in Bega and Gloucester. ROCP clinics at Moree, Tenterfield, Kempsey and Bathurst were discontinued as the capacity of Legal Aid NSW regional offices to undertake clinics in those locations increased. New ROCP clinics were established in Goulburn, Tweed Heads, Laurieton, and South West Rocks.

OBJECTIVE EXCELLENCE IN SERVICE DELIVERY

ROCP lawyers are expected to provide high quality legal advice in areas of law usually delivered by in-house lawyers. ROCP lawyers attended an annual in-house training course on new and emerging areas of law provided by our in-house experts, and were briefed on new policy and practice developments. ROCP lawyers were invited to attend all Legal Aid NSW conferences.

OBJECTIVE STRONG PARTNERSHIPS

The ROCP is a good example of Legal Aid NSW working in partnership with the private profession and community legal centres to deliver legal assistance services in some of the more remote areas of New South Wales.



THE YEAR AHEAD

- ➔ Explore locations for more ROCP clinics and establish three new clinics in Cowra, Griffith and Taree.
- ➔ Make sure communities find out about ROCP clinics along with other free legal assistance services in each location.

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 and directors of the Legal Aid Commissions in each of the states and territories in Australia. NLA is supported by working groups and networks in areas of work such as family law, criminal law, civil law and community legal education. These working groups and networks include representatives from each of the legal aid commissions.

NLA met in July and November 2016 and March 2017 to discuss issues of national strategic importance. Members met with Commonwealth officials to provide advice about the impact of Commonwealth law and policies, and to contribute to Commonwealth law reform initiatives.

NLA initiatives during 2016–2017 included:

- proposing a national Family Advocacy and Support Service at family law court registries to the Commonwealth to address recommendations of the *Third National Action Plan of the National Plan to Reduce Violence against Women and their Children*, and coordinating its implementation
- developing the National Independent Children's Lawyer training
- developing a data indicator for Legal Aid Commissions to record elder abuse

- providing media commentary on property-related elder abuse
- updating its Charter and reviewing its strategic priorities.

NLA also provided submissions to the Australian Government and to the Australian Law Reform Commission on:

- a better family law system to support and protect those affected by family violence
- proposed amendments to the *Family Law Act 1975* (Cth) to respond to family violence
- the Australian Law Reform Commission inquiry into Elder Abuse
- consultation by the Commonwealth Attorney-General's Department on draft terms of reference for the Australian Law Reform Commission inquiry into the incarceration rate of Indigenous Australians
- the 2017–2018 Federal Budget.

Projects focus on better access to legal services for vulnerable clients

The NSW Legal Assistance Forum (NLAF) brings together key legal assistance services across the government, non-government and private sectors in New South Wales. 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.

Nassim Arrage from Community Legal Centres NSW chaired NLAF in 2016. The current chair is Richard Funston, Deputy CEO, Legal Aid NSW. Legal Aid NSW staff participate in or chair NLAF working groups. This year NLAF welcomed the NSW Family Violence Prevention Legal Services as a member and a representative from the NSW Attorney General's Office also attended quarterly meetings. Commonwealth Attorney-General's Department representatives attended two meetings.

NLAF members:

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

OBJECTIVE ACCESS TO JUSTICE

Working groups are advocates for change

NLAF had three working groups in 2016–2017: *Prisoners Forum*, *Fines and Traffic Law Working Group* and *Education Act Prosecutions Working Group*. Working Group reports are available on the NLAF website www.nlaf.org.au

Legal Aid NSW and the Department of Education worked together in the *Education Act Prosecutions Working Group*, which aims to improve the referral of listed matters to ensure parents and children have access to legal representation. The Group developed a flyer and poster promoting the availability of legal representation for matters under the *Education Act 1990*.

These were distributed to Children's and Local Court Registrars, Community Legal Centre Care Partners, Department of Education staff, Legal Aid NSW offices and private lawyer panel coordinators.

Births, Deaths and Marriages joined the *Fines and Traffic Law Working Group* to contribute to discussions around the identified barriers preventing people from accessing their birth certificates and the legal consequences, particularly for Aboriginal and disadvantaged people living in remote communities.

The *Prisoners Forum* was well attended by government and non-government services working with prisoners. A range of services gave presentations, including the Miranda Project, Prisoners Aid NSW, NSW Gambling Help, Inspector of Custodial Services, Justice Health and Weave Creating Futures Justice Program. These presentations often result in the development of new cooperative arrangements between services that attend.



THE YEAR AHEAD

- ➔ Assist National Legal Aid in developing a national training program for Independent Children's Lawyers under a Commonwealth Grant Agreement.
- ➔ Assist National Legal Aid in developing a community legal education resource to help people navigate the family violence and family law systems under a Commonwealth Grant Agreement.
- ➔ Contribute to National Legal Aid law reform activities on issues including family law, responding to elder abuse, and the legal needs of Aboriginal and Torres Strait Islander peoples.
- ➔ Support the implementation of New South Wales driver licence disqualification law reform.
- ➔ Support the final stages of the joint audio-visual link project rollout across New South Wales prisons, courts and legal assistance service offices.

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 close and positive working relationship with the ALS.

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

The ALS withdrew services from 12 Local and two District Courts and the State Parole Authority. The courts affected are Parramatta and Gosford District Court, Liverpool, Burwood, Parramatta, Newtown, Gosford, Wyong and Woy Woy (except for the Children's Court) Local Court and five courts of the Wagga Wagga circuit (Tumbarumba, Holbrook, Finley, Corowa, Gundagai).

Hundreds of clients are likely to be affected by these changes to Local And District Courts. In addition, about 700 inmates a year are expected to be affected by the ALS ceasing to represent clients at the State Parole Authority—a number expected to grow further under changes to parole processes in New South Wales.

Legal Aid NSW expects many of the ALS clients to apply to Legal Aid NSW, imposing an additional and unexpected demand for our criminal law services from 1 July 2017.

Legal Aid NSW and the ALS began work on the transfer of clients who are eligible for legal aid.

Legal Aid NSW took steps to mitigate the impact of this decision locally, determining how to deal with the additional work in the criminal law practice as well as assessing the full cost of the ALS service cuts.

About 11.4 per cent of criminal law clients of Legal Aid NSW identified as Aboriginal last financial year. This is expected to rise significantly as a result of these changes.

OBJECTIVE ACCESS TO JUSTICE

The *Legal Aid NSW Reconciliation Action Plan 2015-2018* has a number of strategies to address the changing legal needs of Aboriginal and Torres Strait Islander people and communities across New South Wales.

Our two in-house Aboriginal Field Officers in Dubbo and Port Macquarie, and four ALS care and protection lawyers funded by Legal Aid NSW, assisted local communities through a combination of community legal education, outreach programs and legal representation.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

The *Reconciliation Action Plan* also committed us to maintaining our close working relationship with the ALS. We signed a new joint Statement of Commitment, outlining our respective roles in delivering coordinated best practice legal representation services to Aboriginal communities across New South Wales.

Aboriginal cultural competency programs were delivered to private lawyers in Dubbo, Gosford, Kiama and Sydney to ensure they have the skills, expertise and knowledge to provide culturally sensitive legal representation services.

OBJECTIVE STRONG PARTNERSHIPS

Legal Aid NSW has 13 Reconciliation Champions who attend Aboriginal community events to raise awareness of Legal Aid NSW services. Reconciliation Champions took part in major events this year, including Aboriginal Rugby League Knockout in Dubbo and Sydney, Yabun Survival Day Festival in Sydney and a number of NAIDOC Week events.



THE YEAR AHEAD

- ➔ Maintain Aboriginal Field Officers at Dubbo and Port Macquarie Legal Aid NSW offices.
- ➔ Maintain care lawyer positions with the Aboriginal Legal Service (NSW/ACT) Ltd.
- ➔ Maintain flexible service delivery to Aboriginal communities through outreach programs and community legal education.

3 Managing our organisation

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



Members of the Aboriginal Staff Network and Reconciliation Champions – the drivers of our first Aboriginal services business plan, providing guidance on our commitments to Aboriginal staff, clients and communities.

In this section

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	62	Programs support staff to work safely and stay healthy
	64	Workforce diversity and equity
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ORGANISATIONAL CAPABILITY	68	Efficiency measures
	71	Information technology
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Key achievements

- ★ Staff rated our performance highly in the Public Service Commission People Matter Employee Survey (page 61).
- ★ A review laid the groundwork for re-evaluating the roles of administrative support staff (page 61).
- ★ A new Work Health and Safety Plan included an online safety management system that helps identify 'hot spots' (page 62).
- ★ A reduction in workers compensation costs resulted in a refund of \$481,103 (page 63).
- ★ We employed 69 Aboriginal and Torres Strait Islander employees, up from 57 last year (page 64).
- ★ A new training resource improves the skills of staff providing services to people living with mental illness (page 64).
- ★ Almost 900 staff attended domestic and family violence training (page 65).
- ★ A new client and case management system for delivering better services began to take shape (page 69).



The year ahead

- ➔ Develop our managers to lead their teams and build the capabilities of our staff.



Key challenge

- ★ Focusing on leadership and management capabilities to improve client service outcomes.

Our people

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

FACT FILE

- 1,163 staff, 576 in regional offices and 587 in our Central Sydney office
- 617 lawyers and 546 administrative and corporate services staff
- 69 Aboriginal staff
- 290 men and 873 women
- 77 lawyers with specialist accreditation

Staff numbers over five years

Year	FTE* figures** Financial year end	Actual staff number Financial year end
2016–2017	1,058.79	1,163
2015–2016	1,028.95	1,116
2014–2015	945.85	1,046
2013–2014	903.91	994
2012–2013	871.25	959

*FTE: full-time equivalent **See Appendices 1 and 2 for more details

Staff movements over five years

Staff movements	2012–2013	2013–2014	2014–2015	2015–2016	2016–2017
New ongoing staff	18	15	54	56	64
Staff departures	52	57	66	165	77
Promotions	21	32	11	51	37

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

Supporting our staff to provide outstanding customer service

OBJECTIVE SUPPORTING OUR PEOPLE

Review acknowledges the complex role played by legal administrative staff

We reviewed the role of our legal administrative staff from February to April 2017.

Our administrative staff are much more than traditional legal secretaries—as well as supporting lawyers, the review showed that our legal support officers seek to provide an outstanding level of customer service to our clients, often under very difficult circumstances.

The review was commissioned in an environment where people are often expected to do more work with the same or fewer resources and where the technology is changing constantly.

Independent consultants made recommendations that group separate initiatives into those that we can do immediately or in the longer term.

Better recruitment practices

We improved our recruitment practices through:

- workforce planning to develop a toolkit for a positive workplace environment and resilient workforce
- consistent and compliant practices, addressing some of the results from the Public Service Commission's People Matter Employee Survey 2016
- a redesign of recruitment and selection training for hiring managers
- a working group to establish a framework for Practical Legal Training for eligible law students across Legal Aid NSW.

Measuring ourselves against the Public Sector—staff rate our performance strongly

In 2016, we were invited to participate in the Public Service Commission People Matter Employee Survey. The survey results showed us what we were doing well and where we need to improve.

The results show that our staff rate our performance strongly—particularly when compared with the Public Sector. Of the 103 core questions (not including demographic and motivation questions), Legal Aid NSW rated higher than the sector on all but five.

Programs support staff to work safely and stay healthy

The introduction of Individual Planning—our new performance and planning system—addressed a number of lowly scored questions from the previous survey in 2014. The response to the question, “I have a current performance plan that sets out my individual objectives”, demonstrates how far we have come. The Legal Aid NSW response in 2014 was 23 per cent against a Public Sector response of 52 per cent. In 2016, our response rose to 88 per cent against a Public Sector response of 62 per cent.

Individual Planning has now become a part of Legal Aid NSW day-to-day business and is used to develop our staff’s capabilities.

Almost 90 per cent of staff have individual performance plans compared with 62 per cent in the Public Sector.

A ‘speak up’ employee culture led to an increase in complaints

The People Matter Employee Survey in 2016 highlighted that staff are not aware of how to report complaints. We promoted the workplace standards services package which consists of the Code of Conduct, Respect Guidelines, Complaints Management Guidelines and Dealing with Unsatisfactory Performance and provided information encouraging a speak up culture. This greater understanding of the complaints process led to an increase in the number of complaints for 2016–2017.

There were 41 complaints compared to 22 the year before.

A lack of respect (34 per cent) and bullying (18 per cent) continue to be the most common allegations.

The majority of complaints were resolved informally—60 per cent—up from 42 per cent last year.

Whilst there has been an increase in the number of complaints, only four structured performance improvement plans were implemented. This is consistent with 2015–2016.

Three employees had their employment terminated (two for misconduct, one for performance), two were suspended and three resigned before misconduct processes were completed.

No public interest disclosures were recorded but two matters were notified to the Independent Commission Against Corruption.

OBJECTIVE SUPPORTING OUR PEOPLE

New three-year plan delivers a range of wellbeing programs to staff

A new Work Health and Safety Plan to improve staff safety and wellbeing includes:

- an online safety management system that allows Legal Aid NSW to report on incidents, hazards and risks staff may encounter in their work at offices, courts and outreach places (see below)
- a new project officer role to develop wellbeing programs and initiatives in consultation with staff
- a transition to retirement program proposal
- distributing sit/stand desks to offices throughout Legal Aid NSW
- expanding the Wellcheck Program to include clinical supervision and support to high risk work groups
- involvement in the NSW Government Get Healthy Program starting with arranging health checks for Legal Aid NSW staff in June 2017.

Prevention helps identify health and safety ‘hot spots’

A new online safety system was introduced in May 2017 across all Legal Aid NSW offices.

The new system is a cloud based software program that works on all devices, from desktops and laptops to the new hybrid systems and has an off-line module to report issues out of mobile coverage. This allows all staff to report any hazards, incidents or near misses or conduct safety checks on activities that may affect their wellbeing.

With the data collected, health and safety ‘hot spots’ within the organisation can be identified, which will allow us to direct resources to address these wellbeing issues more effectively.

Staff induction, education and training as well as ongoing improvements in the provision of client services can all be better supported as a result of a greater understanding of the health, safety and wellbeing risks faced by all staff.

Workers compensation claims and associated costs

Our workers compensation performance over the last few years has resulted in a refund of \$481,103 from our premium.

Ten workers compensation claims were lodged in 2016–2017. Six of these were accepted, one was declined and one remained under investigation as at 30 June 2017. Two of these claims were voluntarily withdrawn after they were lodged.

The cost of new claims was \$103,210 compared with \$68,538 in 2015–2016, an increase of \$34,671.

The number of full time equivalent (FTE) (on average) staff for this year is 1067.90—an increase of 38.95 from 1028.95 in 2015–2016. This equates to an average claim cost of \$96.64 per staff member compared to \$66.61 per staff member in 2015–2016.

There was an increase in psychological injuries (e.g. Post Traumatic Stress Disorder/Anxiety Disorders or Depression) from one in 2015–2016 to four this year. One was withdrawn and declined following investigation. The cost of the psychological claims was \$89,515 or 86.7 per cent of the total cost of claims for 2016–2017. There was an increase in the cost of psychological claims by \$32,433 compared to last year. This increase is directly related to the increase in the total number of psychological claims lodged for 2016–2017.

The number of accepted claims (includes claims accepted under provisional liability) increased from five in 2015–2016 to six this year. Of those accepted, there were three body stress claims (e.g. repetitive strain injury) and one electrical claim (electric shock) amounting to \$21,047 of the total cost of claims.

The total number of reported 'Incident Only' Notifications of Injury remained the same—a total of 18. Although 'Journey' claims are no longer compensable, we continue to collect statistics.

Workers compensation claims 2014 to 2017

Type of claims	Number of claims for 2014–2015	Number of claims for 2015–2016	Number of claims for 2016–2017
Workplace	9	2	8
On duty (e.g. at court)	3	1	2
Journey	1	0	0
Recesses (authorised breaks)	1	2	0
Total claims lodged	14	5	10

Work-related incidents over five years

Type of Injury/ Incident	Number of reports for 2014–2015	Number of reports for 2015–2016	Number of reports for 2016–2017
Workplace	3	7	13
On duty (e.g. Court)	7	3	2
Journey	2	6	2
Recesses	3	2	1
Total	15	18	18

Work-related incidents over five years

2012–2013	16
2013–2014	17
2014–2015	15
2015–2016	18
2016–2017	18

Workers compensation claims over five years

2012–2013	14
2013–2014	11
2014–2015	14
2015–2016	5
2016–2017	10

Workforce diversity and equity

Of 1,163 staff, 206 people told us they are from a multicultural background and 60 people told us that they had a disability.

OBJECTIVE SUPPORTING OUR PEOPLE

Creating a disability confident workplace

In October 2016, we launched our *Workforce Strategy for the Recruitment, Employment and Retention of People with Disability 2016-2018*. A large part of the Strategy is the process of becoming accredited by the Australian Network on Disability (AND) as a 'Disability Confident Recruiter'. This involved assessing our recruitment processes and employment policies and procedures to ensure that we provide a supportive environment for candidates and staff with disability.

Overcoming the barriers faced by people with mental illness

We developed a new training program for staff aimed at addressing some of the barriers people with mental illness experience in accessing legal services and participating in the legal system. Our 'Overcoming the Barriers' project will build the capacity of all frontline staff to provide accessible and effective services to people experiencing mental illness. The training package and associated resources were developed in collaboration with peak bodies such as Flourish Australia and One Door Mental Health.

Women in the legal profession—equitable briefing

We signed up to the Law Society's Charter for the Advancement of Women in the Legal Profession which commits us to introducing initiatives that promote and support women in the profession.

We adopted the Law Council of Australia's National Model Gender Equitable Briefing Policy, aimed at briefing women in at least 30 per cent of all matters and paying 30 per cent of the value of all brief fees to women by 2020. In 2016–2017, the percentage of claims certified for briefs to female barristers was 30 per cent.

Employing from refugee communities

We recruited a Community Engagement Officer—born in Syria and newly arrived in Australia—in our new Refugee Service as part of the NSW Government commitment to employ 100 refugees across the public sector.

In May 2017, we attended a refugee employment event convened by the Department of Premier and Cabinet to vet potential applicants and to help refugees find work.

More Aboriginal staff are in senior roles

We achieved our commitment to increase the Aboriginal and Torres Strait Islander workforce to six per cent of the total Legal Aid NSW workforce. There are currently 69 Aboriginal and Torres Strait Islander employees at Legal Aid NSW, up from 57 last year.

We increased the number of Aboriginal and Torres Strait Islander people in senior positions and set up Aboriginal-identified talent pools of administrative and legal staff in our legal practices.

Two Aboriginal Staff network meetings were held in November 2016 and June 2017, providing training and team building.

Achievements were guided by the *Stand Together: Legal Aid NSW Aboriginal Employment and Career Development Strategy 2015-2018*.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

An inaugural business plan increases our ability to deliver high quality services to Aboriginal clients

In January 2017, the previously named Aboriginal Services Unit was relaunched as the Aboriginal Services Branch. For the first time, the Branch has employed a lawyer to play a role in community legal education, outreach work, representation, law reform and provide mentoring to other Aboriginal lawyers and graduates. This blend of legal expertise with community and cultural knowledge raises our potential to enhance the services we can offer and awareness of the work of Legal Aid NSW with communities and clients.

A planning session in May 2017 resulted in the new *Aboriginal Services Branch Business Plan 2017–2018*. This plan will ensure Legal Aid NSW meets its obligations under both the *Legal Aid NSW Reconciliation Action Plan 2015-2018* and the *Stand Together: Legal Aid NSW Aboriginal Employment and Career Development Strategy 2015-2018*.

More detailed EEO information appears in Appendix 3 while Appendix 9 has a summary of key performance highlights from the Diversity Action Plan.

Learning and development

FACT FILE

- 2,126 people attended Legal Aid NSW conferences and seminars
- 2,367 attendances at Legal Aid NSW courses and workshops
- 3,821 online learning activities undertaken
- 62 distinct courses and workshops conducted for staff

OBJECTIVE SUPPORTING OUR PEOPLE

Developing the knowledge and skills of our leaders and employees

Nineteen people completed the New Leaders Program (NLP) in 2016. The NLP builds on the Management Development Program and immerses participants in real work based scenarios. The group were awarded certificates at the Legal Aid NSW Managers Conference in November 2016. A second NLP began in October 2016. Twenty five new leaders are expected to complete the program in October 2017.

Nous Consulting conducted Executive development workshops to explore an approach and framework for succession and talent management. Successors are being identified for Directors and later identified for other critical roles in the organisation. Leadership Capability Profiles are being designed to fast-track the development of those identified as possible successors.

Several workshops and online Just-in-Time sites were developed in 2016–2017. The sites were accessed

2,458 times by employees. The most popular sites were Individual Planning and Management Development followed by Clear and Concise Writing and Handling Workplace Conflict.

Thirty-eight people received financial assistance and accessed study leave to support them to gain formal qualifications through tertiary education institutes.

Frontline staff skilled up in providing the best possible services to people affected by domestic and family violence

Mandatory domestic and family violence training was rolled out to all Legal Aid NSW frontline staff.

The training is a key action under the *Legal Aid NSW Domestic and Family Violence Strategy 2016-2018*. All frontline staff were required to complete the training before 30 June 2017.

Thirty-five days of training were presented at 22 offices, and attended by 856 staff.

Feedback was very positive. One participant said:

“After this training, I feel more confident in safety planning, screening clients and assessing their level of risk. I will have a more empathetic approach with clients by framing their experience through a trauma lens.”

As a key participant in the new specialist legal assistance and social support service at family law courts (page 22), our Domestic Violence Unit received specialist training. They were joined by staff from ACT Legal Aid and Victoria Legal Aid.

Intensive health justice training

With the Legal Aid NSW health justice partnership (HJP) practice fast expanding (page 43), we ran an ‘HJP intensive’ for staff involved in these partnerships and those who are considering new partnerships.

Almost 900 staff attended domestic and family violence training so they can deliver trauma-informed services.

Professional and personal achievements

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Professional development for lawyers

There are currently 77 lawyers working for Legal Aid NSW who are accredited specialists: one in civil law, 24 in family law and 52 in criminal law.

Our graduate program continued by adding five new graduates to our five continuing graduates. These graduates were selected from over 200 applications. Two of the placements are Aboriginal-identified positions and one was a position reserved for an applicant from a culturally diverse background. This highly sought after two-year program provides graduate lawyers with hands-on exposure to two practice areas and one-on-one mentoring.

The annual civil law conference in July 2016 was attended by 256 participants from across the legal and human services sector.

The family law and care and protection conference in August 2016 attracted 475 participants.

There was no annual criminal law conference in this reporting period.

Supporting the career pathways of law students

Legal Aid NSW engages with law students through a range of programs including career events at universities, work experience placements and internships. Our participation in these programs is viewed positively by both staff and our stakeholders.

The number of law students and universities seeking placement opportunities for their students within Legal Aid NSW is increasing. In response, we began developing a more coordinated and consistent approach to governance of student placement arrangements; and prioritising the provision of placement to law students from a diverse range of backgrounds.

Joining the New South Wales Magistracy

Legal Aid NSW criminal lawyer Joy Boulos was sworn in as a Magistrate of the Local Court on 29 May 2017. Joy worked for Legal Aid NSW for 23 years, mainly in criminal law. In recognition of her outstanding work in the Sydney District Court arraignments list, Joy's swearing in was attended by several current and former Judges.

Nominated for justice awards

Michelle Jones, Manager of the Women's Domestic Violence Court Advocacy Program was nominated for the Justice Medal and Dubbo criminal lawyer David Pheeny was nominated for the Aboriginal Justice Award.

Civil lawyer, Bill Gerogiannis was awarded the inaugural Michelle Crowther Excellence Award for Government Legal Service in September 2016. He accepted the award at the 2016 Government Solicitors Conference. Jenny Lovric received a special commendation for her work with the Cooperative Legal Service Delivery Program. These awards pay tribute to the late Michelle Crowther, who worked at Legal Aid NSW as a criminal lawyer and had a passion for public legal service.

Training lawyers for Stolen Generation claims

Our civil lawyers undertook trauma informed practice training in preparation for providing direct services to members of the Stolen Generation applying for reparations under the NSW Reparations Scheme due to commence in July 2017.

'Assimilation as Trauma and Trauma Informed Practice' was delivered in June 2017. It provided lawyers with insight into the trans generational trauma still experienced by Aboriginal communities across New South Wales and how this affects the way lawyers interact with Aboriginal clients.



Our staff undertook special training in preparation for providing legal advice and education to Aboriginal communities about eligibility for reparations claims.

OBJECTIVE SUPPORTING OUR PEOPLE

Program to improve gender equity

Our inaugural Women in Advocacy Mentoring Program was launched in July 2016, and saw 19 criminal lawyers paired with barristers for a six-month period.

The program aimed to help female lawyers improve their advocacy skills and learn how to deal with some of the challenges female lawyers face at work. Regional lawyers were able to participate online using Skype. The 2017 program is in the early stages.

