

Annual Report 2017–2018

Delivering fair outcomes for
disadvantaged and vulnerable people





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 2018. This report is submitted in accordance with section 13 (1) of the *Legal Aid Commission Act 1979* and section 10 (1) of the *Annual Reports (Statutory Bodies) Act 1984*.

Yours sincerely

A handwritten signature in black ink, appearing to be "Brendan Thomas".

Brendan Thomas
Chief Executive Officer

October 2018

Cover Photo: Legal Aid NSW lawyer Merinda Dutton (left) and her client, Kathy Marika, who gave evidence at The Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry in Darwin. Ms Marika first approached Legal Aid NSW for help in 2016 after being pressured into buying a funeral insurance product. See page 25.

Contents

1
2
3
4
5



Overview 2

Our achievements—what we did for our clients and how we measured our performance



Client services 22

Client service delivery highlights, including case reports and law reform



Collaborating with our partners 44

Key partners help improve our services



Managing our organisation 62

The performance of our highly skilled people and efficiency highlights



Corporate governance 76

The Board, Directors and our governance framework



Financial summary 96

Financial overview, performance and statements

Appendices 146

Index 162

Overview

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

▼ Staff from our Civil Law Service for Aboriginal Communities



Who we are

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 235 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 work closely with other agencies providing 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.

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 Strategic Plan 2017–*

2018. 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 eleventh Gold Award.

This is our thirty-ninth 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.



On behalf of the Board I am pleased to introduce the 2017–2018 Annual Report.

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. In the interest of transparency a summary of the decisions made at each Board meeting is published in this report.

Addressing longer term planning

Legal Aid NSW faces a number of challenges including an increasing demand for services, finite resources and changing social conditions. To deal with these challenges, in October 2017, we commenced developing a longer term five year strategic plan.

Following extensive consultation with staff and targeted external consultation, in March 2018, the Board was pleased to approve a number of strategic initiatives for inclusion in the Legal Aid NSW Plan 2018-2023. These strategic initiatives underpin the five outcomes of this plan, aimed at delivering:

- High quality, targeted services that meet our clients' needs
- Partnerships that deliver the best possible outcomes for our clients
- Work that improves the legal and justice systems
- A highly capable workforce that is flexible, developed and equipped
- Business processes that are responsive to our business needs.

We look forward to overseeing the implementation of these initiatives so we can continue to deliver quality legal aid services to the people of NSW.

The Board continued to monitor the implementation of the 2017–2018 Plan, the Diversity Action Plan, the Health and Safety Plan, and the Reconciliation Action Plan.

Review of private practitioner fees

Legal Aid NSW values its partnership with private practitioners, which is critical to providing legal services to disadvantaged people. In the 2017–18 financial year, private practitioners acted in 66% of all grants of legal aid and undertook 40% of all duty lawyer work. Without this partnership, Legal Aid NSW would be unable to deliver the large number of services across NSW, particularly in regional and remote areas.

Legal Aid NSW's fee scales for private practitioners have remained largely unchanged since 2007. In seeking to address the risks created by inadequate remuneration the Board re-established the Crime and Grants Sub-Committee to advise the Board on fees, funding, policy and service delivery issues. The Committee has consulted widely with the legal profession, including with the NSW Law Society, the Bar Association of NSW and individual private practitioners. We are seeking to have the issue of the adequate remuneration of private practitioners settled as soon as possible in order to be able to provide appropriate legal representation for all eligible clients and to aid the efficient administration of justice.

Governance of the Board of Legal Aid NSW

In November 2017 the Board approved a new comprehensive Board Code of Conduct and also a Board Charter. The Code of Conduct is intended to convey in plain words the obligations and behaviour expected of Board members. The Board Charter is intended to convey in plain words the statutory, common law and general administrative requirements that apply to the Board and any sub-committee.

The Board also considered the obligations of Board members under the *Work Health and Safety Act 2011* and took steps to ensure compliance with those obligations.

The Board approved a revised Audit and Risk Committee Charter and an Internal Audit Charter.

Changes to policy approved

The Board approved a number of changes to policy to reflect reforms made to the justice system, including the driver disqualification reforms and the Early Appropriate Guilty Pleas reform. We also approved amendments to the eligibility policy to make it easier for clients on a Centrelink benefit to verify their means. The Board also approved a new type of service delivery called Extended Legal Assistance to support clients with multiple legal problems.

Audits review performance and manage risks

The Board 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.

Special thanks

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

I would like to thank our partners, including the private profession, Public Defenders and the legal assistance sector, for forging strong partnerships to improve access to justice.

In particular, I would like to pay tribute to the staff of Legal Aid NSW, for their ongoing commitment to delivering innovative and high quality legal services.



Craig Smith
Chair, Legal Aid NSW



In my first full year as CEO of Legal Aid NSW, it has been my privilege to work alongside such experienced, knowledgeable and committed staff. Everywhere I look, I see a passion and a commitment that I find both humbling and deeply impressive.

Throughout the past year, and consistent with our Client Service Strategy, we have continued to put our clients at the centre of everything we do, which included providing 39,385 legal representation services, 197,038 duty services and 34,277 minor assistance services. We also increased our services to Aboriginal clients from 12.8% to 14.2%. Together with this, we worked on improving the way we deliver services to our clients.

Ensuring the most disadvantaged people can access legal assistance

We continued placing a strong focus on responding to domestic and family violence through early intervention and prevention. As well as continuing our Family Advocacy and Support

Services, we expanded our Domestic Violence Unit (DVU) to the Central Coast. Overall, the DVU delivered more than 1,400 duty services, 1,240 legal advice services and 640 minor assistance services.

Our Women's Domestic Violence Court Advocacy Program continued to roll out Safer Pathway to 16 locations across NSW taking the total number of sites to 43. This coordinated, interagency response to victims of domestic and family violence was recognised when we won the 2017 Premier's Award for reducing domestic violence reoffending, alongside the NSW Police Force, the Department of Justice and Women NSW.

Following extensive consultation, we started expanding our in-house services to the North West of NSW. As of June 2018, we are providing in-house criminal law duty lawyer and casework assistance in Bourke, Brewarrina, Cobar, Coonamble, Nyngan, Lightning Ridge and Walgett. We will continue to expand these services over the next year to address the significant disadvantage and complex needs of our clients living in this region.

We piloted a new service type called Extended Legal Assistance, which focuses on early resolution for clients with multiple legal problems. Rather than providing discrete services to

these clients, we can now provide a more holistic service, better reflecting the complexity of this work.

To improve the services we deliver to people experiencing or at risk of elder abuse, we also developed an *Elder Abuse Strategy 2018–2019*.

Delivering excellence and innovation

Over the past year, we played a key role in implementing major reforms introduced by the NSW Government.

Starting with the driver disqualification reforms, which will help people get back on the road safely, we provided legal assistance and duty representation across NSW, including in Wilcannia, Bourke and Brewarrina. We also delivered training on the reforms and produced a wide range of legal information resources.

In April 2018, reforms aimed at encouraging early appropriate guilty pleas commenced, substantially changing the process and procedure for indictable crime, resulting in significant changes for our Criminal Law Division.

To oversee this major reform, we participated constructively in working groups with other justice agencies, updated our policies and procedures, redesigned our workforce, and developed a new fee and panel

structure for private practitioners. Together with this, we developed and delivered training to hundreds of in-house staff and private practitioners across NSW.

We also started preparing for sentencing reforms due to commence in September 2018, by designing a training package for our in-house staff and private practitioners.

Responding to the withdrawal of services by the Aboriginal Legal Service (NSW/ACT) (ALS) at the State Parole Authority, we increased our services to prisoners. We also continued to embed civil law solicitors in various case management programs in prisons, such as the High Intensity Program Units. We also conducted a review of the services we currently provide to prisoners to understand how we can better target our legal assistance.

Through our Community Legal Education Framework, we are now delivering community legal education to a greater number of people, particularly our priority clients, in a more cost-effective and less-resource intensive way. We are doing this by using technology such as enhanced webinar platforms, multi-media resources and podcasts.

Investing in our people

Improving our operating systems featured heavily in the work we did this year. We finalised the platform and vendor for our new Client and Case Management System. We comprehensively reviewed the end to end process for managing grants of legal aid, which included extensive consultation with staff. And we started making our HR processes more efficient by developing new reporting systems.

Recognising the pressures placed on our administrative staff, we started trialling relief services, whereby experienced administrative staff were placed in offices where capacity was stretched.

We expanded the Judge Bob Bellear Program by introducing an Aboriginal traineeship program, allowing a trainee to work with Legal Aid NSW while undertaking a Certificate III in Business Administration.

Continuing to prioritise the health and wellbeing of our staff, we held nine workshops on resilience. We also held six courses throughout the year on trauma-informed practice.

We partnered with Aboriginal community members to provide specific and tailored Aboriginal Cultural Competency training to our staff, private practitioners and key partners.

We continued to develop our leaders, commenced a Solicitor in Charge and Managers Orientations program and established regular meetings with senior staff to ensure they were aware of operational changes.

We also consulted closely with staff about the content and scope our upcoming strategic plan, which will set out our vision and purpose for the next five years.

Strengthening our partnerships

We continued to work closely with our partners, including the private profession, the health sector, community legal centres, ALS and other service providers.

In particular, the private profession continued to deliver a large number of our legal services and played a critical role in enabling Legal Aid NSW to deliver high quality legal services across NSW.

Responding to concerns about our fees being too low, we commenced a review of the fees we pay to the private profession. Consulting with the Law Society of NSW, NSW Bar Association, in-house staff and private practitioners, we received invaluable feedback and expect to complete the review in late 2018.

We also joined forces with Victoria Legal Aid to identify the legal issues faced by clients in cross-border communities and the barriers they experience when seeking legal assistance. Working together, both agencies conducted joint and co-ordinated service planning for all areas of law, trialling a centred approach to the legal aid forum test and advocating for improvements and reforms where necessary.

Thanks

Thanks go to our dedicated 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.

I'd also like to acknowledge the work of Richard Funston, our Deputy CEO from 26 September 2016 to 20 April 2018. Richard left us this year to join the Local Court Magistracy. Richard was one of five staff members elevated to the bench in the past year, which I believe is a testament to the high premium we place on investing in our people and in their continued development, as professionals and as leaders.



Brendan Thomas
CEO, Legal Aid NSW

What we did over the past year

This year was a time of significant change for Legal Aid NSW with the restructure of the Policy Planning and Programs Division, and a restructure of the Criminal Law Division to implement the NSW Government criminal justice reforms.

There were also some changes in the leadership of Legal Aid NSW with the appointment of a new Deputy CEO, and Director Grants.