OBJECTIVE STRONG PARTNERSHIPS

Building the capacity of in-house civil lawyers

Work began on a professional development framework to build the capacity of in-house civil lawyers to achieve a standard of excellence in civil law legal practice. This is the first formal program of this kind and includes advocacy in mediation forums and managing complex client interactions. It will include a form of accreditation supported by the Law Society of NSW—our partners in this project.



THE YEAR AHEAD

- ➔ Improve our administrative capability by responding to the Administrative Support Review.
- ➔ Roll out resources and training for staff providing services to people living with mental illness.
- ➔ Provide career opportunities to increase the employment of Aboriginal staff to eight per cent of total staff.
- ➔ Introduce new initiatives to promote employee wellbeing, ethical practices and a positive culture.
- ➔ Develop staff management and leadership capabilities to improve and sustain organisational performance.
- ➔ Achieve accreditation as a Disability Confident Recruiter.
- ➔ Meet targets under the National Model Gender Equitable Briefing Policy.
- ➔ Pilot a professional development program in-house civil lawyers in partnership with the Law Society of NSW.

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We pay tribute to a great leader— Vale Bill Grant (1951–2017)



In January 2017, Legal Aid NSW staff mourned the untimely passing of former CEO Bill Grant OAM.

Bill Grant, 65, had retired in December 2016 after a combined 11 years at the head of Legal Aid NSW.

Bill had left an incredible legacy and his leadership and vision had been inspirational. This includes strengthening services for victims of domestic violence, expanding civil law services, and bringing legal services to remote areas of New South Wales. During his recent time as CEO, Legal Aid NSW established offices in Port Macquarie and Albury and expanded services for people in South Western New South Wales, Far Northern New South Wales and Broken Hill.

Tributes that poured in from across the justice sector include this one from Chief Magistrate of the Local Court, Judge Graeme Henson:

“His death is a shock and all too soon. On behalf of all magistrates, I extend my condolences to Bill’s family and acknowledge the great contribution he made to the law during his outstanding career.”

.....

Our organisational capability

We began work on a new client and case management system that will support staff in meeting future business needs and deliver improved client services.

We collected data that demonstrates our value and quality and measured the financial impact of some of our policies. Our focus was not only on efficiency or financial factors—we were mindful of any adverse impact changes might have for our clients, especially in the area of eligibility for aid.

OBJECTIVE ACCESS TO JUSTICE

Online access for clients

A new Legal Aid NSW online application form was launched to make legal aid more accessible to clients who cannot readily attend our offices because of disability or mobility issues, or who live in a remote area. The new form is compatible with mobile, tablet and desktop devices. Behind the scenes, it integrates with our grants management system so that information entered into the form by clients is transferred into the system without the need for staff to re-enter data.

Plain English grants letters

The wording of correspondence from Legal Aid NSW to clients was identified as a key client service issue. Letters sent to clients about their applications and grants of legal aid were revised into plain English. Most of the letters were implemented during the year with the remaining letters to be implemented early in 2017–2018.

Change to financial contribution speeds up processing time

We made a small change to our contributions policy in May 2017. We now automatically waive the \$75 initial contribution for clients who have Local Court criminal law matters and are in custody when they apply for legal aid. The change will assist in streamlining the contributions process and improve the processing time of Local Court summary crime matters.

Policy review measured costs and impacts

We reviewed three of our policies this year to assess the financial impact of the changes made to those policies.

Means Test: We introduced changes to the Means Test in August 2015 and January 2016 to make legal aid more accessible to working people on modest incomes.

We undertook a review to assess the impact of those changes on the number of grants and the demographic mix of clients. Our review found no measurable impact on the number of grants. There was a slight fall in the proportion of grants made to applicants receiving Commonwealth benefits, consistent with an increase in the number of working people qualifying for a grant of legal aid.

Working with children: In 2015, we amended the Working With Children Policy to make legal aid available to authorised carers, workers and others in exceptional circumstances. The policy made legal aid available to carers appealing a 'Working With Children Check' clearance decision to the NSW Civil and Administrative Tribunal and the Supreme Court. Failure to obtain a working with children check clearance has significant consequences for authorised carers as it usually results in children being removed from their care. The review evaluated the financial impact of those changes. While the review identified an initial spike in expenditure due to the number of appeals being lodged, the trends indicate that the increase in the number of matters funded has slowed. The review concluded that the policy changes have not had a significant financial impact.

High Risk Offenders: We introduced amendments to the High Risk Offenders Policy in 2014. The review in September 2016 indicated that the cost of funding these matters was in line with predictions, and sustainable within the criminal law budget. Our review showed that legal representation achieves effective outcomes for disadvantaged clients.

New service models in remote New South Wales

Having reviewed the way we provide legal services to disadvantaged people in several locations in 2015–2016, we further examined options to address concerns in the North West of the state. We began the process of internally examining the services we provide, specifically in the North West, and the capacity for us to expand this service delivery. Currently, Legal Aid NSW service delivery in the North West relies on private lawyers and outreach from the Dubbo or Central Sydney offices.

This process of examination will be completed in early 2017–2018 and will inform option generation around how we may more efficiently and effectively service disadvantaged clients based in North West New South Wales.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Ensuring an optimal criminal law appeals practice

In early 2017, Legal Aid NSW reviewed its policies and procedures in higher court criminal appeals. The review focused on the role of the public interest in the merit test for a grant of legal aid. It considered long-term trends in appeal rates and outcomes and analysed a sample of cases from grants of aid in 2013. The review also compared Legal Aid NSW appeal policies and procedures with legal aid commissions throughout Australia and New Zealand, and sought the views of legal stakeholders and victims' groups.

The review concluded that success rates for legally aided appeals conducted by the in-house practice were appropriate and did not warrant changes to the current merit test. In the review period, appeals to the NSW Court of Criminal Appeal were upheld in an average of 40.7 per cent of cases in the review; special Leave to Appeal to the High Court was granted in ten out of 22 cases; and the High Court upheld six of nine legally aided appeals. The review highlighted areas where current policies and guidelines can be improved and made more transparent for the benefit of victims and the broader community, and where compliance by lawyers with those policies should be monitored more closely.

An increase in the quality of family law appeals in higher courts

To improve the quality of our appeals process, we established a central register of all in-house appeals and produced a manual with guidelines and procedures in appeals matters in care and protection and family law. This led to an improvement in the quality and number of significant appeals that we were involved in across all higher level courts, including the High Court of Australia and Supreme Court of NSW.

An internal review of our family law Appeals and Litigation Unit found that it contributed to improved services for our clients.

Better compliance with entering time (activity-based costing)

Our in-house lawyers and advocates now record the time they spend on delivering legal services following a rollout of activity based time-recording across our in-house practices.

In 2016–2017 we improved the level of compliance by staff with the requirement to enter time and introduced strategies to enhance the accuracy, completeness and timeliness of time-recording.

Costs recovered successfully in criminal law matters

The Grants Division identified 79 matters where lawyers had succeeded with costs applications in legally-aided criminal law proceedings. At 30 June 2017, claims valued at \$1,284,000 had been submitted and \$747,601 had been received.

Twelve months on—reviewing the new Domestic Violence Unit

We worked with the Law and Justice Foundation of NSW to review the early impact of the Domestic Violence Unit established last year, and determine its impact on clients and Legal Aid NSW services. The report found the Unit was filling gaps in legal services for people experiencing domestic and family violence.

Review to ensure communities of practice are achieving their potential

The civil law practice facilitates more than 15 communities of practice (COPS) in key areas such as housing, social security, health justice and domestic violence. COPS share expertise amongst peers, support professional development, and tackle systemic issues. A review commenced to ensure COPS are achieving their potential as a key part of our learning and development framework.

OBJECTIVE SUPPORTING OUR PEOPLE

New client and case management system—paving the way for change

Following the submission of a business case in 2015, Legal Aid NSW received funding from NSW Treasury via the Department of Justice in 2016 for a new client and case management system.

The objectives of the system are to:

- improve client service
- provide user-friendly, intuitive software for Legal Aid NSW staff to manage clients and cases
- improve the automatic exchange of data with internal and external systems, including grants data and courts data
- generate productivity improvements across legal and administrative staff
- enable remote access from courts and other locations across New South Wales.

Three vendors were selected to engage in a Proof of Concept to demonstrate how their system met our requirements. A vendor will be selected in 2017–2018.

A Project Board, chaired by the Deputy CEO, monitors the project, including regularly checking on budget and risks. Regular reports are made to the Audit and Risk Committee of the Legal Aid NSW Board and the project is being road-mapped as part of the Department of Justice Rigorous Program Management methodology.

Physical environment supports staff to work safely and efficiently

This year, we completed a number of office relocations and refurbishments whilst maintaining safe uninterrupted service delivery, including:

- relocating our Bankstown office to a space with safer interview areas and providing staff with more work points
- refurbishing our Newcastle Bolton Street office, providing more interview rooms, including a child-friendly space and a baby change facility
- refurbishing our Campbelltown office to include a child friendly interview room with a viewing window for parent supervision and a baby change facility.

We set up a permanent base in Broken Hill that better accommodates our mobile lawyers and increases our service capacity.

OBJECTIVE STRONG PARTNERSHIPS

Improving justice for all parties in serious criminal matters

In May 2017, as part of a major criminal justice reform package, the NSW Attorney General announced a commitment to implement early appropriate guilty pleas reforms in early 2018. This followed a 2014 NSW Law Reform Commission (LRC) Report that recommended changes to increase the efficient resolution of serious criminal matters.

One of the main goals of the reforms is to decrease trial delays in the District Court. At some locations, the time between charge and trial is well over 12 months. This would benefit both victims and defendants and lead to greater efficiency in the justice system.

Throughout 2016 and 2017, Legal Aid NSW worked closely with other Justice Cluster agencies following the release of the LRC Report to develop a plan for implementing the recommendations, aiming to increase efficiency and improve processes in

delivering justice to all parties involved in serious criminal matters.

A team from the criminal law practice began working closely with the Department of Justice and other agencies to ensure successful implementation of the reforms. The team will design the changes needed to our in-house and assigned practices with a view to implementation in mid-2018.

Regional plans are built on local needs

The Regional Service Delivery Planning framework —established and trialled by five offices in 2015–2016 —was rolled out to a further five offices: Nowra, Orange, Penrith, Riverina-Murray and Tamworth, who completed their plans in 2016–2017.

Regional Service Delivery Planning takes evidence-based, legal-needs driven planning that has been used through Legal Aid NSW programs such as the Cooperative Legal Service Delivery Program and applies it to all our regional offices. As part of this planning each office examines demographic and other data about their local populations to identify likely local legal need. Offices also review all the legal services provided in their area, by Legal Aid NSW and Community Legal Centres, to consider what services they can offer and how they can fill gaps and best target the most disadvantaged local populations to provide appropriate legal assistance services.

Solicitors-in-Charge of an additional five offices (Campbelltown, Coffs Harbour, Fairfield, Lismore and Liverpool) attended training in March 2017 to develop their planning skills to develop the new evidence-based plans.

Integrated approach to prisoners' needs

Several partners joined us in strategic ventures to provide better services to prisoners, including:

- the University of Sydney to develop a strategic civil law plan for prisoners, targeting prisoners identified as at high risk of re-offending, and resolving legal problems that contribute to this risk such as housing, unpaid fines and debt
- the Public Interest Advocacy Centre to implement a plan that identifies systemic issues in prisoners accessing health services and potential complaints to the New South Wales Ombudsman.



- Implement the reforms arising from the criminal appeals policies and procedures review, improving the quality of the advice relevant to the merit test, and making the process more transparent for the benefit of victims and the wider community.
- Implement the Department of Justice's early appropriate guilty plea reforms package.
- Build the new client and case management system, and release it before the end of the financial year.
- Better understand the full cost of Legal Aid NSW services.
- Conclude the review of our advice services to identify the key strengths and challenges of different service models and develop an implementation plan that ensures a more consistent experience for our clients.
- Increase client safety by improving our processes to screen, identify risk, and respond to domestic and family violence across the family law practice.
- Commence development of a ten-year plan for service delivery in Greater Western Sydney.

Information technology

Information technology played a key role in assisting the organisation to better deliver legal services.

OBJECTIVE ACCESS TO JUSTICE

Digital engagement broadens access for our clients

We worked on a range of digital initiatives within the scope of the *Legal Aid NSW Client Service Strategy 2016-2020*, including:

- launching an online legal aid application form for clients
- designing an online client appointment booking system
- trialling kiosk computers in reception areas for client use.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Managing records and information

We completed an audit of intranet content and developed an action plan to ensure all content meets web accessibility standards. User awareness sessions ensure new content meets these standards and clear guidelines ensure better management of digital records.

Improving our IT operating model

This year we introduced changes to our Information and Communications Technology operating model, including introducing a business partnership role to ensure our IT services are clearly aligned with the needs of business stakeholders.

OBJECTIVE SUPPORTING OUR PEOPLE

Supporting our mobile workforce

We adopted a new approach to providing mobile technology by issuing all our lawyers and other mobile staff with a sole device—a hybrid laptop/tablet device to use whether they are working in or outside the office. Mobile staff will now have full secure access to all our business systems from their hybrids when working outside our offices at court or on outreach. They can also access our video conferencing services from their hybrids when on the move. All Central Sydney mobile staff received hybrids by June 2017, with the regional office rollout scheduled for completion by October 2017.

- ➔ Develop more client-focused digital initiatives.
- ➔ Determine a future architectural roadmap for our business intelligence platforms.
- ➔ Provide technology solutions and improvements to support a range of Justice business reforms.
- ➔ Continue our transition to cloud-based services and applications as appropriate.
- ➔ Implement a range of improvements to our IT service delivery model to improve internal customer service levels.
- ➔ Complete the deployment of hybrid laptop/tablets to all mobile staff.

Environmental responsibility

Legal Aid NSW is committed to taking steps towards reducing paper usage and increasing green score targets through a number of sustainability initiatives.

In Bankstown and Campbelltown refurbishments, we reused 30 per cent of existing furniture and fittings and recycled surplus items. In Campbelltown, we reused 100 per cent of workstation components.

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.


THE YEAR AHEAD

- ➔ Reuse at least 30 per cent of existing furniture in our relocations and refurbishments.
- ➔ Reduce paper purchasing by another 10 per cent.
- ➔ Establish a Green Committee to implement low cost, high impact solutions to make Legal Aid NSW more environmentally sustainable.

Reducing our environmental footprint—summary table 2016–2017

Goal	Target	Achievement
Reduce electricity consumption	Install energy efficient lights in our premises	Working with Property NSW we have negotiated lighting replacement at Bankstown (full area), Campbelltown (partial) & Newcastle (full—Bolton St) premises.
Increase use of green paper purchasing	NSW Govt Target: Minimum 85% of copy paper to contain recycled content by 2014	We continue to purchase 100% recycled content or carbon neutral copy paper (since 2013-2014).
Reduce paper purchasing	Target of 10% reduction in paper purchasing per annum was introduced in 2009 - 2010	We purchased 5% less paper in 2016–2017 than in 2015–2016.
Green electricity purchasing	NSW Govt Target 6% Green Electricity	We continue to purchase 20% green electricity.
E10 fuel	NSW Govt require mandatory purchasing of E10 or regular unleaded for fleet cars	We only allow purchasing of these fuels on the fleet fuel cards.
Green Fleet	Meet NSW Govt minimum fuel efficiency standards for new light vehicles by July 2017.	We only lease vehicles from the NSW Govt Pre Qualification Scheme, this ensures only approved vehicles are selected and we meet the fuel efficiency standards.

4 Corporate governance

Setting strategic direction, monitoring progress, and ensuring compliance are key elements of our governance procedures.



In this section

75	Key activities of the Board
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81	Senior directors
85	Governance framework
90	Legislative compliance
91	Appealing decisions about legal aid
92	Complaint handling



Key achievements

- ★ The Board approved revised Community Legal Centres funding after the State and Commonwealth Governments made additional funding available (page 75).
- ★ We developed a new Legal Aid NSW Plan for next year (page 75).
- ★ We completed six performance audits—above our target of five (page 86).
- ★ We received 19 applications for access to information (page 91).
- ★ There were no Public Interest Disclosures (page 90).
- ★ We finalised complaints faster than last year (page 92).



The year ahead

- ➔ Implement tighter corporate governance and decision-making structures.



Key challenge

- ★ Making sure we provide the best services we can deliver to the most number of people, assisted by a new performance system measuring the quality of our services.

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 a period of up to three years, other than the Chair who is appointed for a period up to five years. The term of the current Board members expires in June 2019.

Craig Smith continued in the role as Chair, which he has held since February 2013. Several members who joined the Board in June 2016 took advantage of an extensive induction program involving visits to meet Legal Aid NSW staff at their workplaces, and briefings from members of the Executive.

Key activities of the Board this year

The Board exercised its statutory role to set strategic policies and approved the Legal Aid NSW financial statements. It was regularly updated on progress of actions under the *Legal Aid NSW Plan 2016–2017*.

The Board re-established the Crime and Grants Subcommittee, established under section 68 of the *Legal Aid Commission Act 1979*, to consider a review of Legal Aid NSW higher court criminal appeals policy. The Board subsequently approved the review report and a number of changes to practices and procedures.

Funding for the Community Legal Centres (CLCs) Program, which is administered by Legal Aid NSW, occupied the Board at two ordinary meetings and two out of session meetings held via email. The Board was concerned about the reduced funding available for allocation to CLCs as a result of a Commonwealth grant coming to an end and expressed its concerns to the NSW Attorney General. Subsequently both the State Government and the Commonwealth Government made additional funding available. This required the Board to approve a revised funding allocation at an out of session meeting.

The Board also approved a number of policy changes including changes to the contributions policy and extended the availability of legal aid in employment law matters.

The Board approved a new charter for the Audit and Risk Committee, which reviewed Legal Aid NSW financial statements and oversaw its internal audit program. It also commissioned an update to its risk assessment and fraud and corruption control plan.

The Board was also kept informed about key initiatives at Legal Aid NSW during the year. It expressed its condolences to the family of outgoing CEO Bill Grant after his sudden and untimely passing soon after retiring. The Board also welcomed the appointment of new CEO, Brendan Thomas in late May 2017.

Meetings of the Board

The Board held seven meetings in 2016–2017, including two out of session meetings via email to decide on urgent matters relating to the funding under the Community Legal Centres Program. Twenty-five per cent of the Board's time was spent on reviewing finance and operational reports and considering matters raised by the Audit and Risk Committee, sixty per cent of its time was taken up by determining policies and strategies, and the remaining fifteen per cent of Board time was spent on background briefings.

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 by the Crime and Grants Sub-Committee and Audit and Risk Committee which advises on budgetary and internal audit matters.

Decisions of the Board 2016–2017

6 September 2016

- ➔ Approved continuation of policy regarding granting legal aid in proceedings under the *Crimes (High Risk Offenders) Act 2006*.
- ➔ Endorsed the *Legal Aid NSW Diversity Action Plan 2016–2017*.

1 November 2016

- ➔ Approved the 2016 financial statements for the Legal Aid Commission of NSW and the Legal Aid Commission Staff Agency.
- ➔ Approved a revised Charter of the Audit and Risk Committee.
- ➔ Amended the policy to widen availability of legal aid in employment law matters.

6 December 2016

- ➔ Endorsed a methodology for the allocation of the 2017–2018 funding for the Community Legal Centres Program and for consultation and implementation processes.
- ➔ Appointed new members to the Legal Aid Review Committees.
- ➔ Re-established a Crime and Grants Subcommittee to assist the Board in reviewing the policies for granting aid in higher court appeals.
- ➔ Settled the terms of reference for the review of the appeals policy.

7 March 2017

- ➔ Appointed new members to the Audit and Risk Committee.
- ➔ Approved the policy for granting of legal aid in proceedings under the *Crimes (Serious Crimes Prevention Orders) Act 2016*.
- ➔ Approved the Community Legal Centres Program funding for 2017–2018.
- ➔ Approved continuation of the Civil Law Working with Children Policy.

3 April 2017 out of session meeting

- ➔ Approved Community Legal Centres funding for 2017–2018 to continue at the 2016–2017 levels.

16 May 2017

- ➔ Approved changes to the contributions policy to allow the initial contribution fee to be waived for applicants in custody in local court summary matters.
- ➔ Completed the review of legal aid for higher court appeals and approved the implementation of improvements to practices, procedures and transparency.

27 June 2017 out of session paper meeting

- ➔ Approved Community Legal Centres funding allocations under the CLC Program for 2017–2018.



THE YEAR AHEAD

- ➔ Oversee implementation of early appropriate guilty plea reforms and approve proposed changes to the fees and the panel lawyers structure.

Board members | 1 July 2016 to 30 June 2017



Craig Smith
Dip Law (BAB) Dip Crim (SYD)

Chair

Craig was re-appointed by the NSW Attorney General as Chair of 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 7 meetings)



Bill Grant
OAM, LLB

Chief Executive Officer (1 July 2016–2 December 2016)

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 retired in December 2016, ending an illustrious Public Service career and leaving a bountiful legacy to Legal Aid NSW.

His vision for the future of Legal Aid NSW includes strengthening ties with private lawyers, community organisations and key stakeholders so that socially and economically disadvantaged people have equal access to justice.

Bill had these words to say on his last day: "Our creativity and willingness to try new things, to evaluate them and seek to fund them if successful, makes me very proud to have been the CEO of this outstanding organisation.

Sadly, Bill passed away shortly after his retirement. A short eulogy to Bill appears on page 67.

(Attended 2 meetings)



Richard Funston
BCom LLB EMPA, Accredited Criminal Law Specialist

Acting Chief Executive Officer (5 December 2016 –19 May 2017)

Richard's earlier experience includes eight years with Legal Aid Victoria and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 20 years with Legal Aid NSW, Richard has held leadership roles across the organisation.

Richard held the position of Acting CEO for almost six months until a permanent appointment was announced.

(Attended 3 meetings)



Brendan Thomas
BA

Chief Executive Officer (22 May–current)

Appointed by the NSW Attorney General, Brendan commenced in his role as Chief Executive Officer of Legal Aid NSW on 22 May 2017.

Before this, Brendan was the Deputy Secretary of the Department of Justice.

Brendan worked for the Department of Justice for more than 20 years and has a strong track record of designing and implementing reforms providing services for victims of domestic violence and for Aboriginal communities.

Brendan has worked in crime prevention and criminal justice for more than 19 years. He has written widely on crime prevention and Aboriginal justice issues.

(Attended 1 meeting)

"We are an organisation which attracts people who want to make a difference, who believe in social justice and who are brave, committed and very professional in their work."

Bill Grant

Board members | 1 July 2016 to 30 June 2017



Dr Peggy Dwyer

*BA LLB (ANU) Ph D
(University of Edinburgh)*

Board member

Peggy was re-appointed by the NSW Attorney General as representative of the NSW Bar Association for the period 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 New South Wales) and counsel for interested parties. Peggy is currently Counsel for the North Australian Aboriginal Justice Agency in the Royal Commission into the Protection and Detention of Children in the Northern Territory.

Peggy also appears in disciplinary tribunals including the NSW Civil and Administrative Tribunal and Medical Council, for both prosecution and defence.

(Attended 3 meetings)



Ainslie van Onselen

*LLB (UWA), MAppFin,
GDipAppFin (Finsia),
GAICD*

Board member

Ainslie was re-appointed by the NSW Attorney General as representative of Consumer & Community Welfare Interests for the period 23 June 2016 to 22 June 2019.

Ainslie has practised as a commercial litigator for over 19 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 former an Associate Professor of the University of Western Australia.

Ainslie is currently the Global Director of Women's Markets, Inclusion & Diversity of the Westpac Banking Corporation.

(Attended 4 meetings)



Michael Coleman

*M Comm, B Comm, FAICD,
FCA, FCPA*

Board member

Michael was appointed as a representative who, in the opinion of the NSW Attorney General, possesses skills and experience that would benefit the Commission for the period 23 June 2016–22 June 2019.

The Board also appointed Michael as Chair of the Audit and Risk Committee from 29 June 2016–22 June 2019.

Michael is a Chartered Accountant. He retired from KPMG in 2011 after a career that included 30 years as an audit partner and practice leader.

Michael is a member of the boards 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 number of significant 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 Belvoir St Theatre Foundation.

(Attended 7 meetings)



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 the Commission for the period 23 June 2016–22 June 2019.

Richard is Emeritus Professor and Pro-Chancellor of UNSW Australia. He was Professor of Paediatrics at both the University of Newcastle and University of NSW, 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.

He was appointed as a Member of the Order of Australia in 2007 for service to paediatric respiratory medicine as a clinician, researcher, educator and mentor, and serving in a range of roles with professional medical organisations.

(Attended 7 meetings)

Board members | 1 July 2016 to 30 June 2017



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 the Commission for the period 23 June 2016–22 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 she is experienced in all intellectual property areas, including patents, designs, copyright, trademarks, passing off and confidential information. Sue was the lead partner acting for Apple in the Apple v Samsung patent and design litigation relation to tablets and smartphones.

Sue is regularly recognised in legal directories, for example she is ranked in Band 1 for Patents and “has an enviable reputation, with sources singling her out as one of the top lawyers in her field” (Chambers and Partners 2014, 2015 and 2016).

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 7 meetings)



Darryl Browne

LLB, Accredited Specialist (Wills and estates), FAICD, Public Notary, TEP

Board member

Darryl was appointed by the NSW Attorney General as a representative of the Law Society of NSW for the period 23 June 2016–22 June 2019.

Darryl is an Accredited Specialist in Wills and Estates. His forte is estate planning (involving wills, superannuation, powers of attorney, enduring guardian appointments, advance care directives, trusts and related aspects), 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’s professional achievements include Director (Councillor) of the Law Society New South Wales, Chair of Ethics Committee, Chair of Elder Abuse Working Group, Member Specialist Accreditation Board, Member Property Law Committee, Member Criminal Law Committee, Member Fidelity Fund Management Committee, Director of Lawcover Insurance Pty Ltd, Member SMSF Association, Member Law Council of Australia’s Elder Law and Succession Committee.

(Attended 7 meetings)



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 for the period 23 June 2016–22 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 16 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. She is currently a Board member of the National Association of Community Legal Centres.

(Attended 7 meetings)



Rachel Francois

BA (UNSW), LLB (UNSW)

Board member

Rachel was appointed by the NSW Attorney General as representative Unions NSW for the period 23 June 2016–22 June 2019.

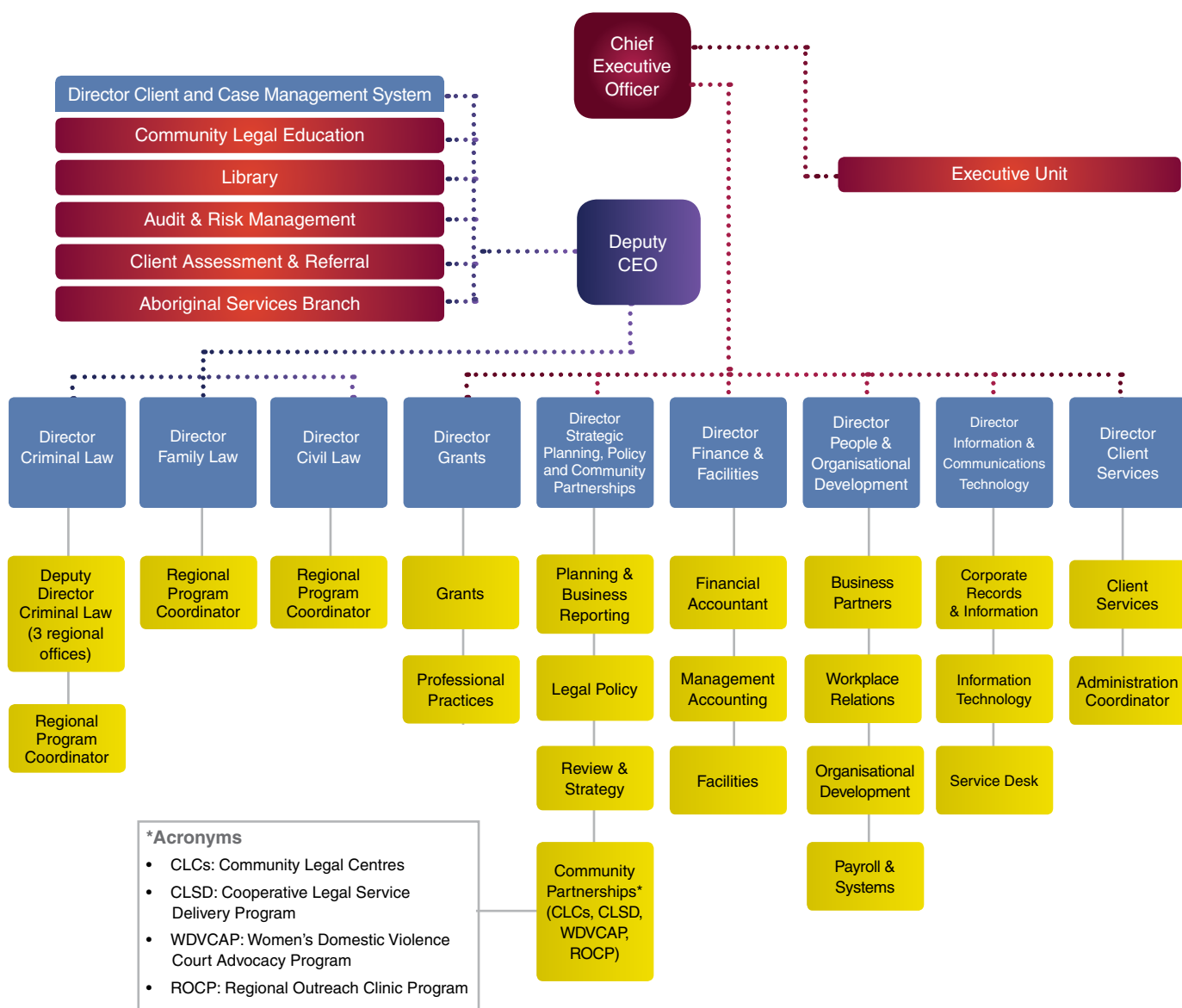
Rachel is a barrister at the NSW Bar. Rachel specialises in discrimination law and consumer protection cases and also practices in administrative law and commercial litigation. Rachel was employed by Legal Aid NSW as a lawyer in civil litigation between 1996 and 2000. During that time, Rachel was a member of the PSA Departmental Committee and a delegate to the Peak Consultative Committee.

Rachel has a strong commitment to union principles and social justice. 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 6 meetings)

Organisational structure

As at 30 June 2017.



Senior directors



Brendan Thomas

BA

Chief Executive Officer

(Band 3)

(22 May–30 June 2017)

Budget total: \$291.6M

Total staff (FTE): 1,058.79

Total actual: 1,163

Appointed by the NSW Attorney General, Brendan commenced in his role as Chief Executive Officer of Legal Aid NSW on 22 May 2017.

Brendan's biography appears on page 77.

One of Brendan's first commitments as CEO of Legal Aid NSW was to visit each regional office and also to meet with staff in the city office.

In his first six weeks (before the end of the financial year) with Legal Aid NSW, Brendan visited several regional offices to obtain a clear picture of the important work regional offices are doing for their local communities. Staff welcomed the opportunity to share their ideas about service delivery and make suggestions for change. Brendan found the personal insights of frontline staff invaluable and was impressed by the volume and range of work across the organisation.

Staff ideas about efficiency measures complement reviews the CEO has scheduled, including a review of the efficiency of our grants processes, commencing in July 2017. Brendan has also initiated a review of corporate and decision-making structures to develop a more outcome-focused performance system.



Richard Funston

BCom LLB EMPA, Accredited Criminal Law Specialist

Deputy Chief Executive Officer

(Band 2)

Budget total: \$179.9M

Total staff (FTE): 852.76

Total actual: 946

During his 20 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, Director Strategic Planning, Policy and Community Partnerships, Director Criminal Law and Acting Chief Executive Officer. 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 key achievements this year include participating in criminal justice reform initiatives, offering staff more opportunities for coaching and professional development, and overseeing a new Community Legal Education Branch.

In his role as Chair of the Workplace Behaviour and Ethics committee, Richard promoted the *People Matters Employee Survey* findings and championed an expanded on-site employee assistance program.

Richard also chaired the *Legal Aid NSW Reconciliation Action Plan* Implementation Working Group, and the NSW Legal Assistance Forum Plenary Group.

He is the new Legal Aid NSW Disability Champion and the Chief Audit Executive of the Legal Aid NSW Audit and Risk Committee.

Richard acted as CEO from 5 December 2016 to 19 May 2017.



Annmarie Lumsden

BA LLB Dip Bus EMPA, Accredited Criminal Law Specialist

Director, Criminal Law

(Band 1)

Budget total: \$91.1M

Total staff (FTE): 276.55

Total actual: 304

During her 19 years with Legal Aid NSW, Annmarie has held leadership positions across the organisation, including as a Solicitor Advocate in the Criminal Law Division, Executive Officer to the CEO, Director Grants, acting Director Family Law and Director Strategic Policy and Planning and Community Partnerships. She has previous experience in government and private practice.

Annmarie was elected to the Council of the Law Society of NSW in 2014. This year she is Chair of the Law Society Criminal Law Committee and Children's Legal Issues Committee, and Deputy Chair of the Government Solicitors Committee. She is the Law Society nominee on the Children's Court Advisory Committee.

This year, Annmarie chaired the Crime and Grants subcommittee of the Legal Aid NSW Board which undertook a review of Legal Aid NSW criminal appeals policy, and has collaborated with the justice cluster to develop and implement reforms and initiatives to reduce the District Court trial backlog.

Annmarie acted as Deputy CEO from 20 February 2016 to 19 May 2017.

Senior directors



Kylie Beckhouse

BA LLB, Accredited Family Law Specialist

Director, Family Law
(Band 1)

Budget total: \$54.2M
Total staff (FTE): 210.61
Total actual: 235

Kylie has specialised in family law for over 24 years and is both an accredited specialist in family law and an independent children's lawyer.

She was appointed Director Family Law in May 2009 and in this role has been responsible for many innovations in the delivery of family law services.

She is a member of the NSW Children's Court Advisory Committee, Family Courts Children's Committee, Family Courts Self Represented Litigant's Committee, Law Society of NSW's Family Law Issues and Children's Committees and National Legal Aid's Family Law working group. She served on the Family Law Council of Australia from 2011 to 2016. 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.

Her major achievement this year was establishing new domestic violence services (the Family Advocacy and Support Service) in Family Law Court registries across Australia.

Kylie acted as Deputy CEO from 19 December 2016 to 17 February 2017.



Monique Hitter

BSW Dip Law

Director, Civil Law
(Band 1)

Budget total: \$21.1M
Total staff (FTE): 181.70
Total actual: 195

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 established a Refugee Service in South-western Sydney, and expanded the Government Law Program to provide more services to newly arrived refugees and people in dispute with the National Disability Insurance Agency.

Monique has also driven expansion of civil law services to Aboriginal communities.



Wayne Gale

BA (Computing) MCom (Accounting)

Director, Information and Communications Technology
(Band 1)

Budget total: \$3.0M
Total staff (FTE): 34.61
Total actual: 37

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's achievements included implementing improvements to our Information and Communication Technologies operating model, delivering a range of digital initiatives linked to our Client Service Strategy, and leading the deployment of new technology to our mobile workforce.

Our senior management team is diverse and highly experienced, each director contributing to the strength of our organisation and helping to achieve our goals.



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): 73.90
Total actual: 77

Mary was appointed Director of Grants in 2012. Working for Legal Aid NSW for 26 years, Mary has held senior positions in the in-house practice, Grants and in policy and project areas. She established the Child Support Service and implemented the ATLAS grants management system.

This year, Mary launched an online legal aid application form to enable clients who cannot readily attend our offices to apply for legal aid online. She introduced plain English grants letters to improve client service, revised requirements for the specialist Domestic Violence Panel, and oversaw an increase in panel lawyer audits.



Vicki Leaver

BA, Dip Ed, CAHRI

Director, People and Organisational Development (Human Resources)

(Band 1)

Budget total: \$2.0M
Total staff (FTE): 22.90
Total actual: 24

Vicki was appointed as the Director, People and Organisational Development in July 2011.

This year, Vicki and her team focused on the wellbeing of managers and staff. They supported a number of initiatives including:

- a health, wellbeing and safety strategy
- a new online safety system—capturing and addressing workplace risks
- wellbeing programs such as Get healthy@work, Fitness passport and sit/stand portable desks
- a workplace standards package.

Vicki led the team in rolling out workforce planning and continues to support the adoption of Individual Planning across Legal Aid NSW.

Vicki chairs the Business Continuity Management Committee and is a member of several organisational committees: Reconciliation Action Plan, Equity and Diversity and the Peak Consultative Committee.

Vicki will complete the ANZSOG Executive Masters in Public Administration next year.



Jane Cipants

BSW M Social Policy EMPA

Director Client Service

(Band 1)

Budget total: \$1.0M
Total staff (FTE): 16.22
Total actual: 17

Jane commenced in the new position of Director Client Service in September 2016. Over her seven years with Legal Aid NSW, Jane has held various roles including Manager, Legal Service Development. Jane began her career as a social worker in the mental health sector, and then spent 20 years in research and management in the public legal assistance sector.

In her first year in the role, Jane has established the new Client Service Unit to drive the implementation of the *Client Service Strategy 2016–2020*. Jane's new team has worked with the Executive to prioritise and manage the program of work under the strategy.

Achievements for 2016–2017 include:

- a client satisfaction survey of 700 clients with an in-house grant
- new client-centred projects: the roll-out of client computers, client communications and physical design of offices
- complaints handling reform to improve our services
- starting a significant review of the legal advice model.

Senior directors



Sue Scott

BA, Diploma of Information Management, Master of Education (Hons), Diploma of Legal Studies

Director Client and Case Management

(Band 1)

Project budget total: \$0.6M
Total staff (FTE): 3.80
Total actual: 4

Sue was appointed to this role in October 2016.

Before this, Sue was the Executive Officer to the CEO and led a number of projects, including reshaping the Legal Aid NSW website and developing a client service strategy.

Before joining Legal Aid NSW, Sue was the Assistant Director at the Law and Justice Foundation of NSW where she researched and implemented several initiatives to improve online access to the law.

Sue is leading a team to implement a new client and case management system for Legal Aid NSW.

In this role, Sue and her team have consulted widely with staff to develop a set of prioritised requirements and wireframes for the new system. Three vendors were selected to engage in a Proof of Concept to demonstrate how their system met these requirements. A vendor will be selected in 2017–2018.



Barry O'Loughlin

B Fin Admin FCPA

Director Finance and Facilities

(Band 1)

Budget total: \$291.6M
Total staff (FTE): 21.20
Total actual: 22

Barry was appointed as the Director Finance and Facilities in November 2016.

Barry's career in Finance spans 35 years in both public and private sectors. Before joining Legal Aid NSW, he held senior finance positions in the Education and Industry Clusters.

This year, Barry strengthened the Legal Aid NSW balance sheet through the transfer of superannuation and long service leave liabilities to NSW Treasury. He finalised the integration of the Finance and Facilities units into a single team.

Barry participated in the District Court trial backlog and of early appropriate guilty plea reforms.



Gaby Carney

BA/LLB (UNSW), MIL (USyd)

Director, Strategic Planning, Policy and Community Partnerships

(Band 1)

Budget total: \$44.6M
Total staff (FTE): 37.20
Total actual: 40

Gaby was appointed to this position in March 2017.

Gaby has experience in legal practice, law reform and legal policy. She has previously worked in various positions, including in private practice, the Australian Law Reform Commission, the NSW Department of Premier and Cabinet, as Assistant Director of the then Justice Policy at the NSW Department of Justice, and as the Director of Policy and Practice at the Law Society of NSW.

Since starting at Legal Aid NSW, Gaby has overseen work on a range of matters across her portfolio, including the preparation of law reform submissions, in-house counsel and legal aid policy development, and operations of the Community Legal Centres Program, Women's Domestic Violence Court Advocacy Program and Cooperative Legal Service Delivery Program.

She also had oversight of the preparation of the *Legal Aid NSW Plan for 2017–2018*, equity and diversity coordination within Legal Aid NSW, and strategic planning for the organisation.

Portrait photos: Penny Clay

Retiring senior directors

Bill Grant, CEO

Bill retired as CEO of Legal Aid NSW in December 2017. Bill's leadership was inspirational and he left a bountiful legacy. You can read more about Bill on page 77 and sadly on page 67 where a short eulogy appears due to Bill's passing not long after retirement.

Steve O'Connor, Deputy CEO

Steve has been Deputy CEO since 2003 (with an absence in 2011-2012), and retired in December 2016. Steve was also the Chief Audit Executive for Legal Aid NSW since 2012. He was an active member of the Equity and Diversity Committee and for the last two years—the Disability Champion.

Bill and Steve were champions of Legal Aid NSW and were held in the highest regard by the Board. Chair, Craig Smith

Steve was the driving force behind Activity Based Costing, a critical project measuring time our lawyers spend delivering legal services. At the time of his retirement, compliance across practice areas had risen to 96 per cent.

Right up to retirement, Steve enthusiastically championed the important issues of legal support officers, office managers, corporate service areas and legal practices.



Chair of Legal Aid NSW, Craig Smith with Steve O'Connor (left) at a farewell function that celebrated Steve's dedicated service to Legal Aid NSW.

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.

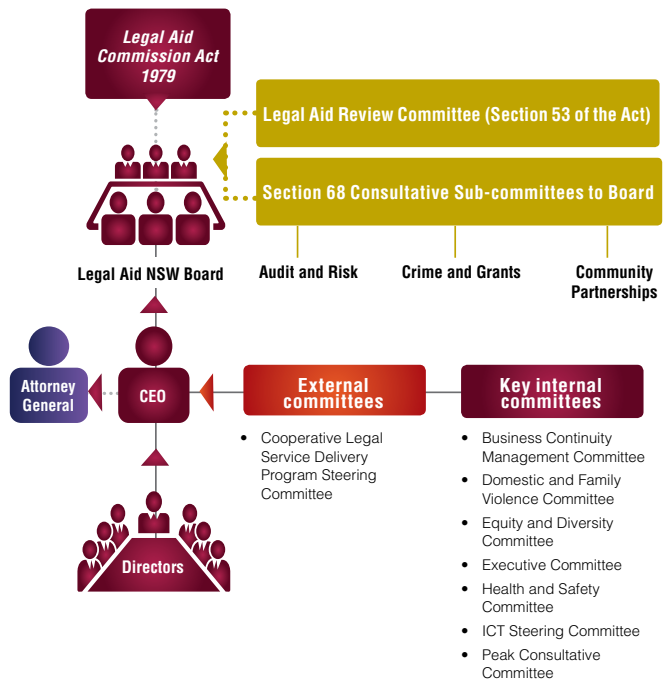
People employed in this way may be referred to as officers or employees or members of staff of the Legal Aid Commission of New South Wales.

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 chart above.

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 77–79.



The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from the Deputy CEO and ten Directors who appear on pages 81–84.

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 2017–2018* was developed with input from a range of staff and the Executive as part of a structured process, which also involved input and commentary by the Board of Legal Aid NSW.

The single-year plan has retained the same structure and format as in previous years.

Actions in the Legal Aid NSW Plan are also included in divisional plans, providing an important link between operational and higher level planning and allowing staff to contribute more fully to the actions in the plan.

Progress against the plan is monitored by the Executive each quarter and reviewed by the Board. In 2017–2018, the frequency of review by the Board will increase as progress against the plan will be considered at all Board meetings.

The Legal Aid NSW Plan 2017–2018 is available in the *About us* section of the Legal Aid NSW website.

Code of Conduct

The Legal Aid NSW Code of Conduct addresses the requirements of the Public Service Commission and the *Government Sector Employment Act 2013* Ethical Framework provisions.

The 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.

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 and Facilities 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 includes provision for additional audits should circumstances change during the course of the year. The preparation of the risk assessment is based upon a methodology recognising 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 an identified 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 one-year risk assessment covering the period 2016–2017.

During 2016–2017, we completed six internal audits.

We exceeded our target by completing six performance audits.

Number of performance audits completed

2012 –2013	5
2013 –2014	8
2014 –2015	5
2015–2016	6
2016 –2017	6

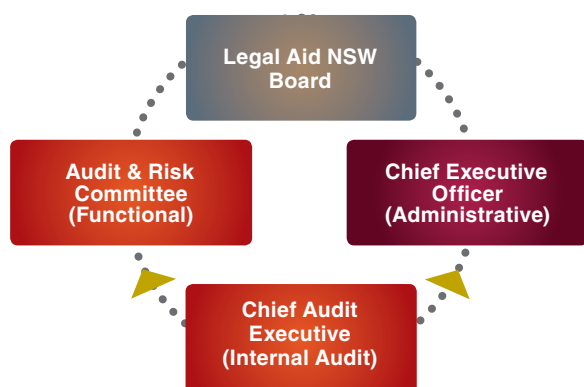
Target for 2017–2018: 5

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 risk assessment plan. This provides the Audit and Risk Committee with appropriate flexibility and responsiveness.

The Audits undertaken through the year were approved by the Audit and Risk Committee and are drawn from the Risk Assessment also approved by the Audit and Risk Committee.



Report from the Audit and Risk Committee 2016–2017

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 first part of the year, the Committee comprised three members. Two members (Michael Coleman and Peter Whitehead) were independent members and one member (Kylie Beckhouse) was a non-independent executive member. Robyn Gray joined the Committee in early 2017 as the third independent member and Kylie Beckhouse finished her period as a non-independent 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 six occasions in 2016–2017 and reviewed a range of matters including:

- Monthly financial results;
- End of Year Financial Statements;
- Updates on Internal Audits and the implementation of recommendations;
- Board papers with financial implications;
- District Court Backlog Expenditure;
- Business Continuity Plans;
- Client and Case Management System; and
- Updated Risk Assessment, Audit and Risk Charter, and Internal Audit Plan.

The following internal audits were undertaken during the year:

- Inaccurate or Fraudulent Claims
- Business Continuity
- Workplace Injury
- Fraud and Corruption Control
- Risk Assessment
- Operational Information

Richard Funston
Chief Audit Executive

Internal Audit and Risk Management Attestation Statement for the 2016–2017 Financial Year for Legal Aid NSW

I, Brendan Thomas am of the opinion that Legal Aid NSW has internal audit and risk management processes in operation that are, excluding the exceptions or transitional arrangements described below, compliant with the eight (8) core requirements set out in the *Internal Audit and Risk Management Policy* for the NSW Public Sector, specifically:

Core Requirements	For each requirement, please specify whether compliant, non-compliant, or in transition
Risk Management Framework	
1.1 The agency head is ultimately responsible and accountable for risk management in the agency.	Compliant
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS ISO 31000:2009	Compliant
Internal Audit Function	
2.1 An internal audit function has been established and maintained	Compliant
2.2 The operation of the internal audit function is consistent with the International Standards for the Professional Practice of Internal Auditing	Compliant
2.3 The agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
Audit and Risk Committee	
3.1 An independent Audit and Risk Committee with appropriate expertise has been established	Compliant
3.2 The Audit and Risk Committee is an advisory committee providing assistance to the agency head on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Compliant
3.3 The Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

Membership

The chair and members of the Audit and Risk Committee are:

Mr Michael Coleman, Independent Chair Start term date: 29 June, 2016 Finish term date: 22 June, 2019

Mr Peter Whitehead, Independent Member Start term date: 28 October 2014 Finish term date: 11 March 2017
Re appointed from 11 March, 2017–11 March, 2020

Ms Robyn Gray, Independent Member Start term date: 11 March 2017 Finish term date: 11 March, 2020

Ms Kylie Beckhouse, Non-Independent Member Start term date: 12 March 2013 Finish term date: 11 March, 2017



Brendan Thomas, CEO

Date: 12 July 2017

Who are our committee members?

Peter Whitehead is a lawyer and the former Public Trustee of NSW. Peter was part of the original committee reviewing the role of audit within the New South Wales government. He has since chaired a number of New South Wales government Audit and Risk Committees, including Premier and Cabinet, Finance and Services, Attorney General's, Crime Commission and Judicial Commission. Peter currently works in the financial services industry.

Robyn Gray is a lawyer, accredited mediator and principal of Herne Gray and Associates P/L. She

brings over 25 years' experience as a prosecutor, investigator and legal manager in Commonwealth and New South Wales public sector agencies and several Royal Commissions. In 2007, Robyn established her own consultancy to service public sector and not for profit agencies. She is an independent member of the Office of the Director of Public Prosecutions Executive Board, the Justice Health Human Research Ethics Committee and three public sector Audit and Risk Committees.

Other members: Michael Coleman (page 78), Richard Funston (page 81), Kylie Beckhouse (page 82).

Digital Information Security Annual Attestation Statement for the 2016–2017 Financial Year for Legal Aid NSW

I, Brendan Thomas, am of the opinion that Legal Aid NSW had an Information Security Management System in place during the 2016–2017 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.

Legal Aid NSW has maintained certified compliance with ISO 27001:2013 Information technology - Security techniques - Information security management systems - Requirements by an Accredited Third Party during the 2016–2017 financial year.



Brendan Thomas, CEO

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 a 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.

A Business Continuity Management Committee met regularly, chaired by the Director People and Organisational Development. During 2016–2017, we completed a review and update of our business continuity documents and plans and reviewed and validated our previously prepared Business Impact Analysis.

Business continuity training, staff awareness and testing is scheduled for early 2017–2018.

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.



THE YEAR AHEAD

- ➔ Focus on improving performance, measuring the quality of our services, and understanding the costs of our services.
- ➔ Establish a Project Management Office and embed project management more broadly in the organisation.
- ➔ Review corporate governance and decision-making structures and implement an outcome-focused performance system.
- ➔ Explore opportunities to improve our information security and business continuity arrangements.
- ➔ Conduct five performance audits.
- ➔ Assess and evaluate our Grants processes, efficiency and quality provided to clients by in-house and private lawyers.
- ➔ Implement the *Legal Aid NSW Plan 2017–2018* and develop a five-year strategic plan that will focus on longer-term priorities for our organisation.