We also developed our first five-year strategic plan. The *Legal Aid NSW Strategic Plan 2018–2023* addresses the growing demand for our services and recognises that disadvantaged people have complex and multifaceted needs. The Plan clearly sets our direction and priorities, areas for us to invest time and resources, the services we want to provide, and how we will develop and support our staff. (p 87)

During the year, significant work was completed and the majority of actions in our plan were achieved. These are some of our highlights.

OBJECTIVE ACCESS TO JUSTICE

Services to support our most vulnerable clients.

We began a new domestic violence service in the Central Coast region—a service that offers immediate help to families affected by family violence as well as intensive casework, and social worker support to vulnerable clients. See page 24.

We reviewed our service delivery model in the North West of NSW for communities experiencing high levels of disadvantage, and began a staged approach to improve our service model in the region. See page 24.

Services to Aboriginal people, young people and homeless people increased with a pilot of a new form of representation service called Extended Legal Assistance (ELA). See page 28.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Transforming how we deliver services to clients

Phase 1 of our Client Service Strategy includes the development of an online booking system, installing new client kiosks in regional locations, and the first phase of a client-centred model to tailor legal support based on clients' legal and social needs. See pages 27 and 71.

We responded to the NSW Government's package of criminal justice reforms including the Driver Disqualification Removal and Early Appropriate Guilty Pleas. See page 25.

Seven civil lawyers started work to provide a coordinated response to the NSW Government's *Homelessness Strategy 2018–2023*. See page 38.

Financial summary

Our net financial result was a surplus of \$0.3 million.

	2016–2017 (\$M)	2017–2018 (\$M)	Change %
Operating Revenue	307.8	319.7	3.87%
Operating Expenses	306.4	318.9	4.08%
Total Assets	83.5	87.3	4.55%
Total Liabilities	32.0	35.5	10.94%
Surplus / (Deficit)	1.4	0.3	(78.57%)
Net Equity	51.5	51.8	0.58%

OBJECTIVE SUPPORTING OUR STAFF

Supporting our staff to support our most vulnerable clients

Our first five-year strategic plan clearly sets our direction and priorities, areas for us to invest time and resources, the services we want to provide and how we will develop and support our staff. See page 87.

The Civil Law Legal Excellence Program in partnership with the Law Society NSW supports our in-house staff to develop the technical skills and expertise required for our diverse practice. See page 39.

Partnering with Aboriginal community members to provide specific and tailored Aboriginal Cultural Competency training to staff, private practitioners and key partners the Aboriginal Legal Service and Community Legal Centres. See page 60.

OBJECTIVE STRONG PARTNERSHIPS

Partnerships expanded to deliver more targeted services

Our partnerships with health services expanded over the year to include five new health justice partnerships in 2017–2018 and we continue to be active participants in a further 19 health justice partnerships across NSW. See page 47.

ACHIEVEMENTS AGAINST THE *LEGAL AID NSW PLAN 2017–2018*

We achieved the majority of actions in our plan for the year. Page 8 highlights examples of work we did particularly well.

Access to justice	Excellence in legal services	Supporting our people	Strong partnerships
<p>Objective 1: To promote access to justice through early intervention and better targeting of legal assistance to disadvantaged people</p>	<p>Objective 2: To pursue excellence, innovation and efficiency in legal service delivery</p>	<p>Objective 3: To support and develop our people and improve our systems to meet organisational goals</p>	<p>Objective 4: 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"> ■ Delivered legal services to Aboriginal and Torres Strait Islander people and communities under the <i>Reconciliation Action Plan 2015–2018</i> through programs to ensure culturally competent services and partnerships with community and government (p60) ■ Implemented the NSW Government’s package of Criminal Justice Reforms (sentencing, parole and high risk offender reforms (p25) ■ Provided integrated duty lawyer and family violence support services in designated family law courts as part of the Family Advocacy and Support Service (p25) ■ Expanded legal service delivery in remote NSW to improve client access to legal assistance (p24) ■ Developed an Elder Abuse Strategy for the delivery of high quality, client-centred services to people experiencing, or at risk of, elder abuse (p26) 	<ul style="list-style-type: none"> ■ Reviewed the Legal Aid NSW service model to prisoners (p39) ■ Implemented the Early Appropriate Guilty Pleas reform (p25) ■ Implemented the reforms arising from the Criminal Appeals Review (p32) ■ Implemented Phase 1 of the <i>Client Service Strategy 2016–2020</i> (p27) 	<ul style="list-style-type: none"> ■ Implemented a program of work to respond to the Administrative Support Review (p64) ■ Rolled out resources and training for staff providing services to people living with mental illness (p69) ■ Provided career opportunities to increase employment of Aboriginal staff through the <i>Aboriginal Employment and Career Development Strategy 2015–2018</i> (p68) ■ Introduced new initiatives to promote and foster employee wellbeing, ethical practices and a positive culture (p67) ■ Developed staff management and leadership capabilities to improve and sustain organisational performance p68) 	<ul style="list-style-type: none"> ■ Implemented and evaluated a model of integrated service delivery with non-legal service providers in service hubs where there are high levels of disadvantage (p47) ■ Developed and piloted a professional development framework for the civil law in-house practice, in collaboration with the Law Society NSW (p39) ■ Developed and evaluated a 'one legal aid' approach to legal services for newly arrived refugees as part of the NSW Government’s initiative to support refugees to settle in NSW (p38) ■ Led the development and implementation a national multi-disciplinary training program for lawyers on the representation of children in family law matters (p35)

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.

- 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.
- 2018** Legal Aid NSW is facing a number of challenges in its future including an increasing demand for services, limited resources and changing social conditions. We developed a longer term five-year plan that clearly sets our direction and priorities, areas for us to invest time and resources, the services we want to provide and how we will develop and support our staff.

Key legislation governing our work

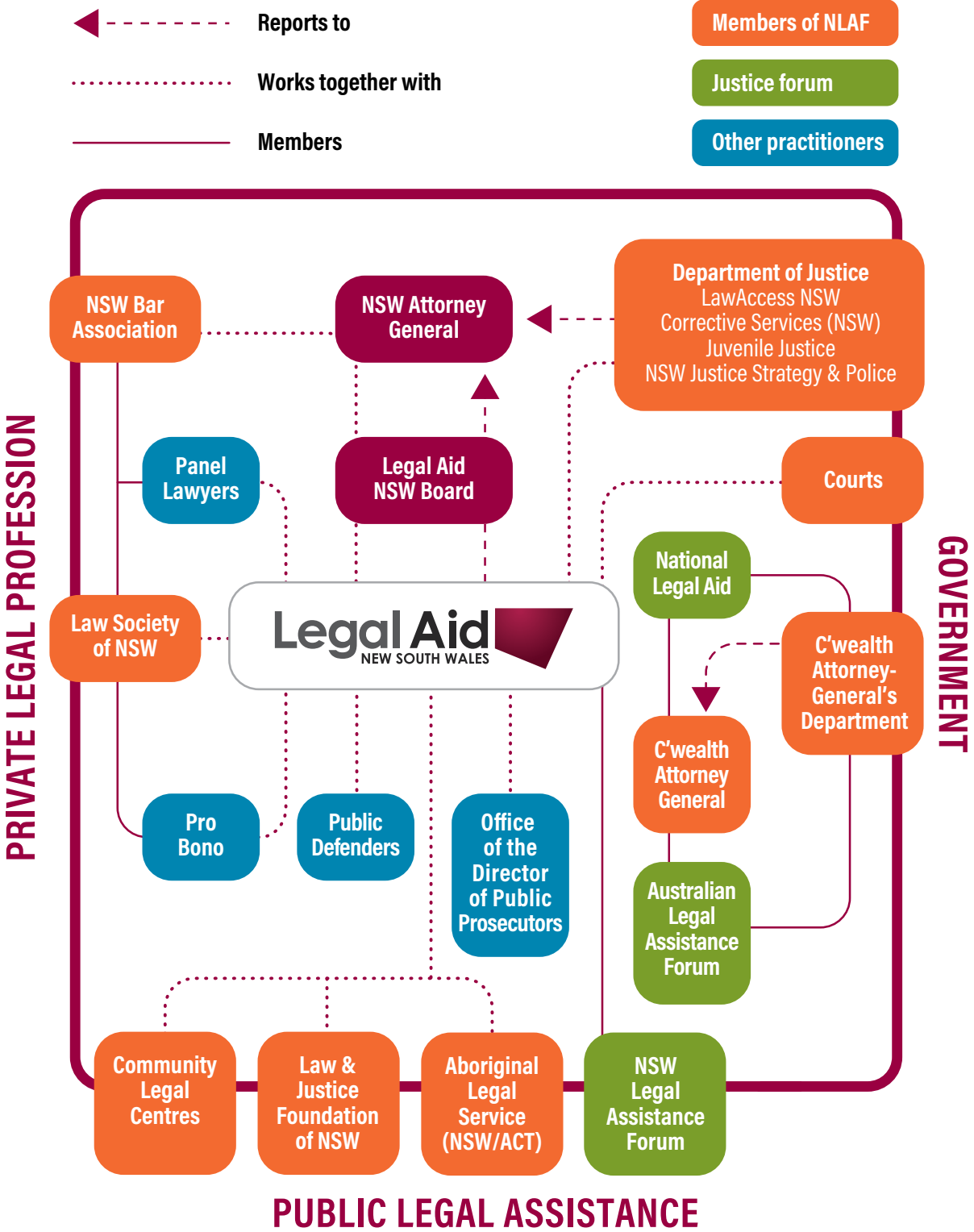
Our organisation is established under the *Legal Aid Commission Act 1979* (the Act). The Act establishes Legal Aid NSW as an independent statutory body with a mandate to provide effective, efficient and economical legal services that are available and accessible to disadvantaged people in New South Wales.

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*.

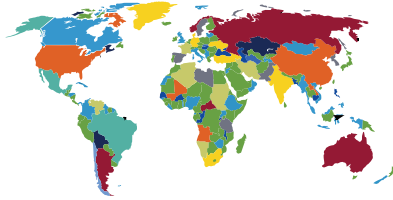
HOW LEGAL AID NSW IS CONNECTED TO ITS PARTNERS IN THE JUSTICE SECTOR



OUR CLIENTS



Aboriginal
14.2%



Born in non-English speaking countries
12.1%



Female
28.6%



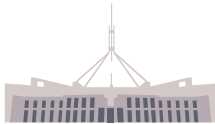
Under 18
14.9%



Aged 18–60
82.5%



Over 60
2.6%



On Commonwealth benefits
44.2%



With dependants
13.5%



Rural and regional*
48.1%

*Includes Newcastle and Wollongong

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

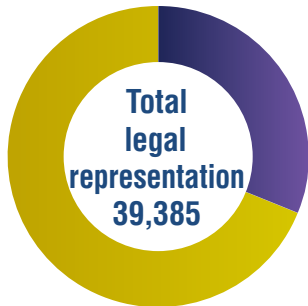
Our client profile has remained relatively stable in the last five years.