Legislative compliance

We met our legal obligations under all the relevant legislative requirements.

Significant cases on the *Legal Aid Commission Act 1979*

Khalid v Legal Aid Commission [2016] NSWSC 1640

The plaintiff was granted legal aid to defend serious criminal charges, and requested that the grant be assigned to a lawyer who had been representing him in the matter for some time. Legal Aid NSW has established a panel of lawyers to represent clients in serious criminal matters. As the nominated lawyer was not on that panel, Legal Aid NSW assigned the matter to another lawyer who was on the panel. The plaintiff commenced proceedings in the Supreme Court seeking judicial review of that decision, relying on four grounds: the assignment was made otherwise than in accordance with s12 of the *Legal Aid Commission Act 1979*; the assignment was made otherwise than in accordance with the Legal Aid NSW Allocation Guidelines; Legal Aid NSW had failed to take into account relevant matters; and the decision was so unreasonable as to constitute error of law or jurisdictional error.

The Court confirmed the decision in *Legal Services Commissioner v Stephens* finding that it is a matter for Legal Aid NSW to determine the solicitor to whom a grant will be assigned. The Court found that the decision was not unreasonable as it was based on the conclusion that a member of the Serious Crime Panel would best protect and represent the plaintiff's interests, and this conclusion was reasonably open. Therefore no error of law had taken place. The proceedings were dismissed.

Nigam v Minister for Immigration and Border Protection [2017] FCA 106

If a court makes a costs order against a legally assisted person, section 47(1)(b) of the *Legal Aid Commission Act 1979* provides that the legally assisted person is not liable to pay any part of those costs. Section 43(1) of the *Federal Court of Australia Act 1979* gives the Federal Court jurisdiction to award costs. Section 109 of the Constitution provides that when a State law is inconsistent with a Commonwealth law, the Commonwealth law prevails and the State law is

invalid. In *Woodlands v Permanent Trustee Company Ltd* [1996] FCA 1643 the Full Court of the Federal Court held that section 47(1)(b) is inconsistent with the Federal Court's power to award costs given by section 43(1). Because of this inconsistency, s 109 applies, and section 47(1)(b) does not indemnify a legally assisted person against a costs order in Federal Court proceedings.

The appellants argued that section 79 of the *Judiciary Act 1903* (Cth) 'picks up' section 47(1)(b) and applies it as federal law. Section 79 provides that State laws are binding on courts exercising federal jurisdiction within that State unless otherwise provided by the laws of the Commonwealth.

The Full Court held that section 79 did not overcome the invalidity of section 47(1)(b) in Federal Court proceedings, because section 79 only picks up procedural laws.

In *Nigam v Minister for Immigration and Border Protection*, the Federal Court noted that in *Wilson v Alexander* [2003] FCAFC 272, in considering whether section 57 of the *Legal Aid Commission Act 1979* applies in the Federal Court, the Full Court held that *Woodlands* had been wrongly decided insofar as it held that section 79 picks up only procedural laws.

The Federal Court held that *Woodlands* must be regarded as overruled insofar as it held that section 47(1)(b) was not applied as a federal law by operation of section 79 on the basis that section 79 only applies to procedural laws. This did not determine the question of whether section 79 operates to apply section 47(1)(b) as a federal law.

The applicant did not argue that section 47(1)(b) applied by operation of section 79 and, in the absence of argument on the point, the Court felt that it would be inappropriate to determine the issue. Therefore, the question remains open.

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 were no public disclosures in this reporting period.

This year, we enhanced our Public Interest Disclosures

Appealing decisions about legal aid

policy and internal reporting framework by expanding the number of disclosure officers to whom employees may make a report of serious wrongdoing. Where previously such reports could only be made to the CEO or Deputy CEO, they can now be made to the Senior Consultant Workplace Standards and to any of the People and Organisational Development Business Partners. These additional pathways will ensure that employees who report serious wrongdoing are protected, under the *Public Interest Disclosures Act 1994*, from detrimental action for having made such a report.

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 on dealing with privacy issues and queries. We did not receive any privacy complaints this year. We proactively reported an information security incident to the Acting Privacy Commissioner.

Right to Information

Legal Aid NSW adopts a proactive approach to the release of information where possible. We review our published information on a regular basis and routinely upload information to our website that may be of interest to the general public. This includes updating a wide range of publications and resources for the public, including factsheets, information brochures and pamphlets about legal rights and responsibilities, policy documents and law reform submissions. Fact sheets are also available in a variety of languages.

The full details of the applications we received under the *Government Information (Public Access) Act 2009* (GIPA Act) are set out in Appendix 8. During 2016–2017, we received 19 formal GIPA applications and 16 information applications. There were no internal reviews conducted in the 2016–2017 reporting period.

Independent reviews of decisions made by Legal Aid NSW provide procedural fairness.

Six independent Legal Aid Review Committees (LARCs) determine appeals relating to legal aid applications that have been refused and grants of legal aid that have been terminated. The committees are established under the *Legal Aid Commission Act 1979* to ensure our clients receive an independent review of their application for legal aid and terminations of grants of legal aid.

Committee members' work is integral to the Legal Aid NSW appeal process. The work of each committee is invaluable and members played an important role in delivering excellent outcomes to Legal Aid NSW clients.

Legal Aid Review Committee members

Ms Nichola Constant	Mr James Lonsdale
Ms Janet Moss	Ms Anthea Tomlin
Mr Brett Thomson	Ms Leanne Spencer
Mr Jeremy Styles	Mr Clyllyn Sperling
Ms Jane Sanders	Ms Mary Falloon
Mr Andrew Borg	Ms Jennifer Wong
Ms Maria Good	Mr Donald Sword
Mr Lisa Battersby	Ms Lina Rapone
Mr Peter Robinson	Mr Nick Mitrevski
Ms Kathleen Hainsworth	Ms Johanna Geddes
Ms Stephanie Koch	Ms Lucy Boyle
Mr Winston Terracini SC	Mr Christopher Dunn
Mr Paul Blacket SC	Ms Gemma Slack-Smith
Ms Anne Healey	Mr Paul Guterres
Ms Pauline Mueller	Ms Melanie Faithfull
Ms Rita Zammit	Ms Kathleen Lamoureux
Mr Kim Garling	Ms Cheryl Drummy
Ms Sharon Gordon	Mr Michael Granziera
Ms Emma Bayley	Ms Alexandra Brown
Ms Pauline David	Ms Terese Messner
Mr Jon Prowse	Mr Mark Whelan
Mr Sharyn Hall	Mr Greg Moore
Ms Thea Heness	Dr Stephen van der Mye
Ms Miranda Tunica	Mr Stephen Stuart

An increase in successful appeals

This year the review committees held 57 meetings and five teleconferences. The committees allowed appeals in 65 out of 1,049 matters lodged, compared to 60 appeals allowed out of 1,119 lodged last year. There was a substantial increase in the number of appeals lodged in criminal law and significant decrease in family law appeals.

The increase in criminal law appeals was due to the high number of Local Court defended hearing appeals (81 out of 314 received). Ten of the 25 appeals allowed

in criminal law matters were in Local Court defended hearing matters.

The overall percentage of appeals that were successful increased from 5.1 per cent last year to 6.2 per cent this year. There was a decrease in the number of appeals allowed in criminal law, from 9.7 per cent last year to 6.2 per cent this year. The success rate in family matters increased by 2.3 per cent. See Table 1 for details. The trends in the number of appeals and outcomes over the past five years are set out in Table 2.

Table 1: Appeals and outcomes 2016–2017

Law Type	Allowed	Disallowed	Pending	Not appellable	Withdrawn	Total appeals	Appeals allowed (%)
Civil	1	105	3	0	1	110	0.9%
Criminal	25	212	9	58	10	314	7.9%
Family	39	561	7	0	18	625	6.2%
TOTAL	65	878	19	58	29	1,049	6.20%

Table 2: Appeals and outcomes over five years

Review outcome	2012–2013	2013–2014	2014–2015	2015–2016	2016–2017
Allowed	90	122	49	60	65
Disallowed	959	1,196	999	879	878
Pending	59	55	25	14	19
Not appellable	46	90	72	36	58
Withdrawn	11	4	4	180	29
Total	1,165	1,467	1,149	1,169	1,049

Complaint handling

We are accountable to the public through an open and efficient complaints process.

Improvements in finalising matters within 21 days

We received 380 complaints in 2016–2017 and 260 inquiries from third parties querying another person's grant of aid. See Table 3 on page 93 for details.

We encourage all types of feedback and recorded 31 compliments and nine suggestions. This allows us to know when we are doing well and encourages people to tell us how we might improve.

The data in Table 3 shows an improvement in finalising matters within 21 days and in the 12+ weeks period compared with the previous year.

Client Service Unit—complaints and feedback

The complaints function was moved into the newly formed Client Service Unit in November 2016 to ensure that feedback is used effectively to inform service improvement.

Aiming for best practice complaint handling

The creation of an internal Complaints Working Group in June 2017 will embed best practice complaint handling and train staff from across all areas of our organisation. Group members will focus on:

- standardising and improving the quality of complaint handling
- being a source of expertise for their areas
- monitoring systemic issues raised by complaints
- compiling a complaints toolkit for staff.

Who complains to us?

We conducted a trial from January to May 2017 of collecting data about whether complainants have a disability or special need as part of the *Legal Aid NSW Diversity Action Plan 2015–2017*.

Table 3: Number of complaints and inquiries—three-year comparison

Inquiries	2014–2015	2015–2016	2016–2017
Grants—eligibility inquiries*	184	283*	260
Grants—refusals	31	44	40
Inhouse—customer service	44	59	45
Inhouse lawyer	67	68	101
Staff (other than inhouse lawyer)	3	1	5
Policy and/or administrative processes	56	32	15
Private lawyer—conduct	43	68*	78
Private lawyer—fees	16	15	18
Independent Children’s Lawyer—conduct	20	26	29
Mediator—conduct	14	20	13
Funding allocations	51	24	7
Other	15	21	29
Total complaints	360	378	380
Outcome of complaints			
Upheld	18	19	23
Partially upheld	22	28	28
Not upheld	170	194	220
Referred to other body	16	17	1
Response to Minister’s office or Community Relations Unit	91	84	45
Professional Practices Branch	1	0	0
Complaint—unknown outcome (eg s25/26)	25	24	40
To be determined	17	12	23
Total	360	378	380
Time taken to close complaints			
Within 21 days	65%	65%	74%
4–6 weeks	22%	18%	16%
7–12 weeks	9%	6%	9%
12+ weeks	4%	11%	1%

*Increase in numbers due to better recording.

The data shows an improvement in finalising matters within 21 days and in the 12+ weeks period compared with the previous year.

We will explore improving our data collection about complainants to identify if we need to do more work to reduce barriers for some clients who may experience particular difficulty in making a complaint.

Responding to Government initiatives for higher quality

The NSW Customer Service Commissioner and the NSW Ombudsman are working to improve the quality of complaint handling across all New South Wales government agencies. One initiative is the introduction of a standard entry point (or widget) for all New South Wales state agencies for feedback on their websites.

We began working with the Department of Finance, Services and Innovation to explore the introduction of this new online feedback system by the end of 2017.

We also identified and reported on areas for improvement with our complaint handling as part of the Complaint Handling Implementation Plan for all agencies within the Justice cluster.

THE YEAR AHEAD

- ➔ Continue to ensure all appellants to Legal Aid Review Committees are afforded procedural fairness.
- ➔ Conduct an external audit of our complaints function and improve our demographic data.
- ➔ Improve our online feedback function and produce a complaints toolkit for staff.
- ➔ Raise awareness amongst all staff of our obligations under privacy laws and the GIPA Act.

5 Financial summary



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Key results

- ✦ Total revenue of \$307.8 million
- ✦ Total expenses of \$306.4 million
- ✦ Net equity of \$51.5 million
- ✦ Surplus of \$1.4 million



The year ahead

- ➔ Continue to streamline financial processes and costing methodologies to assist in operational control and decision making.



Key challenge

- ✦ Ensuring Legal Aid NSW has the financial resources to fund the delivery of services across our client base.

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 2016-2017 was \$307.8 million and expenditure was \$306.4 million.

Funding from the NSW Government was \$146.1 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$76.6 million

Key developments

Our financial result was a surplus of \$1.4 million which is \$2.8 million more than the budgeted deficit of \$1.4 million.

We ended the year with net equity of \$51.5 million.

Payments of \$107.9 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 LGAL SERVICES

Improving the way we work

Finance works closely with stakeholders to ensure that Legal Aid NSW is in a robust financial position.

This year we further improved our analytical systems and developed our costing model.

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	222.7
Public Purpose Fund Grant	36.2
Other grants	32.8
Acceptance by the Crown Entity of employees benefits & other liabilities	6.8
Interest & other sources	9.3
Total	307.8

How we spent our money (\$M)

Employee related expenses*	125.8
External legal services	107.9
Grants and subsidies	41.2
Other	31.5
Total	306.4

*The percentage of total employee-related expenditure that relates to senior executives was 1.9 per cent compared with 2.0 per cent last year.

How we spent our money by program (\$M)

Criminal law	134.9
Family law	84.5
Civil law	42.6
Community partnerships	44.4
Total	306.4

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 surplus of \$1.4 million which is \$2.8 million more than the budgeted deficit of \$1.4 million.

Income

Total income for 2016-2017 was \$307.8 million and expenditure was \$306.4 million.

Funding from the NSW Government was \$146.1 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$76.6 million.

Acceptance by the Crown Entity of Employees benefits and other liabilities was \$6.8 million.

Funding from other sources includes \$36.2 million from the Public Purpose Fund, \$32.8 million from Other Grants Received and \$9.3 million from Interest revenue and other sources.

Expenses

Our major expenses were:

- Employee related expenses of \$125.8 million (\$116.7 million in 2015–2016); and
- Payments to private lawyers of \$107.9 million (\$105.3 million in 2015–2016).

Total expenses for Legal Aid NSW are estimated at \$301.8 million in 2017-2018, an increase of 8.4 per cent on the 2016-2017 budget.

Budget outline 2017–2018

Operating statement	(\$M)
Revenue (including government contributions)	302.2
Expenditure	301.8
Other Gains/Losses	(0.2)
Net result	0.2

Balance sheet	(\$M)
Current assets	67.9
Non current assets	15.0
Total assets	82.9
Current liabilities	27.5
Non Current liabilities	5.9
Total liabilities	33.5
Net assets	49.4
Equity	49.4

Our financial performance over five years

Total expenses (\$M)

2012 –2013	239.6
2013 –2014	243.9
2014 –2015	257.4
2015–2016	283.4
2016 –2017	306.4

Surplus or (deficit) (\$M)

2012 –2013	6.2
2013 –2014	3.5
2014 –2015	(4.4)
2015–2016	(10.2)
2016 –2017	1.4

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 mandated 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 2017 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



Brendan Thomas
Chief Executive Officer

Date: 21/09/2017

Date: 21/09/2017



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 2017, the statements of comprehensive income, the statements of changes in equity and the statements of cash flows 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 2017, 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 the standards are 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 requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have also fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament 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
- precluding the Auditor-General from providing 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 the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the PF&A, and for such internal control as the members of the Board determine is necessary to enable the preparation and fair presentation of financial statements that 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 except where operations will be dissolved by an Act of Parliament or otherwise cease. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of 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 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/auditors_responsibilities/ar3.pdf.

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
- about any other information which may have been hyperlinked to/from the financial statements.



David Daniels
Director, Financial Audit Services

26 September 2017
SYDNEY

Statement of comprehensive income for the year ended 30 June 2017

	Notes	Consolidated			Parent	
		Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000	Actual 2017 \$'000	Actual 2016 \$'000
Expenses excluding losses						
Employee related	2(a)	125,755	112,021	116,673	354	446
Personnel Services	2(a)	0	0	0	99,042	137,149
Other operating expenses	2(b)	25,500	24,472	23,762	25,124	23,541
Depreciation and amortisation	2(c)	6,036	5,000	6,027	6,036	6,027
Grants and subsidies	2(d)	41,164	35,105	31,613	41,164	31,613
Finance costs	2(e)	4	0	0	4	0
Services provided by private practitioners	2(f)	107,933	101,757	105,322	107,933	105,322
Total Expenses excluding losses		306,392	278,355	283,397	279,657	304,098
Revenue						
Sale of goods and services	3(a)	6,807	4,100	4,868	6,807	4,868
Investment revenue	3(b)	807	500	1,937	807	1,937
Grants and contributions	3(c)	291,650	272,270	265,442	291,650	265,442
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	6,787	0	0	0	0
Other revenue	3(e)	1,761	250	982	1,761	982
Total Revenue		307,812	277,120	273,229	301,025	273,229
Operating Result		1,420	(1,235)	(10,168)	21,368	(30,869)
Gain/(loss) on disposal	4	(49)	35	(196)	(49)	(196)
Other Gains/(losses)	5	11	(200)	173	11	173
Net result	18	1,382	(1,400)	(10,191)	21,330	(30,892)
Other comprehensive income						
<i>Items that will not be reclassified to net result</i>						
Superannuation actuarial gains/(losses)		19,948	0	(20,701)	0	0
Total other comprehensive income for the year		19,948	0	(20,701)	0	0
TOTAL COMPREHENSIVE INCOME		21,330	(1,400)	(30,892)	21,330	(30,892)

The accompanying notes form part of these financial statements

Statement of financial position as at 30 June 2017

	Notes	Consolidated		Parent		
		Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000	Actual 2017 \$'000	Actual 2016 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	7	63,798	88,156	78,832	63,798	78,832
Receivables	8	4,967	4,205	4,756	4,967	4,756
Total Current Assets		68,765	92,361	83,588	68,765	83,588
Non Current Assets						
Receivables	8	3,684	3,069	3,238	3,684	3,238
Plant and equipment	9	8,441	9,277	10,175	8,441	10,175
Intangible Assets	10	2,622	1,733	1,892	2,622	1,892
Total Non-Current Assets		14,747	14,079	15,305	14,747	15,305
Total Assets		83,512	106,440	98,893	83,512	98,893
LIABILITIES						
Current Liabilities						
Payables	11	13,883	11,963	13,622	13,883	13,622
Provisions	12	13,282	63,528	30,076	13,282	30,076
Total Current Liabilities		27,165	75,491	43,698	27,165	43,698
Non Current Liabilities						
Provisions	12	4,547	5,437	62,167	4,547	62,167
Other	13	322	182	132	322	132
Total Non Current Liabilities		4,869	5,619	62,299	4,869	62,299
Total Liabilities		32,034	81,110	105,997	32,034	105,997
Net Assets		51,478	25,330	(7,104)	51,478	(7,104)
EQUITY						
Accumulated funds		51,478	25,330	(7,104)	51,478	(7,104)
Total Equity		51,478	25,330	(7,104)	51,478	(7,104)

The accompanying notes form part of these financial statements

Statement of changes in equity for the year ended 30 June 2017

	Notes	Consolidated		Parent	
		Accumulated Funds \$'000	Total \$'000	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2016		(7,104)	(7,104)	(7,104)	(7,104)
Net result for the Year		1,382	1,382	21,330	21,330
Other Comprehensive income:					
Superannuation actuarial gains/(losses)	14	19,948	19,948	0	0
Total other comprehensive income		19,948	19,948	0	0
Total comprehensive income for the year		21,330	21,330	21,330	21,330
Transactions with owners in their capacity as owners					
Increase/(decrease) in net assets from equity transfers *		37,252	37,252	37,252	37,252
* <i>Defined Benefit Superannuation Liability transferred to the Crown</i>					
Balance at 30 June 2017		51,478	51,478	51,478	51,478
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)		(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)

The accompanying notes form part of these financial statements

Statement of cash flows for the year ended 30 June 2017

	Notes	Consolidated		Parent		
		Actual 2017 \$'000	Budget 2017 \$'000	Actual 2016 \$'000	Actual 2017 \$'000	Actual 2016 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee Related		(135,826)	(111,705)	(114,421)	(354)	(446)
Grants and subsidies		(45,280)	(35,105)	(34,774)	(45,280)	(34,774)
Personnel services		0	0	0	(135,472)	(113,975)
Private Practitioners		(108,811)	0	(104,316)	(108,811)	(104,316)
Other		(32,022)	(141,005)	(41,156)	(32,022)	(41,156)
Total Payments		(321,939)	(287,815)	(294,667)	(321,938)	(294,667)
Receipts						
Sale of goods and services		6,925	3,900	4,470	6,925	4,470
Grants and Contributions		296,045	241,000	268,760	296,045	268,760
Interest received		1,013	500	2,481	1,013	2,481
Other		7,650	46,296	17,323	7,650	17,323
Total Receipts		311,632	291,696	293,034	311,632	293,034
NET CASH FLOWS FROM OPERATING ACTIVITIES	18	(10,306)	3,881	(1,633)	(10,306)	(1,633)
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		0	35	3	0	3
Purchases of plant and equipment		(4,728)	(4,350)	(4,354)	(4,728)	(4,354)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(4,728)	(4,315)	(4,351)	(4,728)	(4,351)
NET INCREASE/(DECREASE) IN CASH		(15,034)	(434)	(5,984)	(15,034)	(5,984)
Opening cash and cash equivalents		78,832	88,590	84,816	78,832	84,816
CLOSING CASH AND CASH EQUIVALENTS	7	63,798	88,156	78,832	63,798	78,832

The accompanying notes form part of these financial statements

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Entity

The Legal Aid Commission of NSW (The Commission) is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Entity is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units.

The Commission, 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 Commission, as the Commission 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 2017 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 21 September 2017.

(b) Basis of Preparation

The Commission'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
- Financial Reporting Directions mandated 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.

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 on behalf of the Crown

The Commission does not administer any activities on behalf of the Crown Entity.

(e) Insurance

The Commission'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 Commission 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) Grants and Contributions

Grants and Contributions from other bodies (including donations) are generally recognised as income when the entity obtains control over the assets comprising the grant or contributions. The Commission is deemed to have assumed control when the grant is received or receivable.

(ii) Rendering of Services

Revenue from rendering of services 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 income is recognised using the effective interest rate method. The effective interest rate is the rate that exactly discounts the estimated future cash receipts over the expected life of the financial instrument or a shorter period, where appropriate, to the net carrying amount of the financial asset

(h) Plant and Equipment

(i) Acquisition of Plant and Equipment

Plant and equipment are initially measured at cost and subsequently carried at fair value less accumulated depreciation and impairment. 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) Restoration Costs

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for a provision are met.

(iii) 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.

(iv) 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.

(v) 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 Commission'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.

(vi) 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.

The entity assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the entity estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

As a not for-profit entity, an impairment loss is recognised in the net result .

(vii) 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 Commission. 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

(i) Trust Funds

The Commission receives monies in a trustee capacity for trusts as set out in Note 19. As the Commission performs a custodial role in respect of these monies, and because the monies cannot be used for the achievement of the Commission's own objectives, these funds are not recognised in the financial statements.

(j) Leases

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 Commission does not have any finance leases for its leased assets. An operating lease is a lease other than a finance lease. Operating lease payments are recognised as an operating expense in the Statement of Comprehensive Income on a straight-line basis over the lease term.

(k) Intangible Assets

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. If there is no active market for the entity's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

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 Commission's intangible assets, the assets are carried at cost less any accumulated amortisation. The Commission'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.

(l) Financial Instruments

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit or loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in net result.

The entity determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

(i) Financial assets

Financial assets are classified, at initial recognition, as financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments, as appropriate. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Financial assets at fair value through profit or loss

The entity subsequently measures financial assets classified as 'held-for-trading' or designated upon initial recognition 'at fair value through profit or loss' at fair value. Gains or losses on these assets are recognised in the net result for the year. Financial assets are classified as 'held-for-trading' if they are acquired for the purpose of selling or repurchasing in the near term. Derivatives are also classified as held-for-trading unless they are designated as effective hedging instruments under AASB 139.

Loans and receivables

Trade receivables, loans, and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as loans and receivables. Loans and receivables are measured at amortised cost using the effective interest method, less any impairment. 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 unless the effect of discounting is material.

Held-to-maturity investments

Non-derivative financial assets with fixed or determinable payments and fixed maturity that the entity has the positive intention and ability to hold to maturity are classified as 'held-to-maturity' investments. These financial assets are measured at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Impairment of financial assets

All financial assets, except those at fair value through profit and loss, are subject to an annual review for impairment. Financial assets are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

For certain categories of financial assets, such as trade receivables, the entity first assesses whether impairment exists

individually for financial assets that are individually significant, or collectively for financial assets that are not individually significant. Assets are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

For financial assets carried at amortised cost, the amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate. The amount of the 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. Reversals of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss. An independent actuary was engaged to undertake the calculation of the impairment of the "Sales of Goods and Services" component of Receivables for 2016-17.

(ii) Financial liabilities

Financial liabilities are classified as either 'at fair value through profit or loss' or 'at amortised cost'.

Financial liabilities at fair value through profit or loss

Financial liabilities at fair value through profit or loss include financial liabilities held-for-trading and financial liabilities designated upon initial recognition as at fair value through profit or loss.