- The majority of services delivered by Legal Aid NSW are provided to people from disadvantaged socioeconomic 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.

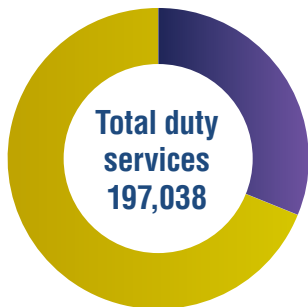
In 2017–2018, 13.8 % of all in-house civil law advice services were provided to Aboriginal clients. In-house family law advice sessions to Aboriginal people increased by 10.8% from 2016–2017.

The dedicated Legal Aid NSW Civil Law Service for Aboriginal Communities continued its work providing advice casework and community legal education services to disadvantaged Aboriginal communities identified as having significant unmet legal need.

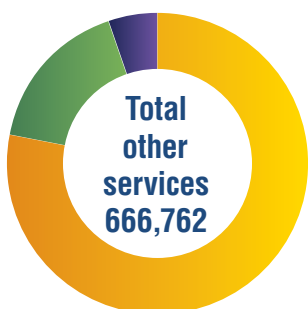
SERVICES TO CLIENTS



In-house 12,351
Private lawyers 27,034



In-house 120,296
Private lawyers 76,742



Information services 520,479
Legal advice 111,491
Minor assistance 34,277

TOTAL = 903,185 SERVICES

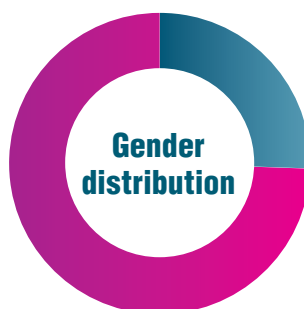
OUR STAFF



Regional offices 576
Central Sydney office 627



Lawyers 631
Administrative and corporate staff services 572



Women 894
Men 309

TOTAL = 1,203 EMPLOYEES

OUR FINANCES



Criminal law services 43.53%
Family law services 26.15%
Civil law services 13.48%
Community partnerships 16.84%

OUR TOTAL INCOME WAS \$319.7 MILLION AND WE SPENT \$318.9 MILLION.

See the financial summary on page 96 for details about where our funds come from and how we spend them. Details about our community partnership program funding can be found in Appendices four and 5.

Measuring performance

MEASURING OUR PERFORMANCE HELPS IMPROVE CLIENT SERVICES

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

We again exceeded the performance benchmark in the *National Partnership Agreement on Legal Assistance Services 2015–2020* requiring 95% or more of representation services to be delivered to people experiencing financial disadvantage, achieving 98.5%.

We developed a new monitoring and evaluation framework that aligns with NSW Government Program Evaluation Guidelines. This will assist us to monitor the achievement of key outcomes for clients, the community and the justice system and inform project/service design to improve service delivery through knowledge of what works.

We reviewed our legal advice services to understand how and to whom we are delivering our advice services, and to inform the development of a high level advice framework in 2018–2019.

We engaged the Law and Justice Foundation to conduct a process evaluation of the first nine months of our new Domestic Violence Unit.

Internal reviews into services, systems and roles are regularly undertaken to provide a better understanding of technical and practical issues affecting clients, staff and the business. These reviews involve consultation and analysis and form an evidence base to support decisions to adapt, expand or change roles, systems and services.

Key performance Indicators	2015–16	2016–17	2017–18
Community awareness of legal rights and responsibilities			
Client satisfaction rating	N/A	87.0%	N/A*
Number of information services provided	528,798	517,888	520,479
Rate per 100,000 of NSW population accessing information services	6,873	6,644	6,690
Number of advice and minor assistance services provided	147,419	141,000	145,768
Rate per 100,000 of NSW population accessing advice and minor assistance services	1,916	1,809	1,874
Number of publications distributed	729,120	752,270	681,798
Rate per 100,000 of people accessing publications	9,477	9,651	8,763
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	60.9%	59.5%	57.6%
percentage of Local Court sittings serviced by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive in-house file reviews	98.0%	99.4%	97.8%
Number of Legal Aid NSW lawyers with specialist accreditation	79	77	79
Number of Legal Aid NSW lawyer attendances at training sessions	2,783	2,781	2,577
Number of private lawyer attendances at Legal Aid NSW training sessions	700	511	512

*N/A—surveys conducted every two years.

Reporting against the National Partnership Agreement

Commonwealth funding to Legal Aid NSW is governed by the *National Partnership Agreement on Legal Assistance Services 2015–2020 (NPA)*.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

The *National Partnership Agreement on Legal Assistance Services 2015–2020*

(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 third year of reporting against the *NPA*.

Legal Aid NSW reports against a number of performance indicators every six months. We also coordinate 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. Priority clients include: children and young people (up to 24 years); people experiencing financial disadvantage; Indigenous Australians; older people (aged over 65 years); people experiencing, or at risk of, family violence; people residing in rural or remote areas; people who are culturally and linguistically diverse; and people with a disability or mental illness.

Of all the Commonwealth representation services to priority groups, the highest number and proportion was to people experiencing financial disadvantage, namely, 10,726 or 98.5 %.

NPA performance indicators: July 2017 to June 2018

Selected NPA performance indicators and benchmarks		
Performance indicator	percentage	Benchmark
Proportion of representation services to people experiencing financial disadvantage	98.5%	95%
Proportion of facilitated resolution conferences held by Legal Aid NSW resulting in either partial or full settlement	79.0%*	N/A

*Percentage of Commonwealth conferences only. The combined total for State and Commonwealth conferences was 79.4 %.

COLLABORATIVE SERVICE PLANNING

In March 2018, Legal Aid NSW provided the Commonwealth with a report on collaborative service planning in NSW. The report includes the following examples of collaborative service planning:

The report includes the following examples of collaborative service planning:

- Cooperative Legal Service Delivery Program (CLSD) (page 56).
- Regional Outreach Clinic Program (ROCP) (page 58).
- Cross-border project with Victoria Legal Aid (page 48).

- CLE Project called *Piano Forte* (page 31).
- CLE capacity building project (page 41).
- Family law and family violence working group (page 36).
- RedLink multi-agency partnership led by FACS (page 48).



The year ahead

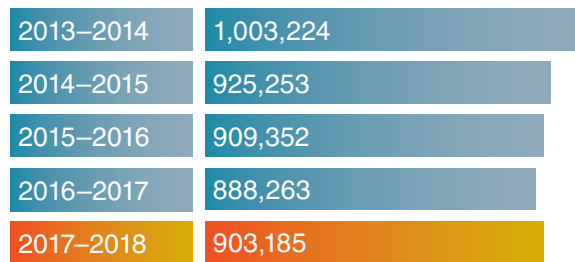
In 2018-2019, we will evaluate the:

- ➔ Remote Preferred Provider Scheme
- ➔ Civil Law Service for Aboriginal Communities
- ➔ Children's Civil Law Service

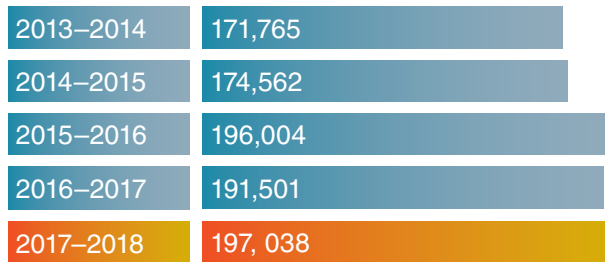
How our key services tracked over the last five years

Five-year comparisons showing our services. See page 17 for an explanation of these services.

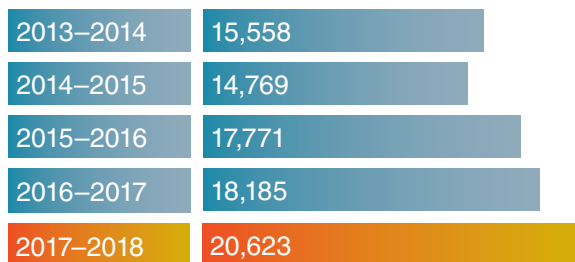
Total client services



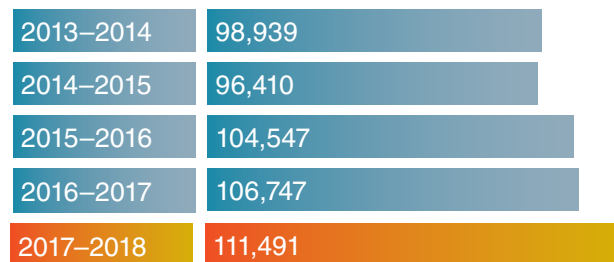
Duty services (representation appearances at courts and tribunals)



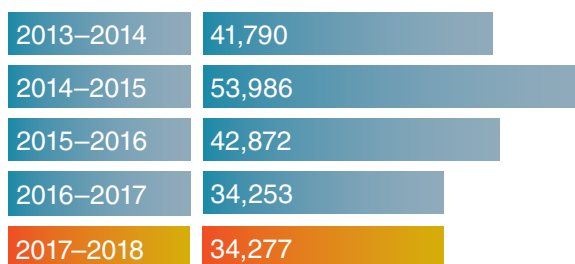
Outreach legal advice services provided by mobile lawyers



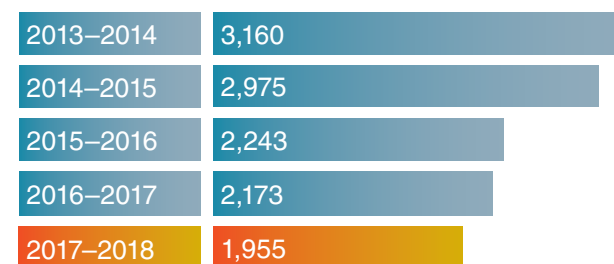
Legal advice services



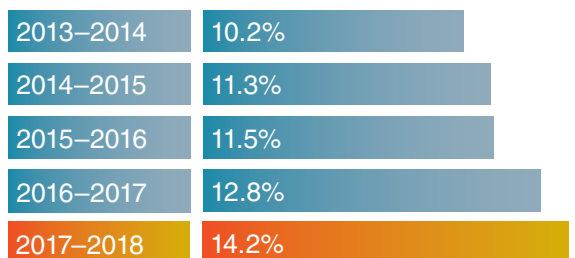
Minor assistance services



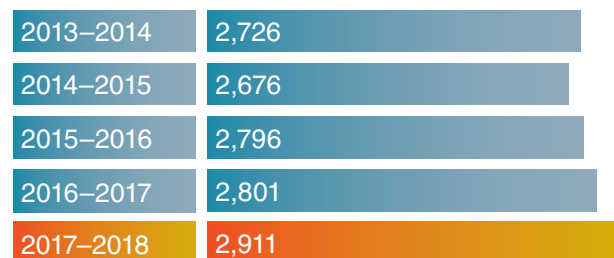
Community legal education sessions



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



Family law mediation conferences



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

Since 2013–2014 our overall service count has decreased because of a substantial drop in total information services provided. Information services are very high volume, representing more than half of our total service count.