Financial liabilities are classified as held-for-trading if they are incurred for the purpose of repurchasing in the near term. Gains or losses on liabilities held-for-trading are recognised in the net result.

Financial liabilities at fair value through profit or loss are stated at fair value, with any gains or losses arising on remeasurement recognised in the net result.

Financial liabilities at amortised cost (including borrowings and trade payables)

Financial liabilities at amortised cost are initially measured at fair value, net of transaction costs. These are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

Payables represent liabilities for goods and services provided to the entity and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Borrowings are financial liabilities at amortised cost. Gains or losses are recognised in the net result for the year on derecognition of borrowings.

Finance lease liabilities are determined in accordance with *AASB117 Leases*.

(iii) Accrual of Estimated Legal Expenses

The Commission accrues the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Commission 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 Commission.

(iv) 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 continues to be recognised to the extent of the entity's continuing involvement in the asset. In that case, the entity also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the entity has retained.

Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of consideration that the entity could be required to repay.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(v) Financial Guarantees

A financial guarantee contract is a contract that requires the issuer to make specified payments to reimburse the holder for a loss it incurs because a specified debtor fails to make payment when due in accordance with the original or modified terms of a debt instrument.

Financial guarantee contracts are recognised as a liability at the time the guarantee is issued and initially recognised at fair value plus, in the case of financial guarantees not at fair value through profit or loss, directly attributable transaction costs, where material. After initial recognition, the liability is measured at the higher of the amount determined in accordance with *AASB 137 Provisions, Contingent Liabilities and Contingent Assets* and the amount initially recognised, less accumulated

amortisation, where appropriate.

The entity has reviewed its financial guarantees and determined that there is no material liability to be recognised for financial guarantee contracts as at 30 June 2017 and as at 30 June 2016. However, refer to Note 16 regarding disclosures on contingent liabilities.

(vi) Offsetting financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the Statement of Financial Position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

(m) Employee Benefits

To enable The Commission 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.

(i) Salaries and wages, annual leave and sick leave

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 using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. Legal Aid has assessed the actuarial advice based on the entity's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the entity does not expect to settle the liability within 12 months as the entity does not have an unconditional right to defer settlement (Note 12).

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.

(ii) Long Service Leave and Superannuation

The Commission's liabilities for long service leave and defined benefit superannuation were assumed by the Crown on 31 October and 31 December 2016 respectively.

An independent actuary was engaged to calculate the Commission's long service leave liability as at 31 October 2016, including oncosts. This amount was paid to the Crown entity to accept the liability. Prior to being assumed by the Crown, actuarial gains and losses on long service leave were recognised immediately in the operating result.

The Commission's defined benefit superannuation liability was calculated by an independent actuary as at 31 December 2016. The amount was transferred to the Crown entity via an equity transfer. Refer notes 2(a), and 14. Prior to being assumed by the Crown, actuarial gains and losses on defined benefit superannuation liability were recognised immediately in other comprehensive income in the year in which they occurred.

After being initially assumed, the Commission accounts for additional long service leave and defined benefit superannuation liabilities as assumed by the Crown, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown entity of employee benefits and other liabilities'.

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth government bond rate at the reporting date

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

(iii) 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.

(n) Provisions

Provisions are recognised 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. When the entity expects some or all of a provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the Statement of Comprehensive Income.

If the effect of the time value of money is material, provisions are discounted at 2.01% (2016 1.88%), which reflects the current market assessments of the time value of money and the risks specific to the liability.

(o) Equity and Reserves

(i) Accumulated Funds

The category accumulated funds includes all current and prior period retained funds.

(ii) Equity Transfer

The defined benefit superannuation liability previously held by Legal Aid NSW was transferred to the Crown Entity via an Equity Transfer during the year.

The Equity Transfer was designated as contributions by owners and recognised as an adjustment to 'Accumulated Funds'.

This treatment is consistent with *AASB 1004 Contributions* and *Australian Interpretation 1038 Contributions by Owners Made to Wholly-Owned Public Sector Entities*.

(p) 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.

(q) Comparative Information

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.

(r) Changes in accounting policy, including new or revised Australian Accounting Standards

Effective for the first time in 2016-17

The accounting policies applied in 2016-17 are consistent with those of the previous financial year except as a result of *AASB 2015-6 Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities* which has been applied for the first time in 2016-17. The required disclosures are made at Note 21.

Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. The following new Australian Accounting Standards have not been applied and are not yet effective.

AASB 9 Financial Instruments

AASB 15, AASB 2014-5, AASB 2015-8 and 2016-3 regarding Revenue from Contracts with Customers

AASB 16 Leases

AASB 1058 Income of Not-for-profit Entities

AASB 2016-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107

AASB 2016-4 Amendments to Australian Accounting Standards – Recoverable Amount of Non-Cash-Generating Specialised Assets of Not-for-Profit Entities

AASB 2016-6 Amendments to Australian Accounting Standards – Applying AASB 9 with AASB 4 Insurance Contracts

AASB 2016-7 Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities

AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities

AASB 2017-1 Amendments to Australian Accounting Standards – Transfer of investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments

AASB 2017-2 Amendments to Australian Accounting Standards – Further Annual Improvements 2014-2016 Cycle

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 Commission with the exception of *AASB 16 Leases*.

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	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
2 EXPENSES				
(a) Employee related expenses and personnel services				
Employee related expenses				
Salaries and wages (including annual leave)	99,937	92,962	-	-
Superannuation - defined benefit plans *	1,961	2,446	-	-
Superannuation - defined contribution plans	8,615	8,153	-	-
Long service leave	8,532	6,127	-	-
Workers' compensation insurance	336	824	-	-
Payroll tax and fringe benefits tax	6,020	5,715	-	-
Agency staff costs	354	446	354	446
Total	125,755	116,673	354	446

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 2016-17 was \$0.212m (2015-16: \$0.097m), therefore excluded from the above.

- Refer Note 14. Superannuation actuarial gain of \$19.948m (2015-16: actuarial loss of \$20.701m) are recognised in the Statement of Changes in Equity.
- In 2016-17 Superannuation Defined Benefit Plans returned an expense of \$1.961m (2015-16: \$2.446m)

Total superannuation gain, including actuarial gain recognised in the Statement of Comprehensive Income is \$17.987m (2015-16: \$23.15m loss).

Personnel services

Personnel services provided by the Legal Aid Commission Staff	-	-	99,042	137,149
Agency	-	-	-	-
Total	-	-	99,042	137,149

(b) Other operating expenses

Other operating expenses include the following:				
Operating lease rental expense - minimum lease payments	10,073	9,498	10,073	9,498
Telephone	385	363	385	363
Library resources	819	813	819	813
Consultants	425	492	425	492
Stationery, stores and provisions	709	539	709	539
Computer running costs	3,273	3,098	3,273	3,098
Printing	795	965	795	965
Records management	619	662	619	662
Travel	1,940	1,636	1,940	1,636
Interpreters' fees	74	69	74	69
Postage	818	627	818	627
Cleaning	495	523	495	523
Practicing certificates	486	441	486	441
Electricity and gas	398	348	398	348
Insurance	136	121	136	121
Auditor's remuneration - audit of financial statements	142	138	142	138
Auditor's remuneration - audit of IAAAS	4	4	4	4
Internal audit and audit of Trust Account	279	227	279	227
Courier and freight	72	84	72	84
Maintenance	425	356	425	356
Other	3,133	2,758	2,757	2,537
Total	25,500	23,762	25,124	23,541

	Consolidated		Parent	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
(c) Depreciation and amortisation expenses				
Depreciation				
Leasehold Improvements	3,414	3,221	3,414	3,221
Plant and Equipment	1,549	1,562	1,549	1,562
Total	4,963	4,783	4,963	4,783
Amortisation				
Software	1,073	1,244	1,073	1,244
Total	1,073	1,244	1,073	1,244
Total	6,036	6,027	6,036	6,027

(d) Grants and subsidies				
Domestic Violence Court Assistance Program	17,251	10,684	17,251	10,684
Community Legal Centres	23,041	19,707	23,041	19,707
Cooperative Legal Service Delivery Program	338	335	338	335
Work Development Order	-	270	-	270
ALS Field Officer Training	504	265	504	265
Legal Pathways	30	-	30	-
Law and Justice Foundation	-	352	-	352
Total	41,164	31,613	41,164	31,613

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

(e) Finance costs				
Unwinding of discount on make good provision	4	-	4	-
Total	4	-	4	-

(f) Services provided by private practitioners				
Solicitor services provided by private practitioners	66,030	67,355	66,030	67,355
Barrister services provided by private practitioners	28,380	25,001	28,380	25,001
Disbursements	13,523	12,966	13,523	12,966
Total	107,933	105,322	107,933	105,322

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	3,101	1,929	3,101	1,929
Family Law	2,292	1,547	2,292	1,547
Civil Law	1,414	1,392	1,414	1,392
Total	6,807	4,868	6,807	4,868

(b) Investment revenue

Interest on outstanding accounts	114	95	114	95
Interest on cash assets	693	1,842	693	1,842
Total	807	1,937	807	1,937

	Consolidated		Parent	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
(c) Grants and contributions				
Cluster Agency recurrent contribution	206,505	212,411	206,505	212,411
Cluster Agency capital contribution	3,600	3,600	3,600	3,600
Law Society Public Purpose Fund i)	36,210	31,270	36,210	31,270
Cluster Agency recurrent contribution - CLC specific ii)	12,553	11,440	12,553	11,440
Other grants and contributions iii)	32,782	6,721	32,782	6,721
Total	291,650	265,442	291,650	265,442

i) This fund provided a grant of \$31.53m (\$28.67m in 2015-16) to provide legal aid services in State matters.

Other specific grants from this fund include:

Community Legal Centres	1,375	1,250	1,375	1,250
Children's Court Assistance Scheme	206	187	206	187
Homeless Persons	457	415	457	415
Older Persons Legal Service	527	479	527	479
Aboriginal Legal Access Program	297	270	297	270
Environmental Defenders Office	825	-	825	-
Public interest Advocacy	990		990	
Total	4,677	2,601	4,677	2,601

ii) CLC specific funding received from the Commonwealth Government via the National Partnership Appropriation. In 16-17, \$12.057m plus a further \$0.496m SACS ERO funding, totalling \$12.553m (2015-16 \$11.440m as a Commonwealth Base grant). These funds were earmarked for distribution to various Community Legal Centres and \$0.34 was used to meet administrative costs.

iii) Other Grants and contributions include:

State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	202	202	202	202
State Attorney General's Department - Video Conferencing Facilities	-	5	-	5
Commonwealth Government special funding for expensive criminal cases	5,554	3,031	5,554	3,031
State FACS - Homelessness Action Plan	377	755	377	755
State Attorney General's Department - 2 new Women's Domestic Violence Court Advocacy Services	-	-	-	-
NSW Health - Women's Domestic Violence - Safer Pathways	7,124	1,074	7,124	1,074
State Department of Justice - Domestic and Family Violence	10,869	800	10,869	800
State Department of Justice - Client Case Management System	544	-	544	-
State Department of Justice - District Court Backlog	7,000	-	7,000	-
Commonwealth Grant - Standardisation of Data	-	100	-	100
Commonwealth Grant - South West Sydney Domestic Violence	350	350	350	350
Commonwealth Grant - Family Law Services	635	-	635	-
NSW Treasury - Voluntary Redundancy	-	250	-	250
Other	127	154	127	154
Total	32,782	6,721	32,782	6,721

	Consolidated		Parent	
	2017	2016	2017	2016
	\$'000	\$'000	\$'000	\$'000
(d) Acceptance by the Crown Entity of employee benefits and other liabilities				
The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:				
Superannuation - defined benefit	586	-	-	-
Long Service Leave	6,169	-	-	-
Payroll tax	32	-	-	-
Total	6,787	-	-	-
(e) Other revenue				
Miscellaneous	1,761	874	1,761	874
Unwinding of lease make good discount rate	-	108	-	108
Total	1,761	982	1,761	982
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	(49)	(199)	(49)	(199)
Net Gain/(loss) on disposal	(49)	(196)	(49)	(196)
5 OTHER GAINS/(LOSSES)				
Impairment gain/(loss) on receivables	(303)	(80)	(303)	(80)
Gain/(loss) on make good provision	314	253	314	253
Net Other Gains/(losses)	11	173	11	173

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	
	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000
Expenses excluding losses												
Employee related/ Personnel services	55,012	51,742	29,363	26,663	39,041	35,834	2,339	2,434	0	0	125,755	116,673
Other Operating expenses	10,691	10,008	5,984	5,617	7,831	7,383	994	754	0	0	25,500	23,762
Depreciation and amortisation	2,648	2,606	1,377	1,400	1,902	1,889	109	132	0	0	6,036	6,027
Grants and subsidies	0	122	365	514	169	249	40,630	30,728	0	0	41,164	31,613
Finance costs	2	0	1	0	1	0	0	0	0	0	4	0
Services provided by private practitioners	66,582	65,311	5,509	5,362	35,572	34,532	270	117	0	0	107,933	105,322
Total Expenses excluding losses	134,935	129,789	42,599	39,556	84,516	79,887	44,342	34,165	0	0	306,392	283,397
Revenue												
Sale of goods and services	3,101	1,928	1,414	1,392	2,292	1,548	0	0	0	0	6,807	4,868
Investment income	551	1,322	102	245	154	370	0	0	0	0	807	1,937
Grants and contributions	13,150	3,360	503	1,048	1,136	438	17,994	1,875	258,867	258,721	291,650	265,442
Acceptance by the Crown Entity of employee benefits and other liabilities	0	0	0	0	0	0	0	0	6,787	0	6,787	0
Other revenue	637	269	718	605	292	95	114	13	0	0	1,761	982
Total Revenue	17,439	6,879	2,737	3,290	3,874	2,451	18,108	1,888	265,654	258,721	307,812	273,229
Gain/(Loss) on disposal of non current assets	(24)	(96)	(11)	(44)	(14)	(56)	0	0	0	0	(49)	(196)
Other gains/(losses)	(40)	1	171	180	(120)	(8)	0	0	0	0	11	173
Net result	(117,560)	(123,005)	(39,702)	(36,130)	(80,776)	(77,500)	(26,234)	(32,277)	265,654	258,721	1,382	(10,191)
Other Comprehensive Income												
Other - actuarial gains/(losses)	8,721	(9,180)	4,660	(4,731)	6,196	(6,358)	371	(432)	0	0	19,948	(20,701)
Total Other Comprehensive Income	8,721	(9,180)	4,660	(4,731)	6,196	(6,358)	371	(432)	0	0	19,948	(20,701)
TOTAL COMPREHENSIVE INCOME	(108,839)	(132,185)	(35,042)	(40,861)	(74,580)	(83,858)	(25,863)	(32,709)	265,654	258,721	21,330	(30,892)

6 SERVICE GROUP STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017 - continued

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017

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	
	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000	2017 \$000	2016 \$000
Current Assets												
Cash and cash equivalents	0	0	0	0	0	0	0	0	63,798	78,832	63,798	78,832
Receivables	2,272	2,150	1,184	1,369	1,451	1,229	60	8	0	0	4,967	4,756
Total Current Assets	2,272	2,150	1,184	1,369	1,451	1,229	60	8	63,798	78,832	68,765	83,588
Non Current Assets												
Receivables	1,685	1,464	878	932	1,076	837	45	5	0	0	3,684	3,238
Plant and equipment	3,693	4,513	1,971	2,325	2,621	3,125	157	212	0	0	8,441	10,175
Intangible assets	1,147	839	612	432	814	581	49	40	0	0	2,622	1,892
Total Non-Current Assets	6,525	6,816	3,461	3,689	4,511	4,543	251	257	0	0	14,747	15,305
Total Assets	8,797	8,966	4,645	5,058	5,962	5,772	311	265	63,798	78,832	83,512	98,893
Current Liabilities												
Payables	7,085	7,043	2,188	2,086	4,416	4,310	193	183	0	0	13,883	13,622
Provisions	5,810	13,338	3,101	6,873	4,123	9,237	247	627	0	0	13,282	30,076
Total Current Liabilities	12,895	20,381	5,289	8,959	8,539	13,547	440	810	0	0	27,165	43,698
Non Current Liabilities												
Provisions	1,989	27,570	1,062	14,207	1,412	19,093	85	1,297	0	0	4,547	62,167
Other	141	59	75	30	100	40	6	3	0	0	322	132
Total Non Current Liabilities	2,130	27,629	1,137	14,237	1,512	19,133	91	1,300	0	0	4,869	62,299
Total Liabilities	15,025	48,010	6,426	23,196	10,051	32,680	531	2,110	0	0	32,034	105,997
Net Assets	(6,228)	(39,044)	(1,781)	(18,138)	(4,089)	(26,908)	(220)	(1,845)	63,798	78,832	51,478	(7,104)

* The names and purposes of each service group are summarised below.

** 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

6 SERVICE GROUP STATEMENTS FOR THE YEAR ENDED 30 JUNE 2017 - Continued**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.

	Consolidated		Parent	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
7 CURRENT ASSETS - CASH AND CASH EQUIVALENTS				
Cash at bank	63,798	49,332	63,798	49,332
Short term deposits	-	29,500	-	29,500
Total Cash	63,798	78,832	63,798	78,832

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)	63,798	78,832	63,798	78,832
Closing cash and cash equivalents (per Statement of Cash Flows)	63,798	78,832	63,798	78,832

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 \$0.150m (2015-16: \$0.090m), which is the total of the credit limit for all issued credit cards. The balance in this facility is cleared monthly.

8 CURRENT/NON-CURRENT ASSETS - RECEIVABLES**Current**

Sale of goods and services	2,337	2,038	2,337	2,038
Less: Allowance for impairment	(635)	(450)	(635)	(450)
	1,702	1,588	1,702	1,588
Other debtors	2	206	2	206
GST recoverable from Australian Taxation Office	2,507	2,408	2,507	2,408
Prepayments	756	554	756	554
Total Current	4,967	4,756	4,967	4,756

Non- Current

Sale of goods and services	3,965	3,573	3,965	3,573
Less: Allowance for impairment	(281)	(335)	(281)	(335)
Total Non-Current	3,684	3,238	3,684	3,238

	Consolidated		Parent	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
Movement in the allowance for impairment				
Balance at 1 July	785	927	785	927
Amounts written off during the year	(190)	(231)	(190)	(231)
Amounts recovered during the year	(17)	(9)	(17)	(9)
Increase/(decrease) in allowance	338	98	338	98
Balance at 30 June	916	785	916	785

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 \$3.20m (2015-16: \$3.06m) are secured by way of caveat.

9 NON-CURRENT ASSETS - PLANT AND EQUIPMENT

At 1 July - 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	10,175	11,014	10,175	11,014

At 30 June - fair value

Gross Carrying Amount	37,708	34,706	37,708	34,706
Less: Accumulated depreciation and impairment	(29,267)	(24,531)	(29,267)	(24,531)
Net Carrying Amount	8,441	10,175	8,441	10,175

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	10,175	11,014	10,175	11,014
Additions	2,865	3,847	2,865	3,847
Disposals	(50)	(32)	(50)	(32)
Transfers	414	129	414	129
Depreciation expense	(4,963)	(4,783)	(4,963)	(4,783)
Net carrying amount at end of year	8,441	10,175	8,441	10,175

Refer Notes 1(h) & 2(c).

10 INTANGIBLE ASSETS

At 1 July - 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	1,892	2,470	1,892	2,470

At 30 June - fair value

Cost (gross carrying amount)	15,399	13,691	15,399	13,691
Less: Accumulated amortisation and impairment	(12,777)	(11,799)	(12,777)	(11,799)
Net Carrying Amount	2,622	1,892	2,622	1,892

	Consolidated		Parent	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
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 beginning of year	1,892	2,470	1,892	2,470
Additions	2,217	962	2,217	962
Disposals	-	(167)	0	(167)
Transfers	(414)	(129)	(414)	(129)
Amortisation (recognised in "depreciation and amortisation")	(1,073)	(1,244)	(1,073)	(1,244)
Net carrying amount at end of year	2,622	1,892	2,622	1,892

Refer Notes 1(h) & 2(c).

11 CURRENT LIABILITIES - PAYABLES

Accrued salaries, wages and on-costs	928	529	-	-
Legal Aid Commission Staff Agency - accrued salaries, wages and on-costs	-	-	928	529
Creditors - Legal	665	883	665	883
Accrued Expenses	2,337	1,685	2,337	1,685
Unearned Revenue	306	-	306	-
Accrual of estimated legal expenses ⁱ⁾	9,647	10,525	9,647	10,525
Total	13,883	13,622	13,883	13,622

ⁱ⁾ 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	6,501	6,299	-	-
Annual leave taken after 12 months	2,249	2,156	-	-
Long service leave	-	1,754	-	-
Long service leave taken after 12 months	-	15,787	-	-
Provision for related on-costs *	4,532	4,080	-	-
Legal Aid Commission Staff Agency - provision for personnel services	-	-	13,282	30,076
Total Current	13,282	30,076	13,282	30,076

Non-Current

Employee benefits and related on-costs

Long service leave *	-	1,320	-	-
Superannuation Liability (Refer Note 14) *	-	56,410	-	-
Provision for related on-costs *	274	207	-	-
Payable to the Legal Aid Commission Staff Agency - Superannuation	-	-	-	56,410
Legal Aid Commission Staff Agency - provision for personnel services	-	-	274	1,527
	274	57,937	274	57,937

* On 31 December 2016, the Commission transferred to the Crown its liability for its defined benefit super scheme at fair value of \$37.3 mill for nil consideration. In addition the Commission's liabilities for long service leave are now assumed by the Crown Entity. However the Commission has an obligation to meet the long service related on-costs.

	Consolidated		Parent	
	2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'000
Other Provisions				
Restoration costs	4,273	4,230	4,273	4,230
	4,273	4,230	4,273	4,230

Restoration costs refers to the present value of estimated cost of make good obligations (in accordance with AASB 137) that will arise when existing office accommodation leases expire. The provision is adjusted annually for unwinding and changes in discount rates. Any cost variations in make good expenses at the time of implementation will be recognised in the Statement of Comprehensive Income.

Total Non-Current Provisions	4,547	62,167	4,547	62,167
Aggregate employee benefits and related on-costs				
Provisions - current	13,282	30,076	-	-
Provisions - non-current	274	57,937	-	-
Accrued salaries, wages and on-costs (Note 11)	928	529	-	-
	14,484	88,542	-	-

Movements in provisions (other than employee benefits)

Restoration Provision

Carrying amount at start of financial year	4,230	4,136	4,230	4,136
Additional provisions recognised	538	455	538	455
Amounts used	(499)	(253)	(499)	(253)
Unwinding/change in the discount rate	4	(108)	4	(108)
Carrying amount at end of financial year	4,273	4,230	4,273	4,230

13 NON-CURRENT LIABILITY—OTHER

Lease incentive liability	322	132	322	132
Total Non Current Liability - Other	322	132	322	132

14 SUPERANNUATION FUND INFORMATION

The following information has been provided by the Scheme actuary for Superannuation liability held by the Commission for six months to 31 December 2016:

	SASS 31-Dec-16	SANCS 31-Dec-16	SSS 31-Dec-16	TOTAL 31-Dec-16
Member Numbers				
Contributors	51	66	15	132
Deferred benefits	0	0	4	4
Pensioners	0	0	61	61
Pensions fully commuted	0	0	12	12
Superannuation Position for AASB 119 purposes	A\$	A\$	A\$	A\$
Accrued liability (Note 1)	27,177,490	4,863,325	99,976,362	132,017,177
Estimated reserve account balance	(28,786,560)	(6,180,137)	(59,798,881)	(94,765,578)
1. Deficit/(surplus)	(1,609,070)	(1,316,812)	40,177,481	37,251,599
2. Future Service Liability (Note 2)	3,135,447	1,203,231	1,402,934	5,741,612
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.)	(1,609,070)	(1,316,812)	40,177,481	37,251,599

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.

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.

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 period.

	SASS	SANCS	SSS	Total
	30 June 2016 to 31 December 2016	30 June 2016 to 31 December 2016	30 June 2016 to 31 December 2016	30 June 2016 to 31 December 2016
	A\$	A\$	A\$	A\$

Reconciliation of the Net Defined Benefit Liability/(Asset)

	SASS	SANCS	SSS	Total
Net Defined Benefit Liability/(Asset) at start of period	(61,366)	(987,644)	57,459,262	56,410,252
Current service cost	499,456	105,428	215,805	820,689
Net Interest on the net defined benefit liability/(asset)	(4,571)	(10,250)	569,595	554,774
Past service cost	0	0	0	0
(Gains)/losses arising from settlements	0	0	0	0
Actual return on Fund assets less Interest income	(1,132,505)	(237,426)	(2,861,985)	(4,231,916)
Actuarial (gains)/losses arising from changes in demographic assumptions	0	0	0	0
Actuarial (gains)/losses arising from changes in financial assumptions	(944,356)	(258,206)	(14,103,500)	(15,306,062)
Actuarial (gains)/losses arising from liability experience	395,638	145,181	(951,168)	(410,349)
Adjustment for effect of asset ceiling	0	0	0	0
Employer contributions	(361,366)	(73,896)	(150,528)	(585,790)
Effects of transfers in/out due to business combinations and disposals	0	0	0	0
Net Defined Benefit Liability/(Asset) at end of period	(1,609,070)	(1,316,813)	40,177,481	37,251,598

Reconciliation of the Fair Value of Fund Assets

	SASS	SANCS	SSS	Total
Fair value of Fund assets at beginning of the period	28,282,329	6,361,492	57,837,646	92,481,467
Interest income	275,228	59,839	576,978	912,045
Actual return on Fund assets less Interest income	1,132,505	237,426	2,861,985	4,231,916
Employer contributions	361,366	73,896	150,528	585,790
Contributions by participants	190,229	0	126,996	317,225
Benefits paid	(1,373,957)	(544,467)	(2,000,896)	(3,919,320)
Taxes, premiums & expenses paid	(81,140)	(8,049)	245,646	156,457
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 period	28,786,560	6,180,137	59,798,883	94,765,580

	SASS 30 June 2016 to 31 December 2016 A\$	SANCS 30 June 2016 to 31 December 2016 A\$	SSS 30 June 2016 to 31 December 2016 A\$	Total 30 June 2016 to 31 December 2016 A\$
Reconciliation of the Defined Benefit Obligation				
Present value of defined benefit obligations at beginning of the period	28,220,963	5,373,849	115,296,908	148,891,720
Current service cost	499,456	105,428	215,805	820,689
Interest cost	270,657	49,589	1,146,572	1,466,818
Contributions by participants	190,229	0	126,996	317,225
Actuarial (gains)/losses arising from changes in demographic assumptions	0	0	0	0
Actuarial (gains)/losses arising from changes in financial assumptions	(944,356)	(258,206)	(14,103,500)	(15,306,062)
Actuarial (gains)/losses arising from liability experience	395,638	145,181	(951,168)	(410,349)
Benefits paid	(1,373,957)	(544,467)	(2,000,896)	(3,919,320)
Taxes, premiums & expenses paid	(81,140)	(8,049)	245,646	156,457
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 period	27,177,490	4,863,325	99,976,363	132,017,178

Reconciliation of the effect of the Asset Ceiling

Adjustment for effect of asset ceiling at beginning of the period	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 period	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 November 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	2,229,551	1,900,292	329,259	-
Australian Fixed Interest	2,166,439	-22,099	2,188,538	-
International Fixed Interest	734,274	28	734,246	-
Australian Equities	9,637,533	9,158,485	479,024	24
International Equities	12,111,060	8,529,666	2,556,169	1,025,225
Property	3,517,903	926,206	592,386	1,999,311
Alternatives	8,600,716	347,149	4,487,130	3,766,437
Total	38,997,476	20,839,727	11,366,752	6,790,997

The percentage invested in each asset class at the reporting date is:

As at	30-Nov-16
Short Term Securities	5.7%
Australian Fixed Interest	5.6%
International Fixed Interest	1.9%
Australian Equities	24.7%
International Equities	31.1%
Property	9.0%
Alternatives	22.1%
Total	100.0%

* Actual asset allocation as at 31 December 2016 is not yet available, the latest available as at 30 November 2016 has been used.

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 cash flow 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 fair value of the Pooled Fund assets as at 31 December 2016 include \$103.7 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 \$227 million (31 December 2015: \$195 million).
- Health Administration Corporation occupies part of a property 50% owned by the Pooled Fund with a fair value (100% interest) of \$253 million (31 December 2015: \$225 million).

Significant Actuarial Assumptions at the Reporting Date

As at	31-Dec-16
Discount rate	2.78%
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	1.75% 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 31 December 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 31 December 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	2.78%	1.78%	3.78%
Rate of CPI increase	as above	as above	as above
Salary inflation rate	as above	as above	as above
Defined benefit obligation (A\$)	132,017,177	151,859,599	115,983,568

	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\$)	132,017,177	140,065,586	124,717,928

	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\$)	132,017,177	133,193,691	130,870,977

	Base Case	Scenario G Lower Mortality*	Scenario H Higher Mortality**
Defined benefit obligation (A\$)	132,017,177	133,945,801	130,876,359

*Assumes the short term pensioner mortality improvement factors for years 2016-2021 also apply for years after 2021

**Assumes the long term pensioner mortality improvement factors for years post 2021 also apply for years 2016 to 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 cash flows 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 31 December 2016 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":

	SASS	SANCS	SSS	Total
	31-Dec-16	31-Dec-16	31-Dec-16	31-Dec-16
	A\$	A\$	A\$	A\$
Accrued benefits*	24,586,302	4,281,188	52,043,508	80,910,998
Net market value of Fund assets	(28,786,560)	(6,180,137)	(59,798,881)	(94,765,578)
<i>Net (surplus)/deficit</i>	(4,200,258)	(1,898,949)	(7,755,373)	(13,854,580)

*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	2.5%	1.6

Economic assumptions

The economic assumptions adopted for the 30 June 2016 AAS 25 "Financial Reporting by Superannuation Plans":

Weighted-Average Assumptions

Expected rate of return on Fund assets backing current pension liabilities	7.4% pa
Expected rate of return on Fund assets backing other liabilities	6.4% pa
Expected salary increase rate (excluding promotional salary increases)	2.7% to 30 June 2019 then 3.2% pa thereafter
Expected rate of CPI increase	2.2% pa

Expected contributions

	SASS	SANCS	SSS	Total
	Financial Year to 31 December 2017	Financial Year to 31 December 2017	Financial Year to 31 December 2017	Financial Year to 31 December 2017
	A\$	A\$	A\$	A\$
Expected employer contributions	802,376	183,213	348,485	1,334,074

Maturity profile of defined benefit obligation

The weighted average duration of the defined benefit obligation is 13.4 years.

	SASS	SANCS	SSS	Total
	30 June 2016 to 31 December 2016	30 June 2016 to 31 December 2016	30 June 2016 to 31 December 2016	30 June 2016 to 31 December 2016
	A\$	A\$	A\$	A\$

Profit or Loss Impact

Current service cost	499,456	105,428	215,805	820,689
Net interest	(4,571)	(10,250)	569,595	554,774
Past service cost	0	0	0	0
(Gains)/Loss on settlement	0	0	0	0
Profit or loss component of the Defined Benefit Cost	494,885	95,178	785,400	1,375,463

	SASS 30 June 2016 to 31 December 2016 A\$	SANCS 30 June 2016 to 31 December 2016 A\$	SSS 30 June 2016 to 31 December 2016 A\$	Total 30 June 2016 to 31 December 2016 A\$
Other Comprehensive Income				
Actuarial (gains) losses on liabilities	(548,718)	(113,025)	(15,054,667)	(15,716,410)
Actual return on Fund assets less Interest income	(1,132,505)	(237,426)	(2,861,985)	(4,231,916)
Change in the effect of asset ceiling	0	0	0	0
Total remeasurement in Other Comprehensive Income	(1,681,223)	(350,451)	(17,916,652)	(19,948,326)

Consolidated		Parent	
2017 \$'000	2016 \$'000	2017 \$'000	2016 \$'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	1,197	147	1,197	147
Total (including GST)	1,197	147	1,197	147

(b) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

Not later than one year	10,719	11,490	10,719	11,490
Later than one year and not later than 5 years	45,456	13,866	45,456	13,866
Later than 5 years	21,956	8,707	21,956	8,707
Total (including GST)	78,131	34,063	78,131	34,063

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 \$7.212m (2015-16:\$3.10m) 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 (2015-16: nil).

17 BUDGET REVIEW

Net Result

The net result of \$1.382m gain exceeds the budgeted loss of \$1.4m by \$2.782m. This is a result of a \$2.8m Commonwealth grant received on 30 June for expensive Commonwealth criminal cases for 2018 and 2019.

Assets and Liabilities

Net Assets are higher than budget due to Actuarial adjustments along with the equity transfer to the Crown Entity of the Commission's defined benefit superannuation liability during 2016-17.

Cash Flows

Net cash flows from operating activities were \$14.2m less than budget due to total payments exceeding budget by \$34.1m being offset by total receipts exceeding budget by \$19.9m. Closing cash and cash equivalent is below budget by \$24.4m primarily due to the cash transfer of the Commission's long service leave liability to the Crown Entity.

Consolidated		Parent	
2017	2016	2017	2016
\$'000	\$'000	\$'000	\$'000

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 as follows:

Net cash used on operating activities	(10,306)	(1,633)	(10,306)	(1,633)
Depreciation and amortisation expense	(6,036)	(6,027)	(6,036)	(6,027)
Decrease/(increase) in provisions	37,162	(25,455)	37,162	(25,455)
Decrease/(increase) in other liabilities	(190)	50	(190)	50
Decrease/(increase) in creditors	(261)	1,364	(261)	1,364
Actuarial (gains)/losses on superannuation	(19,948)	20,701	-	-
Increase/(decrease) in prepayments and other assets	657	550	657	550
Net Gain/(Loss) on disposal of plant and equipment	(49)	(196)	(49)	(196)
Net Gain/(Loss) on other - Lease make good	353	455	353	455
Net Result	1,382	(10,191)	21,330	(30,892)

19 TRUST FUNDS

The Legal Aid Commission of NSW administers, but does not control the funds in the following trust:

	2017	2016
	\$'000	\$'000
Legal Aid Commission Trust Account ¹		
Cash balance at the beginning of the financial year	1,372	840
Add: Receipts	1,656	2,407
Less: Expenditure	(2,401)	(1,875)
Cash balance at the end of the financial year	627	1,372

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(i).

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 2017 \$'000	Carrying Amount 2016 \$'000
Financial Assets				
Class:				
Cash & Cash equivalents	7	n/a	63,798	78,832
Receivables ¹	8	Receivables (at amortised cost)	5,388	5,032
Financial Liabilities				
Class:				
Payables ²	11	Financial Liabilities measured at amortised cost	13,046	13,150

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.

Credit risk associated with the financial assets of the Legal Aid Commission of NSW, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards. Authority deposits held with NSW TCorp are guaranteed by the State.

Cash

Cash comprises of the Legal Aid Commission of NSW funds that are held in the general operating bank account within the Treasury Banking System. Interest is earned on the daily balances of the bank accounts. Refer Note 7. The average rate of interest earned on bank accounts was 0.68% (2015-16: 1.78%).

Receivables

All trade debtors are recognised at the amounts receivable at balance 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. This evidence includes past experience, and current and expected changes in economic conditions and debtor credit ratings. 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*) 0
01/07/2016 - 31/12/2016 - 3.875%
01/01/2017 - 30/06/2017 - 3.75%
- Local Court judgements (Section 101 of *Civil Procedure Act 2005*)
01/07/2016 - 31/12/2016 - 7.75%
01/01/2017 - 30/06/2017 - 7.5%
- Family Court judgements (Section 117B of *Family Law Act*)
01/07/2016 - 31/12/2016 - 7.75%
01/01/2017 - 30/06/2017 - 7.5%

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 (2017: \$1.068m 2016: \$0.869m;) and not less than 1 month past due (2017: \$0.277m 2016: \$0.274m) are not considered impaired and together these represent 23% of the total debtors (2016: 22.0%).

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.

As at 30 June, the ageing analysis of trade debtors is as follows:

	Total \$'000	Past due but not impaired 1,2 \$'000	Considered impaired 1,2 \$'000
2017			
< 3 months overdue	303	303	-
3 months - 6 months overdue	221	149	72
> 6 months overdue	4,277	2,843	1,434
2016			
< 3 months overdue	274	274	Nil
3 months - 6 months overdue	162	41	121
> 6 months overdue	3,891	2,923	968

¹ Each column in the table reports 'gross receivables'

² The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7 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

Legal Aid Commission of NSW had funds on deposit with TCorp, which has been rated 'AAA' by Standard and Poor's. These deposits are similar to money market or bank deposits and can be placed 'at call' or for a fixed term. For fixed term deposits, the interest rate payable by TCorp is negotiated initially and is fixed for the term of the deposit, while the interest rate payable on at call deposits can vary. The fixed term deposits matured during the year and the funds deposited to the Commission's bank account which is part of the Treasury Banking System.

(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:

	Nominal Amount ¹	Consolidated and Parent Non-Interest bearing	Maturity < 1 year
2017			
<i>Payables</i>			
Accounts payables	13,046	13,046	13,046
2016			
<i>Payables</i>			
Accounts payables	13,150	13,150	13,150

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 2016. 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 Carrying Amount	-1% Profit	Equity	1% Profit	Equity
2017					
<i>Financial assets</i>					
Cash & cash equivalents	63,798	(638)	(638)	638	638
Receivables	5,388	(54)	(54)	54	54
<i>Financial liabilities</i>					
Payables	13,046	(130)	(130)	130	130
2016					
<i>Financial assets</i>					
Cash & cash equivalents	78,832	(788)	(788)	788	788
Receivables	5,032	(50)	(50)	50	50
<i>Financial liabilities</i>					
Payables	13,150	(132)	(132)	132	132

(e) Fair value measurement

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

21 RELATED PARTY DISCLOSURE

Legal Aid NSW's key management personnel compensation are as follows:

	2017 \$000
Short term employee benefits:	
Salaries	527
Other monetary allowances	21
Long term employee benefits:	
Termination benefits	107
Total Remuneration	655

The key management personnel and their compensation disclosure are limited to the key decision makers, i.e., Chief Executive Officer, and Board Members of the Commission. During the year, the Commission did not enter into transactions on arm's length terms and conditions with key management personnel, their close family members and controlled or jointly controlled entities thereof.

During the year, Legal Aid Commission entered into transactions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government. These transactions in aggregate are a significant portion of the Legal Aid Commission's rendering of services and receiving of services.

These transactions include:

- Long Service Leave and Defined Benefit Superannuation assumed by the Crown
- Transactions relating to the Treasury Banking System
- Employer contributions paid to Defined Benefit Superannuation funds
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.
- Property lease rental payments to Properties NSW.

22 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 2017 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.



Brendan Thomas
Chief Executive Officer



Barry O'Loughlin
Chief Financial Officer

Date: 21/09/2017

Date: 21/09/2017

Independent Auditor's Report



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 30 June 2017, 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 2017, 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 the standards are 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 requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament 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
- precluding the Auditor-General from providing 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 the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the PF&A, and for such internal control as the CEO determines is necessary to enable the preparation and fair presentation of the financial statements that 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 except where the Agency will be dissolved by an Act of Parliament or otherwise cease operations. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of 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 description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. 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
- about any other information which may have been hyperlinked to/from the financial statements.



David Daniels
Director, Financial Audit Services

26 September 2017
SYDNEY

Statement of comprehensive income for the year ended 30 June 2017

	Notes	Actual 2017 \$'000	Actual 2016 \$'000
Revenue			
Personnel Services	3(a)	99,042	137,149
Acceptance by Crown of employee benefits	3(b)	6,787	0
Total Revenue		105,829	137,149
Expenses			
Employee related	2(a)	125,401	116,227
Other operating expenses	2(b)	376	221
Total Expenses		125,777	116,448
Net result	9	(19,948)	20,701
Other comprehensive income			
Items that will not be reclassified to net result			
Superannuation actuarial gains/(losses)		19,948	(20,701)
Total other comprehensive income for the year		19,948	(20,701)
TOTAL COMPREHENSIVE INCOME		0	0

The accompanying notes form part of these financial statements

Statement of financial position as at 30 June 2017

	Notes	Actual 2017 \$'000	Actual 2016 \$'000
ASSETS			
Current Assets			
Receivables	5	14,210	30,605
Total Current Assets		14,210	30,605
Non Current Assets			
Receivables	5	274	57,937
Total Non-Current Assets		274	57,937
Total Assets		14,484	88,542
LIABILITIES			
Current Liabilities			
Payables	6	928	529
Provisions	7	13,282	30,076
Total Current Liabilities		14,210	30,605
Non Current Liabilities			
Provisions	7	274	57,937
Total Non Current Liabilities		274	57,937
Total Liabilities		14,484	88,542
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 2017

	Notes	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2016		0	0
Net result for the Year		(19,948)	(19,948)
Other Comprehensive income:			
Superannuation actuarial gains/(losses)	8	19,948	19,948
Total other comprehensive income		19,948	19,948
Total comprehensive income for the year		0	0
Balance at 30 June 2017		0	0
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

The accompanying notes form part of these financial statements

Statement of cash flows for the year ended 30 June 2017

	Notes	Actual 2017 \$'000	Actual 2016 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee Related		(135,472)	(93,274)
Total Payments		<u>(135,472)</u>	<u>(93,274)</u>
Receipts			
Legal Aid Commission - personnel services		135,472	93,274
Total Receipts		<u>135,472</u>	<u>93,274</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	9	0	0
NET INCREASE/(DECREASE) IN CASH		<u>0</u>	<u>0</u>
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 21 September 2017.

(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) Financial Instruments

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities (other than financial assets and financial liabilities at fair value through profit or loss) are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at fair value through profit or loss are recognised immediately in net result.

The entity determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

(i) Financial assets

Financial assets are classified, at initial recognition, as financial assets at fair value through profit or loss, loans and receivables, held-to-maturity investments, available-for-sale financial assets, or as derivatives designated as hedging instruments in an effective hedge, as appropriate. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

All 'regular way' purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Loans and receivables

Trade receivables, loans, and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as loans and receivables. Loans and receivables are measured at amortised cost using the effective interest method, less any impairment. 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 unless the effect of discounting is material.

Impairment of financial assets

All financial assets, except those at fair value through profit and loss, are subject to an annual review for impairment. Financial assets are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

For certain categories of financial assets, such as trade receivables, the entity first assesses whether impairment exists

individually for financial assets that are individually significant, or collectively for financial assets that are not individually significant. Assets are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

For financial assets carried at amortised cost, the amount of the allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate. The amount of the 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. However, reversals of impairment losses on an investment in an equity instrument classified as 'available-for-sale' must be made through the revaluation surplus. Reversals of impairment losses of financial assets carried at amortised cost cannot result in a carrying amount that exceeds what the carrying amount would have been had there not been an impairment loss.

(ii) Financial liabilities

Financial liabilities are classified as either 'at fair value through profit or loss' or 'at amortised cost'.

Financial liabilities at amortised cost (including trade payables)

Financial liabilities at amortised cost are initially measured at fair value, net of transaction costs. These are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

Payables represent liabilities for goods and services provided to the entity and other amounts. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

Finance lease liabilities are determined in accordance with *AASB 117 Leases*

(iii) 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 continues to be recognised to the extent of the entity's continuing involvement in the asset. In that case, the entity also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the entity has retained.

Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of consideration that the entity could be required to repay.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(iv) Financial Guarantees

A financial guarantee contract is a contract that requires the issuer to make specified payments to reimburse the holder for a loss it incurs because a specified debtor fails to make payment when due in accordance with the original or modified terms of a debt instrument.

Financial guarantee contracts are recognised as a liability at the time the guarantee is issued and initially recognised at fair value plus, in the case of financial guarantees not at fair value through profit or loss, directly attributable transaction costs, where material. After initial recognition, the liability is measured at the higher of the amount determined in accordance with *AASB 137 Provisions, Contingent Liabilities and Contingent Assets* and the amount initially recognised, less accumulated amortisation, where appropriate.

The entity has reviewed its financial guarantees and determined that there is no material liability to be recognised for financial guarantee contracts as at 30 June 2017 (2016 \$nil). However, refer to Note 10 regarding disclosures on contingent liabilities.

(v) Offsetting financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the Statement of Financial Position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

(f) Employee Benefits

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. All annual leave is classified as a current liability even where the entity does not expect to settle the liability within 12 months as the entity does not have an unconditional right to defer settlement.

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 Commission's liabilities for long service leave and defined benefit superannuation are now assumed by the Crown Entity. The Staff Agency accounts for the liability as having been extinguished to not disclose 'Acceptance by the Crown Entity Revenue' because the Commission (not the Staff Agency) discloses these in their accounts.

(g) 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.

(h) Comparative Information

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 2016-17

The accounting policies applied in 2016-17 are consistent with those of the previous financial year except as a result of AASB 2015-6 Amendments to Australian Accounting Standards – Extending Related Party Disclosures to Not-for-Profit Public Sector Entities which has been applied for the first time in 2016-17. The required disclosures are made at Note 13.

It is considered that these Standards will have no direct impact on Legal Aid Commission of NSW.

Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. The following new Australian Accounting Standards have not been applied and are not yet effective:

AASB 9 Financial Instruments

AASB 15, AASB 2014-5, AASB 2015-8 and 2016-3 regarding Revenue from Contracts with Customers

AASB 16 Leases

AASB 1058 Income of Not-for-profit Entities

AASB 2016-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107

AASB 2016-4 Amendments to Australian Accounting Standards – Recoverable Amount of Non-Cash-Generating Specialised Assets of Not-for-Profit Entities

AASB 2016-6 Amendments to Australian Accounting Standards – Applying AASB 9 with AASB 4 Insurance Contracts

AASB 2016-7 Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities

AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities

AASB 2017-1 Amendments to Australian Accounting Standards – Transfer of investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments

AASB 2017-2 Amendments to Australian Accounting Standards – Further Annual Improvements 2014-2016 Cycle

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 Staff Agency Commission of NSW.

	2017 \$'000	2016 \$'000
2 EXPENSES		
a) Employee related expenses		
Salaries and wages (including recreation leave)	99,937	92,962
Superannuation - defined benefit plans *	1,961	2,446
Superannuation - defined contribution plans	8,615	8,153
Long service leave	8,532	6,127
Workers' compensation insurance	336	824
Payroll tax and fringe benefits tax	6,020	5,715
Total	125,401	116,227

The Agency does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,300 (2015-16: \$2,200) are paid on the Agency's behalf by the Parent entity, the Legal Aid Commission of NSW.

* Refer Note 8. Superannuation actuarial gain of \$19.95m (2015-16: actuarial losses of \$20.7m) are recognised in the 'Statement of Changes in Equity'. Total superannuation gain, including actuarial gain recognised in the 'Statement of Comprehensive Income' is \$17.99m (2015-16: \$23.15m loss).

	2017	2016
	\$'000	\$'000
(b) Other operating expenses		
Other	376	221
	376	221

3 REVENUE

(a) Rendering of services

Personnel services revenue	99,042	137,149
Total	99,042	137,149

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.

(b) Acceptance by Crown of employee benefits and other liabilities

The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:

Superannuation - defined benefit	586	-
Long Service Leave	6,169	-
Payroll tax	32	-
	6,787	-

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⁾	928	529
Legal Aid Commission of NSW- provision for employee benefits ⁱ⁾	13,282	30,076
Total Current	14,210	30,605

Non- Current

Legal Aid Commission of NSW - provision for employee benefits ⁱ⁾	274	57,937
Total Non-Current	274	57,937

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, and related on-costs. Long Service Leave and Superannuation liabilities were transferred to the Crown in 2016-17. Refer Note 7.

6 CURRENT LIABILITIES - PAYABLES

Current

Accrued salaries, wages and on-costs	928	529
Total Current	928	529

Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables are disclosed in Note 12.

	2017 \$'000	2016 \$'000
7 CURRENT/NON CURRENT LIABILITIES - PROVISIONS		
Current		
Employee benefits and related on-costs		
Annual leave	6,501	6,299
Annual leave taken after 12 months	2,249	2,156
Long service leave taken after 12 months	-	15,787
Long service leave	-	1,754
Provision for related on-costs	4,532	4,080
Total Current	13,282	30,076
Non-Current		
Employee benefits and related on-costs		
Long service leave	-	1,320
Superannuation Liability (Refer Note 8)	-	56,410
Provision for related on-costs	274	207
Total Non-Current	274	57,937
Aggregate employee benefits and related on-costs		
Provisions - current	13,282	30,076
Provisions - non-current	274	57,937
Accrued salaries, wages and on-costs (Note 6)	928	529
	14,484	88,542

8 SUPERANNUATION FUND INFORMATION

The following information has been provided by the Scheme actuary for six months to 31 December 2016:

	SASS 31-Dec-16	SANCS 31-Dec-16	SSS 31-Dec-16	TOTAL 31-Dec-16
Member Numbers				
Contributors	51	66	15	132
Deferred benefits	0	0	4	4
Pensioners	0	0	61	61
Pensions fully commuted	0	0	12	12
Superannuation Position for AASB 119 purposes	A\$	A\$	A\$	A\$
Accrued liability (Note 1)	27,177,490	4,863,325	99,976,362	132,017,177
Estimated reserve account balance	(28,786,560)	(6,180,137)	(59,798,881)	(94,765,578)
1. Deficit/(surplus)	(1,609,070)	(1,316,812)	40,177,481	37,251,599
2. Future Service Liability (Note 2)	3,135,447	1,203,231	1,402,934	5,741,612
"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.)	(1,609,070)	(1,316,812)	40,177,481	37,251,599

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.

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.

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 period.