Changes since 2013–2014 to the way we deal with telephone calls from prisoners have increased our efficiency, but reduced the volume of information services recorded. There is also an ongoing trend towards clients obtaining information through our website, which is not captured in the information service totals.

Duty services

Duty services grew by 14.7% over the five years to 2017–2018, with all law types contributing to the increase. Criminal law duty services are the largest single component of our duty total count, and increased by around 20,000 services or 13.5% over this timeframe.

Legal advice and outreach advice services

Legal advice services have increased in each law type since 2013–2014, by a total of 12.7%.

Included in the total advice count are outreach advice services, which are delivered outside Legal Aid NSW office settings, with a particular focus on disadvantaged communities. Outreach advice services have risen by 5,065 or 32.6% since 2013–2014, again with all law types contributing.

Minor assistance

Minor assistance service volumes fell by 18.0% between 2013–2014 and 2017–2018. This reflects changes in recording practices made to align with our funding agreement with the Commonwealth Government (the National Partnership Agreement on Legal Assistance Services, 2015–2020). Another factor is the introduction of a new service type called Extended Legal Assistance, initially on a pilot basis in July 2017. In most cases, for each Extended Legal Assistance service provided, the client would previously have received a series of several minor assistance services.

Extended Legal Assistance (ELA)

ELA is a new type of assistance which aims to achieve early resolution for people with multiple legal problems as well as providing assistance in priority areas of law at early stages to clients with other vulnerabilities. It includes assisting a client resolve multiple problems in an ongoing, representative capacity. In 2017–2018 we conducted an ELA pilot in the Civil Law Division, with 515 ELA applications approved.

Family law mediation conferences

There were 6.8% more family mediation conferences held in 2017–2018 than 2013–2014, reflecting an ongoing emphasis on less adversarial forms of dispute resolution. The success rate of these conferences has remained consistently high, at around 80%.

Community Legal Education (CLE)

CLE sessions reached a peak in 2013–2014, and were 38.1% lower in 2017–2018. A greater focus on quality and our strategic move to use technology to deliver CLE—such as podcasts and an enhanced webinar platform, has enabled us to reach a much greater number of people in a more cost-effective and less resource-intensive way. Our CLE Strategic Framework has also meant that our CLE is more targeted to our priority clients, and more integrated with our other service delivery models.

Aboriginal clients—percentage of services

The proportion of grants and in-house duty services provided to Aboriginal clients has increased each year since 2013–2014, from 10.2%, to 14.2% in 2017–2018. This reflects our ongoing focus on targeting all services to the most disadvantaged client groups, including Aboriginal communities.

Our services—a snapshot

The following pages show a snapshot of our client services for 2017–2018.

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

Information about the law and legal services

Provided
520,479
information services

A 0.5% increase 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.

Publications and community legal education

Distributed
681,798
publications

A 9.4% decrease on last year

Resources were viewed online
851,250 times

Provided
1,955
community legal
education sessions

A decrease of 10.00%
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.

Legal advice and minor assistance

Provided
145,768
advice and minor
assistance services and

An increase of 4.45%
on last year.

515
extended legal assistance
(ELA) services*

*Extended legal assistance is a new type of assistance introduced in 2017–2018.

Free legal advice and minor assistance services are not means tested. These services are available to everyone in New South Wales in 235 outreach locations around the state, as well as at our 24 offices.

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.

Extended legal assistance includes assisting a client resolve multiple problems.

Duty lawyer services

Provided

197,038

duty services

A 2.9% increase on last year

**120,296 provided in-house and
76,742 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 2017–2018* (page 87) and expanded upon in Section 1 of this report.

Legal representation

Provided representation in

39,385 matters

A 4.0% increase on last year

**12,351 provided in-house and
27,034 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

16,885 calls

A 9.3% increase on last year

Provided

6,055 legal advice services

A 2.1% increase on last year

4,305 minor assistance services

A 7.30% increase on last year

3,636 legal information services

A 22.80% increase 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.

Family dispute resolution

Held

2,911 conferences

A 3.9% increase on last year

We reached full or partial settlement in 79.4% * (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 79%.

Specialist services

Operated

17 specialist units

Our specialist units provide services for particular client groups or in particular areas of law.

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 and Central Coast Domestic Violence Units)
- 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

The year ahead 2018–2019

1

High quality, targeted services that meet our clients' needs

- Design and test a client triage model
- Develop a new Legal Aid NSW advice framework
- Progress work on our service model for priority client groups, especially prisoners and Aboriginal people
- Commence implementation of the Aboriginal Client Service Strategy
- Review the Contributions Policy and implement changes

2

Partnerships that deliver the best possible outcomes for our clients

- Work with our legal assistance sector partners to develop an agreed framework for collaborative service planning
- Adopt and embed a streamlined framework for key strategic partnerships

3

Our work improves the legal and justice systems

- Implement an agenda for strategic law reform, policy reform and operational reform to the legal and justice sector and assess its impact
- Implement a community reputation strategy for Legal Aid NSW to communicate the value of the work we do, and improve engagement scores

4

A highly capable workforce that is flexible, developed and equipped

- Implement a wellbeing program that covers WHS obligations, a flexible workplace framework, a mentally healthy workplace and the engAge program
- Deliver a Strategic Workforce Framework which will guide and prioritise planning, and commence workforce planning in key areas
- Design and implement streamlined recruitment practices from a centralised recruitment function

5

Business processes that are responsive to our business needs

- Develop and implement KPIs to improve corporate services, and implement quarterly performance reviews
- Implement a new structure and model for ICT and Human Resources
- Implement the prioritised recommendations from the Grants Efficiency Review

The *Legal Aid NSW Plan 2018-2019* highlights the key priorities for the first year of the *Legal Aid NSW Strategic Plan 2018-2023*. See page 87.

1 Client services

Our clients come from diverse backgrounds and have diverse needs. This year, our services assisted new arrivals, Aboriginal people, people in regional NSW and families affected by domestic violence by providing integrated legal and social support.



IN THIS SECTION

24 Highlights this year: how we made a difference

28 Policies help narrow the 'justice gap'

30 Meeting the needs of diverse clients

31 Highlights from our practice areas

41 Community legal education

42 Contributing to law reform

Attorney-General, Christian Porter and the member for Robertson, Lucy Wicks join staff from Legal Aid NSW at the official launch of the Legal Aid NSW Central Coast Domestic Violence Unit.



Key achievements

- ✦ We expanded our legal service delivery in North West NSW to improve client access to legal assistance (page 24).
- ✦ We implemented NSW Government's EAGP criminal justice reforms (page 25).
- ✦ We established a new domestic violence service on the Central Coast (page 24).
- ✦ We provided over 7,650 duty services to people experiencing family and domestic violence at the four Family Court registries in 2017–2018 (page 35).
- ✦ The Work and Development Order Scheme reached \$100 million in cleared fines debt for vulnerable clients (page 38).
- ✦ We made 41 law reform submissions (page 42).



The year ahead

- ➔ Roll out a new Legal Aid NSW legal advice framework and client triage model.
- ➔ Implement the *Elder Abuse Strategy 2018–2019*.



Key challenge

Ensuring the eligibility policies meet the legal needs of the most disadvantaged people across NSW.

HIGHLIGHTS THIS YEAR: HOW WE MADE A DIFFERENCE TO CLIENTS AND COMMUNITIES

OBJECTIVE ACCESS TO JUSTICE

Expanding services in North West NSW

In 2017–2018 we reviewed our service delivery model in the North West of NSW after receiving feedback from our legal assistance partners, communities and non-legal service providers about the high levels of disadvantage experienced by communities in this region.

We consulted with local communities, and state-wide stakeholders, and created a plan outlining a staged approach to improving our service model in the region.

The first stage involves making changes to current criminal law service delivery including:

- two additional in-house lawyers based at Dubbo Legal Aid NSW office. This will result in greater presence of in-house Legal Aid lawyers undertaking duty and case work at all Local Courts across the North West region including Bourke, Brewarrina, Cobar, Coonamble, Nyngan, Lightning Ridge, and Walgett at the Children's Courts and Local Courts, and Bourke and Coonamble District Court.
- two community liaison officers—Aboriginal identified positions based in Bourke and Walgett. These officers will have a key role in supporting the criminal lawyers, building relationships with local communities and assisting community members to understand and access our services.

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

Locations with regular legal outreach services	235
Outreach services for Aboriginal communities*	56
Locations with regular outreach services in regional and remote areas	185
Locations based in Centrelink offices	4
Locations where clients can access civil law advice**	171
Locations where clients can access family law advice**	108
Locations where clients can access criminal law advice***	39

*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 twenty two outreach locations where clients can access criminal law advice

Safety for victims of domestic violence on the Central Coast

The Legal Aid NSW Central Coast Domestic Violence Unit was launched by Attorney-General Christian Porter in Wyong on 21 February 2018. Legal Aid NSW received Commonwealth funding to establish the Central Coast Domestic Violence Unit under the *National Plan to Reduce Violence Against Women and Their Children*.

Dedicated lawyers who understand the effects of trauma attend apprehended domestic violence order list days at Wyong Local Court each week, identifying and offering immediate free help to victims of domestic violence. In addition to their work on the frontlines, lawyers will deliver intensive casework for clients facing legal issues including divorce, child abduction and financial abuse.

Beyond the courtroom, a dedicated social worker supports vulnerable clients who have experienced domestic and family violence.

Ongoing support for families affected by domestic and family 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.

The strategy supports and aligns with broader government and justice sector goals to prevent and reduce domestic and family violence in NSW. 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 on the apprehended violence order list days at Burwood, Fairfield, Liverpool and Bankstown Local Courts each week. The DVU was also on the Domestic Violence Duty Scheme roster at the Wollongong and Newcastle Local Courts.

The DVU provided outreach advice clinics at Burwood Community Welfare Services and Bankstown Women's Health Centre. An outreach clinic on the Central Coast was also established in partnership with Coast Shelter.

The DVU delivered over 1,400 duty services in 2017–2018 in the Local Court. DVU specialist lawyers also delivered over 1,240 legal advice and over 640 minor assistance sessions to people experiencing domestic violence, from 77 different countries of origin.

In 2017–2018, the Women's Domestic Violence Court

Advocacy Services (WDVCASs) managed by the Women's Domestic Violence Court Advocacy Program at Legal Aid NSW supported 43,947 clients, a 2.2% increase from 2016–2017.

The Women's Domestic Violence Court Advocacy Program (WDVCAP) rolled out the NSW Government's Safer Pathway to 16 additional NSW locations, bringing the total number of operational sites to 43. Safer Pathway is a locally coordinated, holistic response to domestic and family violence.

Family and Advocacy Support Service (FASS)

Legal Aid NSW receives Commonwealth funding to provide the FASS in NSW under the *National Plan to Reduce Violence against Women and Children*.

Under the national scheme, legal aid commissions across Australian states and territories work alongside specialist domestic violence services to help families affected by violence straddle both state and federal court systems. In NSW, Legal Aid NSW operates the FASS at family court registries in Parramatta, Sydney, Newcastle and Wollongong. The FASS provided over 7,650 duty services at the four family court registries in 2017–2018.

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 year we created new resources for the FASS to assist women, men and families who need help with family law issues. This included new brochures about the FASS, FASS social support services for women and FASS social support services for men.

We also began work on a national domestic and family violence website and other resources to help people navigate the complexities of the interacting family law, protection order and child protection systems in each state and territory.

Implemented NSW Government's package of criminal justice reforms

Early Appropriate Guilty Pleas reform

The Early Appropriate Guilty Pleas (EAGP) reform commenced 30 April 2018 and substantially changed the process and procedure for indictable matters in the Local Court.

The reform builds on recommendations of the NSW Law Reform Commission's 2014 report *'Encouraging Appropriate Early Guilty Pleas'*.

We established the EAGP Implementation Team to design and implement necessary changes across the organisation including changes to IT systems, the development of new procedures, work processes, agency and reform KPIs, and project management including risk identification and mitigation.

We reviewed and changed the panel and fee structure for private practitioners, amending grant of aid application and extension templates.

We redesigned our workforce: for Central Sydney, amalgamating the Committal and Indictable sections, and the Advocates Unit into three new Indictable Teams; and for regional offices, creating 14 Legal Officer and seven Legal Support Officer roles, following detailed analysis and consultation to assess relative business needs at each location. Additional Grants and Case Conferencing positions were also created to facilitate the reforms.

We also developed and delivered training to 259 Legal Aid NSW in-house practitioners and 468 private practitioners across NSW.

Advocating for vulnerable clients at the Royal Commission into Banking

This year Legal Aid NSW provided written submissions and case studies to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. Our significant casework experience in financial services disputes has enabled us to highlight our assistance to vulnerable client groups to the Commission in relation to consumer lending and insurance products. In our submissions we highlighted critical systemic issues and inappropriate sales practices and misleading conduct on the sale and marketing of insurance products to Aboriginal and Torres Strait Islander people and communities as well as older people being provided home loans in the context of elder abuse.

Sentencing and parole reforms

Sentencing and Parole reforms commence on 24 September 2018.

In the first half of 2018 we designed a training package for in-house and private practitioners, as well as a number of justice sector partners. We will deliver the training in August and September 2018.

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.

Our Civil Law Service for Aboriginal Communities (CLSAC) continued its work providing advice, casework and community legal education services to disadvantaged Aboriginal communities identified as having significant unmet legal need. Many of the services involved housing and consumer issues, fines and social security issues including assisting clients to avoid eviction, obtain repairs, ensure fair application of Housing NSW policies, and obtain compensation in unfair credit and consumer lease contracts.

This financial year, CLSAC provided 3525 advice and minor assistance services in addition to 138 ELAs and 17 grants of aid.

The team regularly visited 19 priority communities and held two outreach events in the Queensland border town of Mungindi. These events resulted in 114 advice and minor assistance services to Mungindi residents, up from just seven in 2015–2016. Consumer issues remained the top rating problem with 788 services, followed closely by housing at 720 and human rights at 594.

CLSAC has been tracking the benefits of its service for clients since 2015. Clients have received approximately \$1,800,000, and overall the work of the team has led to 85% of matters resulting in a beneficial outcome for their clients.

Assisting members of the Stolen Generations to claim reparations has been a major focus of the CLSAC team's work this financial year. As well as casework this work involves strategic advocacy and supporting the staff of the Civil Law Division with training on trauma informed practice and the policies of assimilation. Services to Stolen Generations members became CLSAC's second most common matter type at 299 services.

Driver Disqualification reforms

Under the *Road Transport Amendment (Driver Licence Disqualification) Act 2017* (NSW) which commenced in October 2017, an eligible person disqualified from driving who has served the relevant offence-free period can apply to the Local Court for the removal of their existing periods of disqualification.

The reforms are designed to have a significant effect in regional and rural NSW where limited public transport options impact on unauthorised drivers' decisions to risk getting back behind the wheel.

Legal Aid NSW received funding from the NSW Government to assist clients and produce educational resources for the public.

We established a Driver Reform Implementation Team to produce information resources for lawyers and members of the public. The materials include brochures, facts sheets, website pages and a handbook designed for the legal profession.

We provided training on the reform to criminal lawyers across NSW and provided assistance and duty representation to over 400 applicants. We also ran outreach clinics and services in 15 regional and remote areas of NSW, including Broken Hill, Wilcannia, Bourke, and Brewarrina.

Disaster Response Service

Legal Aid NSW is the Government's lead agency to provide legal services to people affected by natural disasters. Following the devastating bushfires in Tathra in March 2018, civil lawyers from across the state attended the disaster recovery centre for over four weeks and assisted over 60 families, many of whom had lost everything.

We provided advice on insurance claims, credit commitments, tenancy, employment and social security issues. We also worked with Insurers, the Insurance Council of Australia and the Financial Ombudsman Service to address systemic issues, and ensure a trauma informed claims process.

We also produced six factsheets and a booklet resource for people dealing with insurance companies after a natural disaster.

Elder Abuse Strategy

Legal Aid NSW has developed a two year *Elder Abuse Strategy 2018–2019* to enhance and expand our services to people experiencing, or at risk of, elder abuse.

Elder abuse is defined by the World Health Organisation as "a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person". Elder abuse can take various forms such as financial, physical, psychological and sexual abuse.

Research and consultation confirms that there are barriers to delivering legal services to people experiencing or at risk of elder abuse. Legal Aid NSW seeks to respond to these barriers with the Legal Aid NSW *Elder Abuse Strategy 2018–2019*. It will be implemented in collaboration with organisations already working on elder abuse, including the

Seniors Rights Service, the NSW Elder Abuse and Resource Unit, and the Law Society NSW. Some of the actions under the strategy include expanding community legal education activities and resources for people experiencing or at risk of elder abuse and expanding and strengthening outreach services that service or target vulnerable older people, including a new outreach at Northcott housing estate with the Seniors Rights Service.



CASE STUDY

Extended Legal Assistance helps vulnerable clients with multiple issues

JT, an older Aboriginal woman living on a disability pension, with low literacy and financial capability attended a clinic to discuss her 'money worries'. She had a large number of consumer law issues and debts. Over nine months, with the assistance of the Civil Law Service for Aboriginal Communities financial counsellor, we helped her develop a Money Plan and clarify all financial obligations and debts; negotiate a repayment plan with a telco debt collection agency and Centrelink; advise her about funeral insurance options; have her credit card debt waived because the bank had breached their responsible lending obligations; resolve five separate household rentals matters; obtain family records from Aboriginal Affairs and advise her about her about Stolen Generations and Stolen Wages claims.



CASE STUDY

Extended Legal Assistance helps DV client with Centrelink debt

MA, a client who speaks limited English, had experienced long term severe family violence in both her family and marital relationships. She was not aware that Centrelink was paying money into her bank account after she left Australia urgently due to the family violence (which included threats to kill her if she did not return to her husband overseas). It appears a family member had accessed her bank account and taken her Centrelink money. We successfully argued at the Administrative Appeals Tribunal (AAT) that our client's Centrelink overpayment (approximately \$30,000) was not a debt within the meaning of the legislation and that she should not have to repay it. This service was provided as part of an extended ELA and our involvement at this early stage helped us to secure a positive outcome for our client.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Putting clients at the centre of everything we do

The *Client Service Strategy 2016–2020* 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.

This year we focused on redesigning client entry, as well as some more complex work such a longer term project to review the Legal Aid NSW advice model, and developing a strategic framework for advice services.

We are developing a new online booking system to improve the management of client bookings. The new system will improve client service by providing a streamlined process for staff to manage client bookings.

Following the successful trial of client kiosks at our Central Sydney and Gosford offices, we installed additional kiosks in six regional locations. The kiosks are operating at our Bankstown, Campbelltown, Coffs Harbour, Dubbo, Lismore and Penrith offices.

Clients can use the kiosks to print documents to support an application for a grant of aid and find legal information and resources to help with legal problems.

In 2017–18, we started an in-house review of our current legal advice service model. The review documents how we deliver advice to our clients at outreach advice sessions, in-house office-based advice clinics, and through information services.

We will use this review to inform the development of a new Legal Aid NSW legal advice framework in 2018–2019.

Other actions to ensure our systems and processes are more efficient and effective—contributing to a better client experience—appear on pages 71.

Triage model—tailored support for client needs

In 2017 the Client Service Unit worked on the first phase of the development of a triage model.

The development of a client-centred triage model is a key organisational commitment, a foundational initiative of the *Legal Aid NSW Client Service Strategy 2016–2020*. It is also a key action in the *Legal Aid NSW Strategic Plan 2018–2023*. One of the core aims is to triage and tailor legal support,

based on individual legal and social needs and capability.

This year we conducted research and worked with the Law and Justice Foundation to draft an observation and survey tool and identify best practice.

In 2018–2019 we aim to implement the observation and survey tools in Legal Aid NSW offices and services and analyse the survey to assess client capability, disadvantage, the nature of the presenting legal problem and urgency to determine an appropriate and prioritised level of assistance.



The year ahead

- ➔ Roll out client kiosks to all Legal Aid NSW offices.
- ➔ Roll out a new client appointment booking system to Legal Aid NSW offices.
- ➔ Progress work on our service model for priority client groups, especially prisoners and Aboriginal people.

OUR POLICIES HELP TO NARROW THE ‘JUSTICE GAP’

To ensure access to justice for those most in need, we amended some of our policies.

We ensured our eligibility policies meet the legal needs of the most disadvantaged people across the state.

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

OBJECTIVE ACCESS TO JUSTICE

Providing a targeted early intervention service to our most vulnerable clients

We increased our services to Aboriginal people, young people and homeless people in key legal areas such as consumer, social security and veterans’ law with a pilot of a new form of representation service called Extended Legal Assistance (ELA).

ELA includes assisting a client in a matter (or multiple matters) and aims to help the client to resolve their legal problems before they proceed to a court of tribunal. The ELA pilot was limited to clients with civil law problems.

The Civil Law Division started the ELA pilot on 1 July 2017 with two categories of services. First, clients with complex

needs who need assistance with a range of legal issues. Second, clients who are vulnerable and need help with certain legal problems.

In 2017–2018 we approved 515 Extended Legal Assistance services. The most prominent ELA services have been for consumer law issues – in particular credit and payday loans and public tenancy.