	SASS 30 June 2016 to 31 December 2016 A\$	SANCS 30 June 2016 to 31 December 2016 A\$	SSS 30 June 2016 to 31 December 2016 A\$	Total 30 June 2016 to 31 December 2016 A\$
Reconciliation of the Net Defined Benefit Liability/(Asset)				
Net Defined Benefit Liability/(Asset) at start of period	(61,366)	(987,644)	57,459,262	56,410,252
Current service cost	499,456	105,428	215,805	820,689
Net Interest on the net defined benefit liability/(asset)	(4,571)	(10,250)	569,595	554,774
Past service cost	0	0	0	0
(Gains)/losses arising from settlements	0	0	0	0
Actual return on Fund assets less Interest income	(1,132,505)	(237,426)	(2,861,985)	(4,231,916)
Actuarial (gains)/losses arising from changes in demographic assumptions	0	0	0	0
Actuarial (gains)/losses arising from changes in financial assumptions	(944,356)	(258,206)	(14,103,500)	(15,306,062)
Actuarial (gains)/losses arising from liability experience	395,638	145,181	(951,168)	(410,349)
Adjustment for effect of asset ceiling	0	0	0	0
Employer contributions	(361,366)	(73,896)	(150,528)	(585,790)
Effects of transfers in/out due to business combinations and disposals	0	0	0	0
Net Defined Benefit Liability/(Asset) at end of period	(1,609,070)	(1,316,813)	40,177,481	37,251,598
Reconciliation of the Fair Value of Fund Assets				
Fair value of Fund assets at beginning of the period	28,282,329	6,361,492	57,837,646	92,481,467
Interest income	275,228	59,839	576,978	912,045
Actual return on Fund assets less Interest income	1,132,505	237,426	2,861,985	4,231,916
Employer contributions	361,366	73,896	150,528	585,790
Contributions by participants	190,229	0	126,996	317,225
Benefits paid	(1,373,957)	(544,467)	(2,000,896)	(3,919,320)
Taxes, premiums & expenses paid	(81,140)	(8,049)	245,646	156,457
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 period	28,786,560	6,180,137	59,798,883	94,765,580

	SASS 30 June 2016 to 31 December 2016 A\$	SANCS 30 June 2016 to 31 December 2016 A\$	SSS 30 June 2016 to 31 December 2016 A\$	Total 30 June 2016 to 31 December 2016 A\$
Reconciliation of the Defined Benefit Obligation				
Present value of defined benefit obligations at beginning of the period	28,220,963	5,373,849	115,296,908	148,891,720
Current service cost	499,456	105,428	215,805	820,689
Interest cost	270,657	49,589	1,146,572	1,466,818
Contributions by participants	190,229	0	126,996	317,225
Actuarial (gains)/losses arising from changes in demographic assumptions	0	0	0	0
Actuarial (gains)/losses arising from changes in financial assumptions	(944,356)	(258,206)	(14,103,500)	(15,306,062)
Actuarial (gains)/losses arising from liability experience	395,638	145,181	(951,168)	(410,349)
Benefits paid	(1,373,957)	(544,467)	(2,000,896)	(3,919,320)
Taxes, premiums & expenses paid	(81,140)	(8,049)	245,646	156,457
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 period	27,177,490	4,863,325	99,976,363	132,017,178
Reconciliation of the effect of the Asset Ceiling				
Adjustment for effect of asset ceiling at beginning of the period	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 period	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 November 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	2,229,551	1,900,292	329,259	-
Australian Fixed Interest	2,166,439	-22,099	2,188,538	-
International Fixed Interest	734,274	28	734,246	-
Australian Equities	9,637,533	9,158,485	479,024	24
International Equities	12,111,060	8,529,666	2,556,169	1,025,225
Property	3,517,903	926,206	592,386	1,999,311
Alternatives	8,600,716	347,149	4,487,130	3,766,437
Total^	38,997,476	20,839,727	11,366,752	6,790,997

The percentage invested in each asset class at the reporting date is:

As at	30-Nov-16
Short Term Securities	5.7%
Australian Fixed Interest	5.6%
International Fixed Interest	1.9%
Australian Equities	24.7%
International Equities	31.1%
Property	9.0%
Alternatives	22.1%
Total	100.0%

* Actual asset allocation as at 31 December 2016 is not yet available, the latest available as at 30 November 2016 has been used.

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 fair value of the Pooled Fund assets as at 31 December 2016 include \$103.7 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 \$227 million (31 December 2015: \$195 million).
- Health Administration Corporation occupies part of a property 50% owned by the Pooled Fund with a fair value (100% interest) of \$253 million (31 December 2015: \$225 million).

Significant Actuarial Assumptions at the Reporting Date

As at	31-Dec-16
Discount rate	2.78%
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	1.75% 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 31 December 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 31 December 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	2.78%	1.78%	3.78%
Rate of CPI increase	as above	as above	as above
Salary inflation rate	as above	as above	as above
Defined benefit obligation (A\$)	132,017,177	151,859,599	115,983,568

	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\$)	132,017,177	140,065,586	124,717,928

	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\$)	132,017,177	133,193,691	130,870,977

	Base Case	Scenario G Lower Mortality*	Scenario H Higher Mortality**
Defined benefit obligation (A\$)	132,017,177	133,945,801	130,876,359

*Assumes the short term pensioner mortality improvement factors for years 2016-2021 also apply for years after 2021

**Assumes the long term pensioner mortality improvement factors for years post 2021 also apply for years 2016 to 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 31 December 2016 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans"

	SASS	SANCS	SSS	Total
	31-Dec-16	31-Dec-16	31-Dec-16	31-Dec-16
	A\$	A\$	A\$	A\$
Accrued benefits*	24,586,302	4,281,188	52,043,508	80,910,998
Net market value of Fund assets	(28,786,560)	(6,180,137)	(59,798,881)	(94,765,578)
<i>Net (surplus)/deficit</i>	(4,200,258)	(1,898,949)	(7,755,373)	(13,854,580)

*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	2.5%	1.6

Economic assumptions

The economic assumptions adopted for the 30 June 2016 AAS 25 "Financial Reporting by Superannuation Plans":

Weighted-Average Assumptions

Expected rate of return on Fund assets backing current pension liabilities	7.4% pa
Expected rate of return on Fund assets backing other liabilities	6.4% pa
Expected salary increase rate (excluding promotional salary increases)	2.7% to 30 June 2019 then 3.2% pa thereafter
Expected rate of CPI increase	2.2% pa

Expected contributions

	SASS	SANCS	SSS	Total
	Financial Year to 31 December 2017	Financial Year to 31 December 2017	Financial Year to 31 December 2017	Financial Year to 31 December 2017
	A\$	A\$	A\$	A\$
Expected employer contributions	802,376	183,213	348,485	1,334,074

Maturity profile of defined benefit obligation

The weighted average duration of the defined benefit obligation is 13.4 years.

	SASS 30 June 2016 to 31 December 2016 A\$	SANCS 30 June 2016 to 31 December 2016 A\$	SSS 30 June 2016 to 31 December 2016 A\$	Total 30 June 2016 to 31 December 2016 A\$
Profit or Loss Impactt				
Current service cost	499,456	105,428	215,805	820,689
Net interest	(4,571)	(10,250)	569,595	554,774
Past service cost	0	0	0	0
(Gains)/Loss on settlement	0	0	0	0
Profit or loss component of the Defined Benefit Cost	494,885	95,178	785,400	1,375,463
Other Comprehensive Income				
Actuarial (gains) losses on liabilities	(548,718)	(113,025)	(15,054,667)	(15,716,410)
Actual return on Fund assets less Interest income	(1,132,505)	(237,426)	(2,861,985)	(4,231,916)
Change in the effect of asset ceiling	0	0	0	0
Total remeasurement in Other Comprehensive Income	(1,681,223)	(350,451)	(17,916,652)	(19,948,326)

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:

	2017 \$'000	2016 \$'000
Net cash from operating activities	-	-
(Increase)/decrease in provisions	54,509	(4,660)
(Increase) /decrease in creditors	(399)	2,408
(Decrease) /increase in prepayments and other assets	(74,058)	22,953
Net Result	(19,948)	20,701

10 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Agency has no contingent liabilities or assets at 30 June 2017 (2015-16: nil).

11 COMMITMENTS FOR EXPENDITURE

The Agency did not have any expenditure commitments in 2016-17 (2015-16: 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 2017 \$'000	Carrying Amount 2016 \$'000
Financial Assets				
Class				
Receivables ¹	5	Receivables (at amortised cost)	928	529
Financial Liabilities				
Class				
Payables ²	6	Financial Liabilities measured at amortised cost	928	529

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 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
2017			
<i>Payables</i>			
Accounts payables	928	928	928
2016			
<i>Payables</i>			
Accounts payables	529	529	529

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.

	Carrying Amount	\$'000 -1% Profit	Equity	1% Profit	Equity
2017					
<i>Financial assets</i>					
Receivables	928	(9)	(9)	9	9
<i>Financial liabilities</i>					
Payables	928	(9)	(9)	9	9
2016					
<i>Financial assets</i>					
Receivables	529	(5)	(5)	5	5
<i>Financial liabilities</i>					
Payables	529	(5)	(5)	5	5

(e) Fair value measurement

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

13 RELATED PARTY DISCLOSURE

Legal Aid NSW's key management personnel compensation are as follows:

	2017
	\$000
Short term employee benefits:	
Salaries	527
Other monetary allowances	21
Long term employee benefits:	
Termination benefits	107
Total Remuneration	655

The key management personnel and their compensation disclosure are limited to the key decision makers, ie, Chief Executive Officer, and Board Members of the Commission. During the year, the Commission did not enter into transactions on arm's length terms and conditions with key management personnel, their close family members and controlled or jointly controlled entities thereof.

During the year, Legal Aid Commission entered into transactions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government. These transactions in aggregate are a significant portion of the Legal Aid Commission 's rendering of services and receiving of services.

These transactions include:

- Long Service Leave and Defined Benefit Superannuation assumed by the Crown
- Transactions relating to the Treasury Banking System
- Employer contributions paid to Defined Benefit Superannuation funds
- Payments into the Treasury Managed Fund for workers' compensation insurance and other insurances.
- Property lease rental payments to Properties NSW.

14 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

Other Information

1 PAYMENT PERFORMANCE

(a) Payment to Creditors

Legal Aid NSW processed 98.76 per cent of invoices received within 30 days during 2016-2017 compared to 98.76 per cent in 2015-2016.

Period	2016-2017		2015-2016	
	Invoices	%	Invoices	%
Within 30 days	143,221	98.85%	137,919	98.76%
Over 30 days	1,665	1.15%	1,725	1.24%
Total	139,644	100%	139,644	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	98.75%	58,861	59,449
December	100.00	99.03%	41,316	42,292
March	100.00	98.57%	52,177	54,053
June	100.00	99.03%	40,184	44,185

(b) Ageing of Creditors

Aged Creditors analysis at end of each quarter is as follows:

Quarter	\$'000	\$'000	\$'000	\$'000
	Current	31-60 Days	61-90 Days	> 90 Days
September	685	1	4	0
December	511	1	0	3
March	363	2	3	0
June	670	4	5	0

2 ANNUAL REPORTING LEGISLATION REQUIREMENTS

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 and on behalf of legally assisted 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 2 consultants, whose individual cost was greater than \$50,000 during 2016-2017.

The total cost of these consultants was \$186,000

Consultancies less than \$50,000

Legal Aid NSW engaged nine consultants, whose individual cost was less than \$50,000 during 2016-2017.

The total cost of these consultancies was \$239,000.

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 2016-2017 premium for worker's compensation insurance decreased by 5.4 per cent to \$336,000 (\$356,000 in 2015-2016) whilst the premium for the other insurance types increased by 12.4 per cent to \$136,000 (\$121,000 in 2015-2016).

Motor vehicle claims

The number of motor vehicle claims in 2016-2017 was ten (nine in 2015-2016) which incurred a net cost of \$24,000 (\$28,000 in 2015-2016). The average number of vehicles in the Legal Aid NSW fleet in 2016-2017 was 72 (71 in 2015-2016) which results in an average claim cost per vehicle of \$333 compared with \$395 in 2015-2016.

The 2016-2017 deposit premium for motor vehicles was \$49,490 (\$39,039 in 2015-2016).

Workers compensation

Ten workers compensation claims were lodged in 2016-2017.

Six of these were accepted, one was declined and one remained under investigation as at 30 June 2017. Two of these claims were voluntarily withdrawn after they were lodged.

The cost of new claims was \$103,210 compared with \$68,538 in 2015-2016, an increase of \$34,671.

The number of full time equivalent (FTE) (on average) staff for this year is 1067.90 – an increase of 38.95 from 1028.95 in 2015-2016. This equates to an average claim cost of \$96.64 per staff member compared to \$66.61 per staff member in 2015-2016.

There was an increase in psychological injuries (e.g. Post Traumatic Stress Disorder/Anxiety Disorders or Depression) from one in 2015-2016 to four this year. One was withdrawn and declined following investigation. The cost of the psychological claims was \$89,515 or 86.7 per cent of the total cost of claims for 2016-2017. There was an increase in the cost of psychological claims by \$32,433 compared to last year. This increase is directly related to the increase in the total number of psychological claims lodged for 2016-2017.

The number of accepted claims (includes claims accepted under provisional liability) increased from five in 2015-2016 to six this year. Of those accepted, there were three body stress claims (e.g. repetitive strain injury) and one electrical claim (electric shock) amounting to \$21,047.32 of the total cost of claims.

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 0.68 per cent (1.78 per cent in 2015-2016).

6 Appendices

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Appendix 1 Human resources information

Central Sydney/Regional

FTE staff as at 30 June 2017

Central Sydney	545.31
Regional Offices	513.47
Total Staff FTE	1,058.79

FTE staff as at 30 June 2017

CEO/SES	14
Legal Officers	559.91
Legal Admin Support Staff	484.88
Total staff FTE	1,058.79

Number of actual staff by employment type	2014–2015	2015–2016	2016–2017
Ongoing Full Time	675	807	742
Ongoing Part-time	184	87	184
Temporary Full Time	132	159	171
Temporary Part-time	42	39	46
Contract SES	6	10	14
Non-SES	0	0	0
Casual	7	14	6
Other	0	0	0
Total	1,046	1,116	1,163

Number of actual staff by type of work	Central Sydney	Regional	Total
Lawyers	254	363	617
Administrative	333	213	546
Total	587	576	1,163

Number of executive roles

Band	Range (\$)	Average remuneration		2016		2017	
		2016	2017	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$320,901–\$452,250	\$360,557	\$452,250	0	1	0	1
Band 2 (Executive Director)	\$255,051–\$320,900	\$276,750	\$275,000	0	1	0	1
Band 1 (Director)	\$178,850–\$255,050	\$204,935	\$208,528	7	4	9	3
Total				7	6	9	5

NOTE:

The percentage of expenditure relating to senior executives appears on page 96.

Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups	2014–2015	2015–2016	2016–2017
Men	277	284	290
Women	769	832	873
Aboriginal people	48	57	69
People from racial, ethnic, ethno-religious minority groups	165	178	206
People whose first language is not English	80	104	121
People with a disability	36	54	60
People with a disability requiring a work-related adjustment	16	14	15
Total	1,046	1,116	1,163

Parliamentary annual report tables

Table 1: Trends in the representation of workforce diversity groups % Total staff

Workforce diversity group	Benchmark or target (%)	2015	2016	2017
Women	50	73.5	74.5	75
Aboriginal people and Torres Strait Islanders	2.6	4.6	5.1	5.9
People whose first language spoken as a child was not English	19.0	7.6	15.9	10.4
People with a disability	N/A	3.4	4.8	5.2
People with a disability requiring a work-related adjustment	1.5	1.5	1.2	1.2

Table 2: Trends in the distribution of workforce diversity groups Distribution index

Workforce diversity Group	Benchmark or target (%)	2015	2016	2017
Women	100	90	89	90
Aboriginal people and Torres Strait Islanders	100	86	84	88
People whose first language spoken as a child was not English	100	95	94	94
People with a disability	100	104	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 2017.

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.



Key achievements

What we are achieving with workforce diversity:

- ➔ In the last three years, we increased our Aboriginal and Torres Strait Islander staff to six per cent of total staff.
- ➔ Our staff from multicultural backgrounds¹ has increased by 25 per cent over three years.
- ➔ More people are sharing personal disability information.

¹Refers to people from racial, ethnic, ethno-religious minority groups.

Appendix 3 Learning and development

Legal Aid NSW conferences	Legal Aid NSW staff	Private lawyers	Other (including not-for-profit)	Total
Civil Law Conferences	496	64	16	576
Criminal Law Conferences**	64	22	5	91
Family Law Conferences	346	124	75	545
Total	906	210	96	1,212
Legal Aid NSW seminars				
Generic CPD*				
Face-to-face	243	193	19	455
Online	73	4	12	89
Civil Law CPD				
Face-to-face	223	12	1	236
Online	124	32	12	168
Criminal Law CPD**				
Face-to-face	86	3	2	91
Online	70	8	22	100
Family Law CPD				
Face-to-face	81	16	35	132
Online	79	8	11	98
Total	979	276	114	1,369
Legal Aid NSW training sessions				
Business Skills				
Face-to-face	548	3	2	553
Online (includes Just-in Time sites)	2,586	1	4	2,591
Customer Service				
Face-to-face	974	0	0	974
Online	120	11	8	139
Health and Wellbeing				
Face-to-face	277	0	0	277
Online	201	1	0	202
Leadership and Management				
Face-to-face	438	2	0	440
Online	410	0	0	410
Team and Culture				
Face-to-face	116	7	0	123
Online	24	0	0	24
Total	5,694	25	14	5,733
Lawyers attending Legal Aid NSW conferences seminars and training				
Legal Aid NSW lawyers				2,781
Private lawyers				511
Total conferences, seminars and training				
Seminars and conferences (face-to-face)				2,126
Training sessions (face-to-face)				2,367
Online seminars and training				3,821
Total				8,314

*CPD Continuing Professional Development

** This includes the Criminal Law Managers Conference and Criminal Law Day Conference in Byron Bay. However, the main annual criminal law conference did not take place in this reporting period.

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	0	254,055
Burwood	Burwood Community Welfare Services	0	320,812
Central Coast	Central Coast Domestic Violence Court Advocacy Service	229,157	653,759
Central West	Housing Plus	240,756	492,585
Far South Coast	Southern Women's Group	128,800	383,880
Far West	Far West Community Legal Centre	208,553	462,976
Hunter	Hunter Women's Domestic Violence Court Service	296,095	823,542
Hunter Valley	Carrie's Place Women's and Children's Services	153,290	510,716
Illawarra	Wollongong Women's Information Service	250,203	664,744
Macarthur	Macarthur Legal Centre	189,071	1,042,521
Mid-North Coast	Mid-Coast Women's Domestic Violence Court Advocacy	173,234	491,435
New England	Tamworth Family Support Service	110,135	375,199
North Coast	Warrina Women and Children's Refuge Co-operative Society	473,080	915,709
North West	Inverell Refuge Centre	0	236,220
North West Sydney	Blacktown Women's and Girls Health Centre	344,561	752,844
Northern Rivers	Northern Rivers Community Legal Centre	500,506	963,906
Northern Sydney	CatholicCare Broken Bay	86,909	459,978
Parramatta	Western Sydney Community Legal Centre Inc	298,800	686,806
Riverina	Linking Communities Network Ltd	73,875	312,047
South Coast	YWCA NSW	253,825	515,651
South Eastern	Molonglo Women's and Children's Services	63,347	309,859
South West Sydney	South West Sydney Legal Centre	475,655	985,120
Southern	Women's Centre for Health and Wellbeing (Albury-Wodonga)	112,854	343,631
Southern Sydney	Sutherland Shire Family Services	108,522	617,871
Sydney	Redfern Legal Centre	518,189	1,089,454
Wagga Wagga	Wagga Wagga Family Support Service	209,751	890,366
Western	Dubbo Emergency Accommodation Project	96,149	520,961
Western Sydney	Penrith Women's Health Centre	417,523	873,913
WDVCAS NSW Chairperson	Blue Mountains Women's Health and Resource Centre (Jan-Jun 2016)	0	6,000
Aboriginal Specialist Worker Chairperson	Dubbo Emergency Accommodation Project	0	1,500
Multicultural Specialist Worker Chairperson	Penrith Women's Health Centre	0	6,000
WDVCAS NSW Inc	Women's Domestic Violence Court Advocacy Service NSW Inc. (peak representative body for WDVCASs)	0	103,557
Total		6,012,840	17,067,620

NOTES

1. In 2016–2017, \$399,000 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).
2. In 2016–2017, 25 WDVCASs received \$5,990,692 funding for Local Coordination Point (LCP) implementation as part of the NSW Government *It Stops Here* reforms. This funding was provided by NSW Treasury through Women NSW.
3. Commonwealth Family Advocacy and Support Service funding is not included.

Appendix 5 Community Legal Centres Program Funding

Community Legal Centre (CLC)	Commonwealth funding \$	State funding \$	Public Purpose Fund Funding \$	Total payments \$
Australian Centre For Disability Law	338,614	45,714	87,722	\$472,050
Central Coast Community Legal Centre	506,006	20,543	199,642	\$726,191
Community Legal Centres NSW	327,782	326,641	90,750	\$745,173
Court Support Scheme	39,210	7,295	6,261	\$52,766
Domestic Violence Advocacy Service	0	511,492	0	\$511,492
Elizabeth Evatt Community Legal Centre	250,095	208,108	98,470	\$556,672
Environmental Defender's Office Ltd	0	223,647	825,000	\$1,048,647
Far West Community Legal Centre	494,587	0	67,657	\$562,244
Financial Rights Legal Centre	431,131	153,851	0	\$584,982
HIV/AIDS Legal Centre	151,346	100,102	135,313	\$386,762
Hume Riverina Community Legal Service	76,440	0	75,984	\$152,424
Hunter Community Legal Centre	646,215	298,436	0	\$944,651
Illawarra Legal Centre	559,497	235,272	103,857	\$898,627
Immigration Advice & Rights Centre	215,976	283,555	0	\$499,532
Inner City Legal Centre	185,193	189,017	72,360	\$446,570
Intellectual Disability Rights Service	0	0	104,088	\$104,088
Kingsford Legal Centre	303,439	152,008	0	\$455,447
Macarthur Legal Centre	422,240	231,960	103,857	\$758,058
Marrickville Legal Centre	334,897	336,441	0	\$671,339
Mid North Coast Community Legal Centre	368,133	133,934	0	\$502,067
North & North West Community Legal Service	411,298	20,622	104,088	\$536,008
Northern Rivers Community Legal Centre	573,666	58,982	145,338	\$777,986
Public Interest Advocacy Centre	135,606	143,470	990,000	\$1,269,076
Redfern Legal Centre	237,877	293,635	0	\$531,512
Refugee Advice & Casework Service	0	80,000	104,088	\$184,088
Seniors Rights Service	123,224	2,920	239,267	\$365,410
Shoalcoast Community Legal Centre	476,421	264,380	41,250	\$782,050
South West Sydney Legal Centre	469,754	277,117	0	\$746,871
Tenants' Union of NSW	89,148	143,127	0	\$232,274
Welfare Rights Centre	434,541	144,472	0	\$579,013
Western NSW Community Legal Centre	499,351	59,315	104,088	\$662,753
Western Sydney Community Legal Centre - Parramatta	478,000	323,275	250,427	\$1,051,702
Western Sydney Community Legal Centre - Rooty Hill	509,510	20,516	0	\$530,026
Western Sydney Community Legal Centre - Windsor	245,450	149,433	139,720	\$534,602
Wurringa Baiya Aboriginal Women's Legal Centre	0	548,641	104,088	\$652,729
Women's Legal Service NSW	816,774	378,912	0	\$1,195,685
Interpreter Services	0	50,708	0	\$50,708
Administrative Efficiencies Project Allocation	430,770	0	0	\$430,770
TOTAL	11,582,192	6,417,541	4,193,314	22,193,047

NOTES

1. The above funding excludes funding provided to CLCs of \$442,223 Care Partner arrangements under the 'Safe Home for Life' Reforms
2. Excludes \$405,000 paid to the National Association of Community Legal Centres for developing the CLASS Database.
3. The Commonwealth funding includes \$430,770 in project funding provided to CLCs for projects to implement administrative efficiencies. This was provided to Marrickville Legal Centre, Welfare Rights Centre, Far West CLC, Elizabeth Evatt CLC, and CLC NSW.
4. Both State and Commonwealth funding includes the Social and Community Services Equal Remuneration Order supplementation.
5. The Public Purpose Fund funding includes allocations for the Children's Court Assistance Schemes run by four CLCs.
6. The table excludes funding from the National Partnership Agreement that is retained by Legal Aid NSW for program management and jurisdictional planning.