Means test changes

In July 2017, we expanded the types of applicants who do not have to verify their means. This change meant that any applicant for legal aid on a Centrelink income support payment who discloses less than \$1500 in savings does not have to verify their means. Applicants applying for Local Court criminal law proceedings who are in custody and have disclosed less than \$1500 in savings are also exempted from the requirement to verify means. The change recognises that simplifying means verification is an important step towards simplifying the grant application process for clients.

Driver Disqualification

Following the introduction of the NSW Government scheme which enables a disqualified driver to apply to the Local Court for an order removing their current driver disqualifications, we introduced a policy making legal aid available for applications to the Local Court to remove driver

licence disqualifications. The policy recognises that lengthy disqualification periods have a serious and disproportionate social impact on vulnerable people, especially those living in remote communities.

Criminal Law Appeals

Following a review of our policies for appeals to higher courts in criminal matters, we made changes to our guidelines for Criminal Law matters. In particular we created a new guideline to reflect the proviso under the *Criminal Appeal Act 1912* (NSW) when assessing whether there are reasonable prospects of success. The change ensures we can deliver legal aid in the most effective, efficient and economical manner while similarly ensuring that disadvantaged people can access a right of appeal in criminal matters.

National Disability Insurance Scheme

In March 2018, we introduced an amendment to Legal Aid NSW policy for civil law matters making legal aid available for representation in the Administrative Appeal Tribunal (AAT) for review of a decision made by the National Disability Insurance Agency. The change means that Legal Aid NSW will be assisting highly vulnerable and disadvantaged clients to appeal against a decision in relation to accessing national disability insurance. Recognising the level of disadvantage experienced by these clients, there is no Means Test applied or contribution imposed under the policy.

Coronial Inquests

In May 2018 we amended the policy relating to Coronial Inquests to make it clear that legal aid is available to Aboriginal and Torres Strait Islander families in relation to any Aboriginal or Torres Strait Islander death in custody. The policy change acknowledges the historical disadvantage and prejudices that Indigenous people have experienced, particularly within the criminal justice system; experiences which will often leave families feeling suspicious of the circumstances around deaths in custody.

Ensuring vulnerable clients can access legal help

In 2017–2018 we began a comprehensive review of the Legal Aid NSW eligibility policies to ensure our policies are articulated in way that is clear and accessible and reflect our funding priorities.



The year ahead

- ➔ Complete a comprehensive review of all our policies drawing on evidence-based research.
- ➔ Roll out Extended Legal Assistance to family law matters.

MEETING THE NEEDS OF DIVERSE CLIENTS

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

FACT FILE

- Proportion of case grants and in-house duty services to clients born in non-English speaking countries: 12.1%
- Amount spent on interpreters and translators: \$42, 356
- Number of culturally diverse family dispute resolution practitioners on our panels: 21
- Proportion of staff in our Refugee Service from culturally diverse backgrounds: 100%

OBJECTIVE ACCESS TO JUSTICE

Delivering services to refugee communities on the settlement journey

Last year, the State Government allocated funding to Legal Aid NSW to help refugees, especially additional arrivals from Syria, settle in Australia.

This year was the first full year of operation for our Refugee Service. The Service, which includes three civil lawyers, a family lawyer, a community engagement officer and legal support officer, provides legal services to newly arrived refugees, and aims to provide a holistic service through its multilingual staff.

This Service is based at the Bankstown office and operates advice clinics at SydWest Multicultural Services, Liverpool Migrant Resource Centre, CORE Multicultural Communities and Auburn Diversity Services.

Clients of the Service present with a range of legal problems including tenancy, Centrelink, fines, employment, driving and immigration.

In 2017/2018, the Refugee Service improved access to legal assistance for refugee clients who had settled in regional

NSW by providing immigration focused community legal education and advice clinics in Wollongong, Coffs Harbour, Wagga Wagga and Albury as well as a twice monthly immigration phone advice clinic specifically for refugees living in the regions. This year the Refugee Service provided 144 civil law advice services and 19 civil minor assistance services to refugee clients living in regional NSW.

The top 10 countries of birth of refugee clients living in regional NSW were Iraq, Syria, Afghanistan, Burma, Eritrea, Democratic Republic of Congo, Ethiopia, Iran, India and Sudan.

Education programs for diverse client groups

Many of our services are targeted to the most disadvantaged people in our community. We delivered 982 face-to-face community legal education workshops for multicultural clients, 531 for young people aged 10–17 years, 204 for older people, and 835 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 protecting themselves from financial abuse
- new arrivals about workplace rights and Australian law
- young people who are recent arrivals about criminal law.

Legal Aid NSW publishes legal education resources in 28 languages.

Community legal education for new arrivals

We developed a package of community legal education resources called *My rights at work* about employment rights for people who arrived in Australia less than five years ago. We delivered it to 179 people through 10 services that work with new arrivals, including TAFE Adult Migrant English Programs, Navitas, and Settlement Services International.

We also delivered our Let's Talk workshops to 316 people about Australian law for refugees, asylum seekers, and newly arrived migrants.

We teamed up with Diversity Services–NSW Department of Justice and the Refugee Service to provide eight sessions to 105 recently arrived young people settling in and around Fairfield at Fairfield High School's Intensive English Centre. This collaborative program ensures that young people get access to timely information about the criminal justice system in NSW, police powers and appropriate services when they need help.

OBJECTIVE STRONG PARTNERSHIPS

Community legal education on elder abuse—Piano Forte

This community legal education project is a film of the performance of the play *Piano Forte*, which highlights the subtle way elder abuse can occur and explores the role and responsibilities of a person appointed under an Enduring Power of Attorney. It was developed by Suncoast CLC, who permitted us to adapt it for NSW audiences. We delivered the sessions in 17 locations to 336 older people across NSW, in partnership with the Seniors Rights Service, the NSW Elder Abuse Helpline and Resource Unit and local community legal centres and local libraries.



The year ahead

The *Diversity and Inclusion Plan 2018–2019* outlines some key objectives for the next year to ensure we have services that recognise and respond to the legal and support needs of diverse clients. These objectives include:

- report a greater proportion of Legal Aid NSW casework services to meet the personal and cultural needs of ongoing clients in the 2019 Client Satisfaction Survey
- improve access to justice for diverse groups through legal services and
- enhance services for clients with a disability.

HIGHLIGHTS FROM OUR PRACTICE AREAS

We have three legal practices—criminal law, family law and civil law. Each practice has specialist services. Characteristics and highlights appear under each individual practice. Although each practice is distinct they can 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.

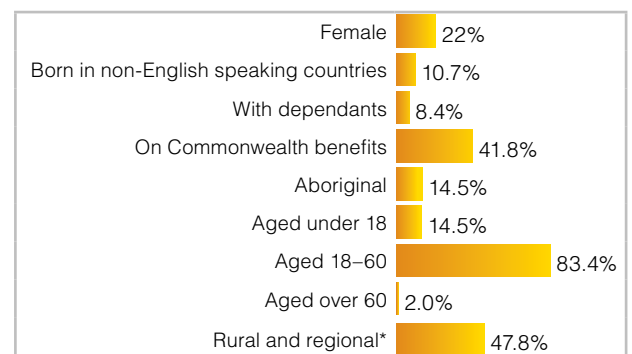
The practice offers community legal education throughout New South Wales and contributes to law reform initiatives.

FACT FILE

- Total staff: 388
- Total expenditure: \$138.8M
- Proportion of overall expenditure on criminal law services: 43.43%

Criminal law client profile

Based on total case grants and in-house duty services



*Includes Newcastle and Wollongong

We provided 448,154 criminal law services to clients in 2017–2018

Legal representation: 25,556



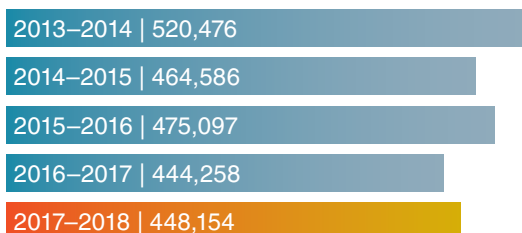
Duty services: 168,733



Other services: 253,865



Criminal law client services over five years



OBJECTIVE ACCESS TO JUSTICE

Successful implementation of criminal justice reforms

In October 2017, the NSW Parliament passed legislation to reform the criminal justice system. In collaboration with key justice sector partners, we implemented necessary systems and processes for the early appropriate guilty plea reforms, a new sentencing framework and changes to parole, changes to the high risk offender scheme and driver disqualification reforms. We developed and delivered training and information to lawyers and the public, redesigned our workforce, reviewed and changed panel and fee structures for private practitioners and delivered community outreach across NSW.

Expanded legal service delivery in remote NSW to improve client access to legal assistance

In response to significant client disadvantage in the region, Legal Aid NSW expanded in-house criminal law services to seven locations in the Orana and North West of NSW.

Clients with criminal law matters at Bourke, Brewarrina, Cobar, Coonamble, Nyngan, Lightning Ridge, and Walgett at the Children's Courts and Local Courts, and Bourke and Coonamble District Courts will now receive assistance from in-house solicitors based initially at the Dubbo regional office.

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) provided 1,039 advice services, 212 minor assistance services and 15,268 duty services.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Implementing reforms arising from the Indictable Appeals Review

Legal Aid NSW is in the final phase of implementing a number of recommendations resulting from the 2016 Legal Aid NSW Indictable Appeals Review. We amended the Legal Aid NSW guidelines for criminal law matters for the appropriate use of limited public legal aid funds in sentence appeals, and to clarify the approval required for applications for legal aid for criminal appeals to the High Court. We also reviewed and amended the Selection Criteria for applicants to the Appellate Criminal Law Barrister Panel, and the Practice Standards for barristers on this panel.

Engaging with the criminal justice community

In 2017 we launched a criminal law podcast series with 16 episodes released in 2017–2018 and over 3000 downloads. The podcast includes interviews between staff and justice sector colleagues about changes to criminal law and procedure, as well as tips on advocacy and issues commonly faced by criminal lawyers.

Responding to changing laws and amendments

The Early Appropriate Guilty Pleas reform came into effect on 30 April 2018 and significantly change the way serious criminal matters are dealt with in the court system by refocusing activity from the District Court to the Local Court.

The Early Appropriate Guilty Pleas Implementation Team worked with a range of stakeholders to develop new fee and panel structure arrangements for private practitioners, design and implement necessary systems changes, produce resources and train in-house staff and private practitioners across NSW.

We also produced a new resource, *Have you been charged with a serious offence?* to explain the changes.

Under the *Road Transport Amendment (Driver Licence Disqualification) Act 2017* which commenced in October 2017, an eligible person disqualified from driving who has served the relevant offence-free period can apply to the Local Court for the removal of their existing periods of disqualification.

We established a Driver Reform Implementation Team to produce information resources for lawyers and members of the public. The materials include brochures, fact sheets, website pages and a handbook designed for the legal profession.

We provided training on the reform to criminal lawyers across NSW and provided assistance and duty representation to over 400 applicants. We also provided outreach clinics and services in 15 regional and remote areas of NSW, including Broken Hill, Wilcannia, Bourke, and Brewarrina.

In response to sentencing and parole reforms which will start on the 24 September 2018, we designed a training package for in-house and private practitioners, as well as a number of justice sector partners.



CASE STUDY

DM pleaded not guilty to importing a marketable quantity of a border controlled substance. The offence carries a maximum penalty of 25 years imprisonment. DM was an Australian citizen in his 60s with no criminal record.

DM had met various persons on an internet dating site and had been offered the opportunity by some of them to travel overseas and bring back “cleaning chemicals” for an amount of money. He was given various assurances by the organisers that there was nothing illegal about the items he would be bringing into Australia. He travelled to Thailand as directed and upon his return to Australia, he was searched and a marketable quantity of heroin was found in his possession.

Preparation for the trial involved the examination of thousands of emails between our client and the organisers. Our client gave evidence at the trial and our case was that at no time did he know or have a substantial suspicion that there were drugs concealed in the items he imported. After spending a year in gaol awaiting trial, the jury returned a verdict of not guilty.



CASE STUDY

The Commonwealth Crimes Unit represented an elderly Vietnamese-Australian man charged with importing a commercial quantity of pseudoephedrine in various food packages. The offence carries a maximum penalty of 25 years gaol.

Pseudoephedrine is used in the manufacture of methamphetamine and is freely available in Vietnam. Our client maintained that he was asked by a man he knew through friends in Vietnam to bring the items back for family members and was at no time suspicious that there was anything sinister hidden in the food packages. The packages appeared to be professionally sealed and attracted no suspicion to the objective observer. The client had lived in Australia for many years.

The client reported on bail for over a year before his trial. The jury returned a not-guilty verdict, and the client was extremely relieved and grateful for the assistance given.



CASE STUDY

Driver disqualification removal scheme in action

MG had been disqualified from driving until 2036.

The majority of his disqualification periods arose from offences of Driving Whilst Disqualified and Habitual Traffic Offender Declarations. At the time we assisted MG, he had not been behind the wheel of a car since November 2013, but with another 20 years of disqualifications to serve, he was still to pay a hefty price for his past offending. MG had undertaken several rehabilitative measures. In 2014 he completed the Drug Court program, and this began a long journey of self-improvement.

In 2015 and 2016, he completed a number of TAFE courses to obtain qualifications in the construction industry. In 2016 and 2017 he started and completed a number of parenting courses. However, the inability to drive continued to be a significant barrier for MG.

In mid-2017, he took over the full-time care of his three children, who were all under the age of three. MG was taking the children to and from day-care two days a week and this involved a 40-minute walk each way in addition to a bus ride.

The Legal Aid Driver Reform Implementation Team assisted MG and prepared an application to have his remaining disqualification periods removed. To take instructions, a member of the team travelled out to a local Community Centre close to MG's home. The Disqualification Removal Application was heard at a Local Court in late January. The magistrate granted the application and did not require any further submissions in support of the written application.

MG has now applied for and been issued with a drivers licence.



The year ahead

- ➔ Design and implement a resource allocation model for crime.
- ➔ Progress work on our service model for priority client groups, especially prisoners and Aboriginal people.
- ➔ Implement sentencing and parole reforms.

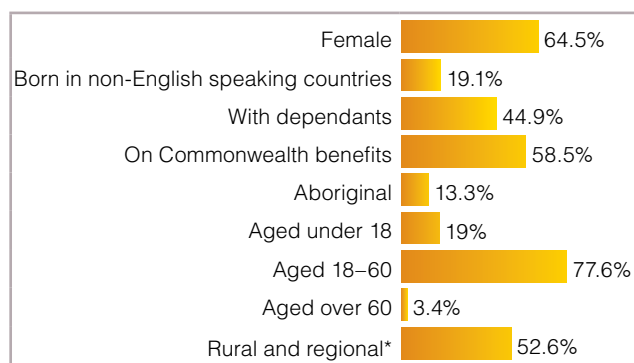
Family law practice

FACT FILE

- Total staff: 289
- Total expenditure: \$83.4M
- Proportion of overall expenditure on family law services: 26.15%

Family law client profile

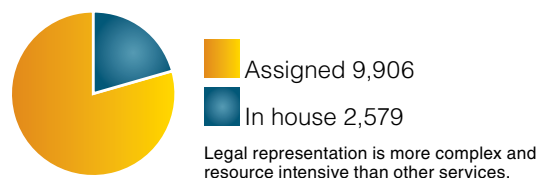
Based on total case grants and in-house duty services



*Includes Newcastle and Wollongong

We provided 193,240 family law services to clients in 2017–2018

Legal representation: 12,485



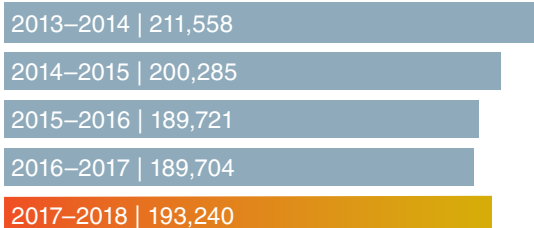
Duty services: 12,636



Other services: 168,119



Family law client services over five years



OBJECTIVE ACCESS TO JUSTICE

Providing more services to disadvantaged groups

We expanded our family law services to children, Aboriginal people and domestic violence victims. Achievements included:

- A 25% increase in family law duty services provided as a result of greater services for families affected by family violence and provided 12,636 duty lawyer services – the highest number ever.
- A new Domestic Violence Unit on the Central Coast launched to provide legal and non-legal support services enabling women experiencing domestic violence to protect themselves and their children.
- New health justice partnerships at Coffs Harbour Hospital, the Sydney Children’s Hospital at Westmead and the Drug and Alcohol Rehabilitation service at Rozelle.
- Over 7,650 high quality integrated duty lawyer and family violence support services provided in four Family Court registries as part of the Family Advocacy and Support Service (FASS).
- New guidelines for the identification of vulnerable family law clients developed to enable the better prioritising and referring of vulnerable clients from advice and duty services to in-house casework services.
- Support of the pilot of a specialised Indigenous List at the Federal Circuit Court, Sydney registry.
- Family law staff contributed to Legal Aid’s submission on the review of the *Child Protection (Working with Children) Act* and advocated for the creation of a new category of people to be exempted from the operation of the Act. This led to the creation of the Continuing Residence Approval– which allows young people leaving out of home care to remain in their placement even if they are unable to obtain a Working With Children Check.

- In collaboration with the Centre for Children and Young People at Southern Cross University, a *Good Practice Guide* for lawyers working with children to provide a stimulus for Independent Children’s Lawyers (ICLs) and others to reflect on the way they currently engage with children.
- Four new publications to explain and promote the work of the FASS.

Settling matters outside of court

Our family dispute resolution service helps people to resolve their disputes without going to court. Mediations focus on what’s best for children.

2,911 mediations have been held by our family dispute resolution service—the highest number of mediations we have ever held.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Resources for domestic violence workers

We reviewed and improved domestic and family violence (DFV) resources and tools for staff accessible through the DFV staff intranet page, including resources to build the capability of staff to screen for DFV, assess risk, plan for client safety and manage high risk matters in a safe way. A new risk assessment tip sheet was developed and distributed across the Family Law Division.

Addressing the backlog of Family Court matters

The Federal Circuit Court announced a series of callovers in 2017–2018. The purpose of the callover is for the court to find out which matters will be ready to go ahead on the scheduled date, and parties in family law matters listed for a trial are required to attend court over a short timeframe. Our staff attended a number of callovers as a result.

OBJECTIVE STRONG PARTNERSHIPS

Our Family Law Division created new Health Justice Partnerships at Coffs Harbour Hospital, the Sydney Children’s Hospital at Westmead and the Drug and Alcohol Rehabilitation service at Rozelle.

Staff from the Family Law Division participated in the Supreme Court Adoptions Working Party, the NCAT Consultative Forum and Community Services Sub-Committee and the Law Society’s Children’s Legal Issues and Family Issues Committees.

We continued to work with partners across the NSW and Commonwealth Government to finalise the referral pathway for underage forced marriage matters across NSW.

We continue to strengthen referral relationships and partnerships with Australian Federal Police and NSW Police including through DFV, forced marriage and technology-facilitated abuse initiatives and training with NSW Police.

We established partnerships with WESNET to provide safe phones to people experiencing DFV; and with Dress for Success to provide clothes, shoes, jewellery and other items to people experiencing DFV.

A new approach to guardianship orders

We worked with Family and Community Services and the Children's Court to trial a new approach to guardianship orders under the *Children and Young Persons (Care and Protection) Act* and in response to a forecast by the Department of Family and Community Services (FACS) of a significant number of new applications. We provided face to face training and webinars for in-house staff and care and protection panel lawyers on guardianship orders. We also produced a new resource explaining the guardianship process for people who want to be a guardian of children.

Other family law initiatives

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

- Safety for victims of domestic violence–p24
- Family and advocacy support services–p25
- Contributing to law reform–p42

Responding to changing laws and amendments

Since 2013, the Family Law Division has been acting for people impacted by forced marriage and sought changes to the law to better protect victims of forced marriage. The forced marriage issue was covered in the NSW Legislative Council inquiry into Modern Slavery. The Family Law Division, via the Policy, Planning and Programs Division, contributed to the NSW Legislative Council inquiry into Modern Slavery in NSW making some recommendations that went to the issue of the way that forced marriage will be dealt with in the proposed NSW and Commonwealth responses to Modern Slavery.

In 2016, Legal Aid NSW established the NSW and Commonwealth Government Working Group to Prevent Forced Marriage and a Family Law Division representative chairs this group. At the end of 2016, arising from this work, Legal Aid NSW wrote to the then Commonwealth Attorney-General proposing that the Commonwealth implement a form of civil protection for victims of forced marriage called Forced Marriage Protection Orders.

In June 2018, the Australian Government announced that they would implement Forced Marriage Protection Orders via amendment to Commonwealth law. This proposal has received bi-partisan support at Commonwealth level.



CASE STUDY

Successful outcome for young Aboriginal mother via collaborative work

SL, a young Aboriginal mother, initially saw duty lawyers in the Early Intervention Unit (EIU) after another woman retained her children aged four and eight months. The EIU and Lismore Legal Aid office prepared and filed documents on SL's behalf and obtained orders for her children to be returned. The EIU provided social and legal support to SL and liaised with Police on her behalf to achieve an excellent outcome for this particularly vulnerable client.