Appendix 6 Legal practice operational statistics

Legal Aid NSW Totals	2014–2015	2015–2016	% change from previous year	2016–2017	% change from previous year
Case Matters					
Applications Received	44,205	46,253	4.6%	47,529	2.8%
Applications Refused	8,839	8,864	0.3%	8,824	-0.5%
In-house Grants	11,231	11,837	5.4%	12,610	6.5%
Assigned Grants	24,106	25,294	4.9%	25,264	-0.1%
Total Case Grants	35,337	37,131	5.1%	37,874	2.0%
Grant Rate	80.0%	80.7%	0.9%	81.1%	0.5%
Applications Determined	44,176	45,995	4.1%	46,698	1.5%
Applications Undetermined at year end	1,116	1,278	14.5%	2,430	90.1%
Grants Finalised	54,717	35,691	-34.8%	35,985	0.8%
Current Grants on Hand at year end	39,321	40,450	2.9%	42,174	4.3%
Duty Services					
In-house Duty Services	110,974	125,239	12.9%	117,598	-6.1%
Assigned Duty Services	63,588	70,765	11.3%	73,903	4.4%
Total Duty Services	174,562	196,004	12.3%	191,501	-2.3%
Other Services					
Advice	96,410	104,547	8.4%	106,747	2.1%
Minor assistance	53,986	42,872	-20.6%	34,253	-20.1%
Information	564,958	528,798	-6.4%	517,888	-2.1%
Total Other Services	715,354	676,217	-5.5%	658,888	-2.6%
Total Client Services	925,253	909,352	-1.7%	888,263	-2.3%

Criminal Law Totals	2014–2015	2015–2016	% change from previous year	2016–2017	% change from previous year
Case Matters					
Applications Received	24,782	26,359	6.4%	29,129	10.5%
Applications Refused	3,954	4,334	9.6%	4,526	4.4%
In-house Grants	7,730	8,334	7.8%	9,237	10.8%
Assigned Grants	13,019	13,689	5.1%	14,783	8.0%
Total Case Grants	20,749	22,023	6.1%	24,020	9.1%
Grant Rate	84.0%	83.6%	-0.5%	84.1%	0.7%
Applications Determined	24,703	26,357	6.7%	28,546	8.3%
Applications Undetermined at year end	502	595	18.5%	1,226	106.1%
Grants Finalised	30,578	20,848	-31.8%	21,757	4.4%
Current Grants on Hand at year end	15,812	16,795	6.2%	18,904	12.6%
Duty Services					
In-house Duty Services	102,001	115,246	13.0%	107,586	-6.6%
Assigned Duty Services	48,124	55,654	15.6%	58,528	5.2%
Total Duty Services	150,125	170,900	13.8%	166,114	-2.8%
Other Services					
Advice	27,080	30,733	13.5%	32,322	5.2%
Minor assistance	4,569	6,583	44.1%	7,415	12.6%
Information	262,063	244,858	-6.6%	214,387	-12.4%
Total Other Services	293,712	282,174	-3.9%	254,124	-9.9%
Total Client Services	464,586	475,097	2.3%	444,258	-6.5%

Family Law Totals	2014–2015	2015–2016	% change from previous year	2016–2017	% change from previous year
Case Matters					
Applications Received	17,295	17,953	3.8%	16,450	-8.4%
Applications Refused	4,072	3,801	-6.7%	3,567	-6.2%
In-house Grants	2,798	2,845	1.7%	2,699	-5.1%
Assigned Grants	10,469	11,057	5.6%	9,954	-10.0%
Total Case Grants	13,267	13,902	4.8%	12,653	-9.0%
Grant Rate	76.5%	78.5%	2.6%	78.0%	-0.7%
Applications Determined	17,339	17,703	2.1%	16,220	-8.4%
Applications Undetermined at year end	572	629	10.0%	1,133	80.1%
Grants Finalised	21,546	13,591	-36.9%	12,820	-5.7%
Current Grants on Hand at year end	21,524	21,691	0.8%	21,506	-0.9%
Duty Services					
In-house Duty Services	6,652	7,263	9.2%	7,857	8.2%
Assigned Duty Services	2,772	2,885	4.1%	2,570	-10.9%
Total Duty Services	9,424	10,148	7.7%	10,427	2.7%
Other Services					
Advice	28,253	30,447	7.8%	32,692	7.4%
Minor assistance	20,981	11,131	-46.9%	7,855	-29.4%
Information	128,360	124,093	-3.3%	126,077	1.6%
Total Other Services	177,594	165,671	-6.7%	166,624	0.6%
Total Client Services	200,285	189,721	-5.3%	189,704	0.0%
Civil Law Totals	2014–2015	2015–2016	% change from previous year	2016–2017	% change from previous year
Case Matters					
Applications Received	2,128	1,941	-8.8%	1,950	0.5%
Applications Refused	813	729	-10.3%	731	0.3%
In-house Grants	703	658	-6.4%	674	2.4%
Assigned Grants	618	548	-11.3%	527	-3.8%
Total Case Grants	1,321	1,206	-8.7%	1,201	-0.4%
Grant Rate	61.9%	62.3%	0.7%	62.2%	-0.3%
Applications Determined	2,134	1,935	-9.3%	1,932	-0.2%
Applications Undetermined at year end	42	54	28.6%	71	31.5%
Grants Finalised	2,593	1,252	-51.7%	1,408	12.5%
Current Grants on Hand at year end	1,985	1,964	-1.1%	1,764	-10.2%
Duty Services					
In-house Duty Services	2,321	2,730	17.6%	2,155	-21.1%
Assigned Duty Services	12,692	12,226	-3.7%	12,805	4.7%
Total Duty Services	15,013	14,956	-0.4%	14,960	0.0%
Other Services					
Advice	41,077	43,367	5.6%	41,733	-3.8%
Minor assistance	28,436	25,158	-11.5%	18,983	-24.5%
Information	174,535	159,847	-8.4%	177,424	11.0%
Total Other Services	244,048	228,372	-6.4%	238,140	4.3%
Total Client Services	260,382	244,534	-6.1%	254,301	4.0%

Commonwealth and State allocation of Legal Aid Services	State Matter	State Matter %	Commonwealth Matter	Commonwealth Matter %	Total
Family Law					
Grants	4,707	37.2%	7,946	62.8%	12,653
Duty Appearances	4,779	45.8%	5,648	54.2%	10,427
Advice	3,990	12.2%	28,702	87.8%	32,692
Minor assistance	1,800	22.9%	6,055	77.1%	7,855
Information Services	17,239	13.7%	108,838	86.3%	126,077
Total	32,515	17.1%	157,189	82.9%	189,704
Criminal Law					
Grants	23,556	98.1%	464	1.9%	24,020
Duty Services	163,476	98.4%	2,638	1.6%	166,114
Advice	31,716	98.1%	606	1.9%	32,322
Minor assistance	7,392	99.7%	23	0.3%	7,415
Information Services	195,626	91.2%	18,761	8.8%	214,387
Total	421,766	94.9%	22,492	5.1%	444,258
Civil Law					
Grants	1,025	85.3%	176	14.7%	1,201
Duty Services	14,497	96.9%	463	3.1%	14,960
Advice	27,819	66.7%	13,914	33.3%	41,733
Minor assistance	12,314	64.9%	6,669	35.1%	18,983
Information Services	132,218	74.5%	45,206	25.5%	177,424
Total	187,873	73.9%	66,428	26.1%	254,301
Legal Aid NSW Total					
Grants	29,288	77.3%	8,586	22.7%	37,874
Duty Services	182,752	95.4%	8,749	4.6%	191,501
Advice	63,525	59.5%	43,222	40.5%	106,747
Minor assistance	21,506	62.8%	12,747	37.2%	34,253
Information Services	345,083	66.6%	172,805	33.4%	517,888
Total	642,154	72.3%	246,109	27.7%	888,263

In-house and private lawyer allocations of legal work	In-house lawyer	In-house lawyer %	Private lawyer	Private lawyer %	Total
Family Law					
Duty Services	7,857	75.4%	2,570	24.6%	10,427
Grants of Legal Aid	2,699	21.3%	9,954	78.7%	12,653
Total	10,556	45.7%	12,524	54.3%	23,080
Criminal Law					
Duty Services	107,586	64.8%	58,528	35.2%	166,114
Grants of Legal Aid	9,237	38.5%	14,783	61.5%	24,020
Total	116,823	61.4%	73,311	38.6%	190,134
Civil Law					
Duty Services	2,155	14.4%	12,805	85.6%	14,960
Grants of Legal Aid	674	56.1%	527	43.9%	1,201
Total	2,829	17.5%	13,332	82.5%	16,161
Legal Aid NSW Total					
Duty Services	117,598	61.4%	73,903	38.6%	191,501
Grants of Legal Aid	12,610	33.3%	25,264	66.7%	37,874
Total	130,208	56.8%	99,167	43.2%	229,375

Family Dispute Resolution - Family Law	2014–2015	2015–2016	% change from previous year	2016–2017	% change from previous year
Number of conferences	2,676	2,796	4.5%	2,801	0.2%
Agreements reached	2,137	2,196	2.8%	2,261	3.0%
Agreement rate	79.9%	78.5%	-1.6%	80.7%	2.8%

Community Legal Education	2014–2015	2015–2016	% change from previous year	2016–2017	% change from previous year
Criminal Law	913	715	-21.7%	757	5.9%
Family Law	843	575	-31.8%	535	-7.0%
Civil Law	1,219	953	-21.8%	881	-7.6%
Total	2,975	2,243	-24.6%	2,173	-3.1%

Appendix 7 Law reform submissions

In 2016–2017, Legal Aid NSW made 41 law reform submissions to a range of government and non-government bodies on issues that affect our clients and our organisation.

- Comments on the draft statutory review of the *Coroners Act 2009* (NSW), June 2017
- Review of the financial system external dispute resolution framework: Supplementary Issues Paper (Treasury) June 2017
- Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2017 (Senate Legal and Constitutional Affairs Committee) June 2017
- Parliamentary inquiry into a better family law system to support and protect those affected by family violence (Standing Committee on Social Policy and Legal Affairs) June 2017
- Improving dispute resolution in the financial sector: Consultation Paper (Treasury) June 2017
- Statutory review of mandatory pre-trial defence disclosure (Department of Justice) June 2017
- Strengthening the test for Australian citizenship (Department of Immigration and Border Protection) June 2017
- Review of General Insurance Code of Practice (Insurance Council of Australia) May 2017
- Review of the *Guardianship Act*: Question Paper 4 (NSW Law Reform Commission) May 2017
- Review of the *Guardianship Act*: Question Paper 5 (NSW Law Reform Commission) May 2017
- Review of the *Guardianship Act*: Question Paper 6 (NSW Law Reform Commission) May 2017
- Design and distribution obligations and product intervention power (Treasury) March 2017
- Dispute resolution: model provisions (NSW Law Reform Commission) March 2017
- Civil justice in NSW: Consultation Paper (NSW Department of Justice) March 2017
- Inquiry into elder abuse: Discussion Paper (Australian Law Reform Commission) March 2017
- Consultation on NSW serious vilification laws (NSW Government) March 2017
- Inquiry into migrant settlement outcomes (Joint Standing Committee on Migration) February 2017
- Remaking ASIC class orders on time-sharing schemes (Australian Securities and Investments Commission) January 2017
- Inquiry into corporate evasion of the *Fair Work Act* (Senate Education and Employment References Committee) January 2017
- Review of the financial system external dispute resolution and complaints framework: Interim Report (EDR Review Secretariat) January 2017
- Review of the *Guardianship Act*: Question Papers 2 and 3 (NSW Law Reform Commission) January 2017
- Review of rent models for social and affordable housing Issues Paper (Independent Pricing and Regulatory Tribunal) December 2016
- Freedom of speech inquiry (Parliamentary Joint Committee on Human Rights) December 2016
- Australian Consumer Law Review —Interim Report (Consumer Affairs Australia and New Zealand) December 2016
- Statutory review of sections 25A and 25B of the *Crimes Act 1900* (NSW) (Department of Justice NSW) December 2016
- Foundations for change - homelessness in NSW: Discussion Paper (Department of Family and Community Services) November 2016
- The use of external investigators by NSW Government agencies: Discussion Paper (NSW Ombudsman) October 2016
- The sharing of intimate images without consent - revenge porn (Department of Justice) October 2016
- Criminal Justice (Royal Commission into Institutional Responses to Child Sexual Abuse): Consultation Paper, October 2016
- Review of the financial system external dispute resolution framework: Issues Paper (Treasury) October 2016
- Life Insurance Code of Practice (Financial Services Council) September 2016
- Statutory review of the *Coroners Act 2009*: Draft proposals for legislative change (NSW Department of Justice) September 2016
- Inquiry into elder abuse, Issues Paper 47 (Australian Law Reform Commission) August 2016
- Australian National Standards for Working with Interpreters in Courts and Tribunals, Public Consultation Draft (Judicial Council on Cultural Diversity) August 2016
- Review of the *Crimes (High Risk Offenders) Act 2006* (NSW) (Department of Justice) August 2016
- Proposed Law Enforcement (Powers and Responsibilities) Regulation 2016 (Department of Justice) August 2016
- Statutory review of the *Victims Rights and Support Act 2013* (NSW Department of Justice) July 2016
- Public Consultation on NSW Draft Funeral Funds Regulation (NSW Fair Trading) July 2016
- Review of Minimum Standards and Development on Men's Behaviour Change Sector in NSW and Brief Intervention Trials (Department of Justice) July 2016
- Fitness and the defence of mental illness in the Local and Children's Court (Department of Justice) July 2016
- Inquiry into violence against emergency service personnel (Legislative Assembly Committee on Law and Safety) July 2016

Appendix 8 Right to Information

Obligations under the *Government Information (Public Access) Act 2009*

1. Review of proactive release program—Clause 7(a)

Under Section 7 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 publicly 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 15 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 2 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	1	0	1	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	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)	4	2	6	2	0	0	0	3

* 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*	4	1	6	2	0	0	0	3
Access applications (other than personal information applications)	0	2	0	1	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	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)	2
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	2

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	6
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	0
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	8
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
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)	17
Decided after 35 days (by agreement with applicant)	1
Not decided within time (deemed refusal)	1
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*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by NCAT	0	0	0
Total	0	0	0

* 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	0
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 *Legal Aid NSW Diversity Action Plan 2016–2017*

The *Diversity Action Plan 2016–2017* 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 under the Multicultural NSW Multicultural Policies and Services Program (MPSP) and the NSW Family and Community Services Disability Inclusion Action Plan Guidelines. Actions that are not from the *Diversity Action Plan 2016–2017* for multicultural and disability achievements are noted with an asterisk.

Multicultural

These achievements are reported against the activity areas of the MPSP

Focus area	Key outcome areas	What we achieved
1. Service delivery		
	<i>Mainstream services deliver for everyone</i>	<p>11.9% of our case grant and in-house duty services were provided to clients born in non-English speaking countries.*</p> <p>We delivered 2,173 community legal education workshops to clients across NSW. 14.4% were presented to multicultural audiences.*</p> <p>We spent \$1,256,446 on interpreting and translation services.*</p> <p>Our key information brochure, <i>'How Legal Aid NSW can help you'</i>, is available in 25 languages.*</p>
	<i>Targeted programs fill the gaps</i>	<p>We delivered community legal education for targeted groups. Workshops were provided for:</p> <ul style="list-style-type: none"> migrant communities about obtaining Australian citizenship people who are irregular maritime arrivals subject to fast track processing about their visa options and processing information young people who are recent arrivals about criminal law. <p>We expanded our community legal education program on domestic and family violence to better target asylum seekers, newly arrived migrants and to educate Settlement Services International staff.</p>
	<i>People from culturally diverse backgrounds are aware of NSW Government (funded) services, programs and functions</i>	<p>We produced:</p> <ul style="list-style-type: none"> translations of our <i>'Get Street Smart'</i> brochure for young people in Arabic, Hazaragi and Dari/Farsi. a booklet <i>How can I bring my refugee family in Arabic, Farsi/Dari and Assyrian.</i> a booklet <i>Charmed and Dangerous</i> that outlines the cycle of abuse in domestic and family violence and how to break free of controlling, abusive or violent relationships, in Arabic, Dari/Farsi and simplified Chinese <p>We redrafted 34 of our client letters into plainer language to improve our communication with people with limited English skills.</p> <p>We rewrote the 58 most commonly used refusal clauses in grants refusal letters.</p> <p>We participated in community events and festivals such as Africultures and the Assyrian Cultural Festival, where we provided information to raise awareness of our services*</p>
2. Planning		
	<i>Strong plans to deliver services</i>	<p>Our <i>Diversity Action Plan 2016–2017</i> delivered key initiatives for effective client service targeted to multicultural communities.</p> <p>Our <i>Domestic and Family Violence Strategy 2016-2018</i> includes measures targeted to migrant communities.*</p> <p>Through the Refugee Working Group we have planned and monitored our service response to the increased intake of refugees into NSW</p>
	<i>Evidence driven planning</i>	<p>We launched the Legal Aid NSW Refugee Service based on anticipated refugee arrivals and settlement patterns.*</p>
3. Leadership		
	<i>Demonstrated leadership in culturally inclusive practices</i>	<p>The Legal Aid NSW Equity and Diversity Committee is chaired by the CEO. The Deputy CEO and Director of People and Organisational Development are also members of the Committee.*</p> <p>Senior executives and diversity professionals participated in forums led by the Public Service Commission and Department of Premier and Cabinet to drive and embed diversity and inclusion in the NSW Public Service</p>

<i>Increased recognition of the value of cultural diversity</i>	All staff in our new Refugee Service are from culturally diverse backgrounds*
	We celebrate Harmony Day each year with an internal event and participation in a range of community events.*
	We publicised the 2016 Mapping Social Inclusion Report by the Scanlon Foundation
4. Engagement	
<i>Collaboration with diverse communities</i>	Legal Aid NSW lawyers provided free advice at ten Migrant Resource Centres under our continuing partnership with Settlement Services International (SSI).*
	A new resource providing information for people seeking to bring family members to Australia under humanitarian visas was user tested with migrant communities prior to publication.*
	A delegation from Legal Aid NSW, led by the Deputy CEO, addressed a meeting of the Justice Multicultural Advisory Council to seek input on our services to culturally diverse communities.*
<i>Understanding the needs of people from diverse backgrounds</i>	The composition of our workforce in our new Refugee Service in Western Sydney reflects community diversity.*
	The Community Engagement Officer at the Refugee Service was employed under the NSW Government's Refugee Employment Program.*

Disability

These achievements are reported against the key outcome areas of the NSW Family and Community Services Disability Inclusion Action Plan Guidelines.

Key outcome areas	What we achieved
<i>Liveable communities</i>	We reviewed amenities for clients with disability at all of our offices. Recommendations for improvements have been prioritised for implementation.
<i>Employment</i>	We launched and commenced implementing our <i>Workforce Strategy for the Recruitment, Employment and Retention of People with Disability 2016-2018</i> .
	We conducted a survey of staff with disability and used the results to identify areas for improvement.
	We provided paid internships for two students with disability.
<i>Systems and processes</i>	We created a version of our 'Police Powers' brochure as a four book series written in Easy English. This resource was user tested with the Intellectual Disability Rights Service prior to publication.
	We piloted the inclusion of disability status on our complaints form.
	We delivered training on how to assist clients involved with or potentially eligible for the National Disability Insurance Scheme.
	128 staff and 12 private lawyers and other community partners completed our online disability awareness training module.
<i>Community attitudes and behaviours</i>	Seven staff volunteered as mentors for students with disability.
	We captioned our crime prevention film <i>Burn</i> to improve accessibility and awareness for young people.
	We produced a brochure <i>Not happy with a NDIS decision?</i> that outlines the steps to challenge a National Disability Insurance Scheme decision.

Other actions

These achievements are reported against Legal Aid NSW Plan objectives

Key outcome areas	What we achieved
<i>To promote access to justice through early intervention and prevention and better targeting of legal assistance to disadvantaged people</i>	We delivered community legal education to elderly clients about cyber safety
<i>To support and develop our people and improve our systems to meet organisational goals</i>	We established a mentoring program to assist female solicitors in the Criminal Law Division to increase their advocacy skills.
	We delivered training to staff on working with LGBTIQ communities.
<i>To build strong, effective service partnerships to respond to the legal and non-legal needs of our clients</i>	We collaborated with pro bono partners to provide community legal education and assistance with drafting wills, powers of attorney and enduring guardianships for targeted disadvantaged clients.

Appendix 10 Private law firm expenditure

Expenditure across the private law firms which received the highest aggregate payments for legal aid services 2016–2017.

	Firm Name	Case payments \$	Number of case files on which payments made	Duty payments \$	Number of duty services provided	Total amount paid* \$
1	BANNISTERS LAWYERS	\$898,407	124			\$898,407
2	ARCHBOLD LEGAL SOLUTIONS	\$869,531	85			\$869,531
3	TIM MARA SOLICITOR WITH RAFTON FAMILY LAWYERS PARRAMATTA	\$663,415	363	\$23,375	84	\$686,790
4	O'BRIEN SOLICITORS	\$642,647	142	\$31,475	266	\$674,122
5	MATOUK JOYNER LAWYERS	\$662,391	70			\$662,391
6	JEFFREYS LAWYERS	\$627,100	39			\$627,100
7	BLAIR CRIMINAL LAWYERS PTY LIMITED	\$623,514	119			\$623,514
8	SCOTT MURRELL LAWYERS	\$542,791	161	\$43,278	397	\$586,069
9	HAMMOND SOLICITORS	\$501,401	130	\$79,425	656	\$580,826
10	GEORGE STEN & CO	\$577,285	94			\$577,285
11	OXFORD LAWYERS PTY LTD	\$575,686	103			\$575,686
12	MARK RUMORE	\$572,951	89	\$975	13	\$573,926
13	GRAEME MORRISON	\$543,845	207	\$20,100	213	\$563,945
14	NYMAN GIBSON MIRALIS (SYDNEY)	\$562,962	92			\$562,962
15	RYAN & PAYTEN CRIMINAL LAW SPECIALISTS	\$420,998	102	\$101,000	728	\$521,998
16	ZAHR & ZAHR LAWYERS	\$513,435	44			\$513,435
17	RAMSLAND LAIDLER	\$480,707	166	\$31,288	339	\$511,994
18	KIDMAN LEGAL	\$487,797	1			\$487,797
19	MARK WHELAN LAWYER PTY LIMITED	\$476,913	167	\$5,038	11	\$481,950
20	O'BRIEN WINTER PARTNERS PTY LTD	\$367,086	228	\$111,463	1,170	\$478,549

NOTES

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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OFFICES

Central Sydney

323 Castlereagh St
Sydney NSW 2000
PO Box K847
Haymarket NSW 1238
Tel: 9219 5000
TTY: 9219 5126

Metropolitan Offices

Bankstown

Level 7, Civic Tower
66–72 Rickard Rd
Bankstown 2200
Tel: 9707 4555

Blacktown

Suite 36–37
Level 2D
13–17 Kildare Rd
Blacktown 2148
Tel: 9621 4800

Burwood

Level 4
74–76 Burwood Rd
Burwood 2134
Tel: 9747 6155
TTY: 9747 0214

Campbelltown

Suite 1, Level 4
171–179 Queen St
Campbelltown 2560
Tel: 4628 2922

Fairfield

Suite 1, Level 2
25 Smart St
Fairfield 2165
Tel: 9727 3777

Liverpool

Level 4, Interdell Centre
45–47 Scott St
Liverpool 2170
Tel: 96011200

Parramatta Civil & Family Law

Level 5, 91 Phillip St
Parramatta 2150
Tel: 9891 1600

Parramatta Criminal Law

Parramatta Justice Precinct
Level 1, 160 Marsden St
Parramatta 2150
Tel: 8688 3800
TTY: 9687 7538

Penrith

NSW Government Offices
Level 4, 2–6 Station St
Penrith 2750
Tel: 4732 3077

Sutherland

Ground Floor
Endeavour House
3–5 Stapleton Ave
Sutherland 2232
Tel: 9521 3733

Regional Offices

Coffs Harbour

41 Little St
Coffs Harbour 2450
Tel: 6651 7899

Dubbo

64 Talbragar St
Dubbo 2830
Tel: 6885 4233

Gosford

92–100 Donnison St
Gosford 2250
Tel: 4324 5611

Lismore

Suite 3, Level 4
29 Molesworth St
Lismore 2480
Tel: 6621 2082

Newcastle

Civil & Family Law
Level 2, 51–55 Bolton St
Newcastle 2300
Tel: 4929 5482

Newcastle

Criminal Law
Level 3, 400 Hunter St
Newcastle 2300
Tel: 4929 5482

Nowra

Level 2, 59 Berry St
Nowra 2541
Tel: 4422 4351

Orange

Suite 4, 95 Byng St
Orange 2800
Tel: 6362 8022

Port Macquarie

107 William Street
Port Macquarie 2444
Tel: 5525 1600

Riverina Murray–Albury

Suite 1A, Level 1,
520 Swift Street
Albury 2640
Tel: 6020 7200

Riverina Murray– Wagga Wagga

Ground Floor
74–76 Fitzmaurice Street
Wagga Wagga 2650
Tel: 6921 6588

Tamworth

Level 1, 424–426 Peel St
Tamworth 2340
Tel: 6766 6322

Wollongong

Graovac House
73 Church St
Wollongong 2500
Tel: 4228 8299



Office hours

Central Sydney: 8.30am to 5.30pm

All other offices: 9.00am to 5.00pm

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