CASE STUDY

Multi-disciplinary approach helps to keep DV victim safe

SS and WS were together for eight years and have a two year old son. WS was very controlling of SS and would use violence and intimidation against her in order to get his way. SS left the relationship but the abuse continued.

SS attempted Family Dispute Resolution with the assistance of her Domestic Violence Unit (DVU) lawyer. An agreement was reached regarding care of the child however, following mediation WS continued to attempt to exert extreme control over SS. SS feared for her life.

SS met with our social worker and solicitor, and made a plan to report this abuse to the police. The social worker accompanied SS to the police station and advocated for SS so the police would agree to take her statement. Police then charged WS and took out a provisional Apprehended Domestic Violence Order (ADVO) for her protection and the protection of their child with a no contact order. A final ADVO is now in place for her protection. She also received assistance from Staying Home Leaving Violence to upgrade the security of her home.



CASE STUDY

Family Law Division has success in significant judgement in gender dysphoria case

In *Re Kelvin* [2017] FamCA 78—the Full Court of the Family Court were asked to decide on the Family Court’s involvement in the authorisation of Stage 2 medical treatment for children and young people diagnosed with gender dysphoria. Legal Aid NSW acted as Independent Children’s Lawyer for Kelvin, a 17 year old transgender male. In a unanimous decision, the Full Court found that it is no longer necessary to apply to the Court for a determination of whether a child is Gillick competent where there is no controversy or disagreement about the treatment between the child, the parents and the treating medical practitioners. Gillick competence is a term used in medical law to decide whether a child (under 16 years of age) is able to consent to his or her own medical treatment, without the need for parental permission or knowledge.



The year ahead

- ➔ Develop a new Legal Aid NSW Domestic and Family Violence Strategy.
- ➔ Implement family law service improvements in regional NSW including those arising from the Victoria/NSW cross-border project, family law components of the North West Strategy.

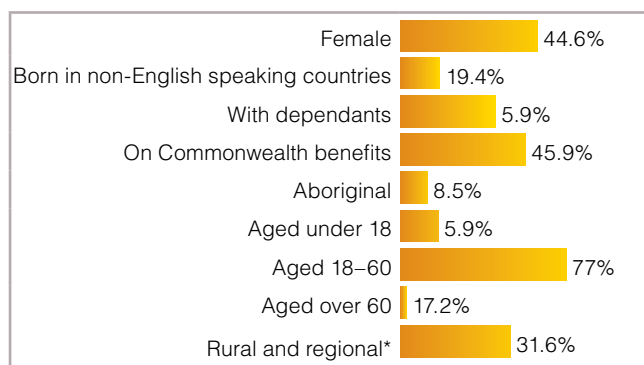
Civil law practice

FACT FILE

- Total staff: 248
- Total expenditure: \$43.0M
- Proportion of overall expenditure on civil law services: 13.48%

Civil law client profile

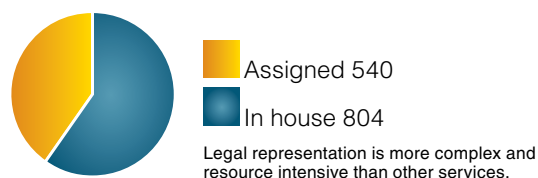
Based on total case grants and in-house duty services



*Includes Newcastle and Wollongong

We provided 261,791 civil law services to clients in 2017–2018

Legal representation: 1,344



Duty services: 15,669



Other services: 244, 778



Civil law client services over five years

2013–2014 | 271,190

2014–2015 | 260,382

2015–2016 | 244,534

2016–2017 | 254,301

2017–2018 | 261,791

OBJECTIVE ACCESS TO JUSTICE

Helping people at risk of homelessness

The *NSW Homelessness Strategy 2018–2023* sets out the NSW Government's plan for a comprehensive approach to prevent and improve the way we respond to homelessness.

This year we brought together our Housing and Homeless outreach specialist lawyers together to provide a coordinated response to the Strategy. The lawyers work on preventing homelessness for clients at risk of eviction as well as removing barriers to housing for people who are homeless. This includes challenging tenant blacklists, and social housing decisions that prevent our clients applying for housing because of debts arising from domestic violence or behaviour arising from mental illness.

Our homeless outreach solicitors helped over 700 homeless people and over 500 people at risk of homelessness. We saved or extended more than 25 tenancies, removed 10 blacklists and housed 10 clients.

Helping vulnerable clients gain access to the National Disability Insurance Scheme

The Department of Social Services continued to fund Legal Aid NSW to provide legal representation to clients in complex and novel NDIS matters before the Administrative Appeals Tribunal. This year there was a significant increase of matters, from 37 matters the previous year to 167. We established a new specialist team of solicitors and a paralegal within the Government Law Team who have assisted in the majority of these matters and built capacity of regional staff to run these matters. This work has resulted in people with significant disabilities gaining access to the NDIS as well as obtaining funding for much needed disability supports and services.

Delivering services to refugees on the settlement journey

This year was the first full year of operation for our Refugee Service. The Service (3 civil lawyers, a family lawyer, a community engagement officer and legal support officer) provides legal services to newly arrived refugees, and aims to provide a holistic service through its majority bilingual staff.

On the frontline for disaster assistance

Legal Aid NSW is the Government's lead agency to provide legal services to people affected by natural disasters. Following the devastating bushfires in Tathra in March 2018, civil lawyers from across the state attended the disaster recovery centre for over four weeks and assisted over 60 families, many of whom had lost everything. See page 26 for more information.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

A milestone in cleared 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. This year the WDO Service provided targeted outreach in collaboration with other Legal Aid NSW teams including the Civil Law Service for Aboriginal Communities and the Driver Disqualification Reform teams.

The WDO Service works closely with WDO sponsor organisations and health practitioners. In response to sponsor growth and demand we expanded our WDO webinar program, introduced masterclasses and held sponsor forums in 17 communities across NSW including Wollongong, Ulladulla, Mildura, Deniliquin, Grafton, Dubbo, Moree, Coonamble, Nowra, Taree, Wagga Wagga, Griffith, Bega, Batemans Bay, Newcastle and Sydney.

This year 28,456 new orders were approved and \$34,797,351 in fines debt was cleared.

We also achieved two major WDO milestones. In October 2017 the scheme reached \$100 million in cleared fines debt for vulnerable clients and in May 2018 we celebrated approval of the 100,000th WDO.

▶ Staff from the Work and Development Order Service



Targeted work with prisoners

Legal Aid NSW civil lawyers work with prisoners at high risk of reoffending with the aim of resolving legal problems (such as housing, unpaid fines and debt) that contribute to this risk.

This year we increased services to prisoners with a regular audio visual link clinic; and with outreach clinics in the 10 newly established High Intensity Program Units (HIPUs) across NSW as part of the NSW Government's *Strategy to Reduce Reoffending*.

We also provided support to prisoners released on parole as part of the On TRACC (Transition Reintegration and Community Connection) program. We also expanded our outreach to Junee, Manus and Bathurst Correctional Centres with a focus on consumer law.

OBJECTIVE STRONG PARTNERSHIPS

Working together for a more holistic service

We engage in cross divisional referrals to give a more comprehensive legal service to our clients who may have civil, criminal and family law issues. Our holistic service encompasses family law services such as the Domestic Violence Unit to specialist immigration, consumer and housing law teams. Our Children's Legal Service and the Children's Civil Law Service work closely with the Human Rights team to monitor and respond to policing problems faced by young people. Our Outreach, WDO and Civil Law Services for Aboriginal Communities teams worked closely with crime solicitors in the Driver Disqualification Reform Team to ensure that our clients' fines and other debts can be dealt with at the same time as the driving disqualifications.

Prison Health Project

We joined forces with the Public Interest Advocacy Centre to improve access to quality and timely healthcare for prisoners and to increase the accountability of prison health services. This year, we received 33 referrals mostly relating to unreasonable delay in seeing a doctor or lack of access to medications and mental health services. We assisted clients to lodge complaints to Justice Health and Forensic Mental Health Network, and to the Health Care Complaints Commission. We continue to work with senior policy and agency decision-makers to address systemic issues.

Health justice partnerships and a collaborative approach helping our most vulnerable clients

We established a health justice partnership (HJP) with *We Help Ourselves Therapeutic Community* (WHOS), a residential drug and alcohol treatment program. The partnership involves regular civil and family law clinics by the Civil Outreach WDO team and Early Intervention Unit as well as a program of legal education provided by the Community Legal Education Unit.

We also established an HJP with Marathon Health, the only health service providing a dedicated service to Aboriginal people in Kelso.

OBJECTIVE SUPPORTING OUR PEOPLE

Partners in legal excellence

This year we introduced the Civil Law Legal Excellence Program in partnership with the Law Society of NSW. The program supports our in-house staff to develop the technical legal skills and expertise required for our diverse and unique practice. It comprises a series of modules to cater to varying levels of skill and experience across the Division. Modules include Case Theory and Initiating Action, Negotiation Skills, Drafting Affidavits and Advanced Advocacy.

Responding to changing laws and amendments

Access to Justice for the Stolen Generations

Following the commencement of the NSW Government's Stolen Generations Reparation Scheme in July 2017, the Civil Law Service for Aboriginal Communities (CLSAC) led service delivery to Stolen Generations survivors alongside staff in regional offices and the Community Legal Education Branch.

We provided advice, representation and referral services to Stolen Generations survivors to assist them to make claims under the scheme, referring them to private solicitors to pursue other avenues of compensation and to other support services. We have helped over 150 clients in this way including a client who was initially refused payment because the Aboriginal Welfare Board was not involved in her removal. We helped her to seek a review and she received \$82,000 in reparations and funerals assistance payment.



CASE STUDY

Procedural fairness for forensic patients

The Mental Health Advocacy Service and the Human Rights Team often worked together to ensure legislation is applied in a fair manner. Our client a forensic patient had been detained for over three and a half years. The State of NSW sought to extend our client's forensic status for further three years by seeking a variation of the existing order. This approach circumvented accepted practice and our interpretation of the legislation. The variation procedure also requires a lower level of scrutiny. We successfully argued that the State should file a summons commencing fresh proceedings. The Court agreed with our reasoning that a strict interpretation of the legislation is required where a person's liberty is at stake, and particularly in circumstances where the person has a mental illness, is not guilty of a criminal offence and their detention is preventative.



CASE STUDY

NDIS funding for our client increased by over 100%

We represented the parents of a two year old who suffered a severe brain injury which resulted in spastic quadriplegic cerebral palsy. She also suffers from seizures, visual/hearing impairment, feeding intolerance, poor weight gain and episodes of severe irritability. She has three older siblings and both parents work. In the first year, her parents received \$86,000pa NDIS funding to cover support workers to help them meet her personal care needs. In the second year this was reduced to \$69,000pa. We helped them to appeal to the AAT, seeking additional money to enable them to provide the 24/7 care their daughter requires. Following a two day hearing, the AAT increased the funding for support workers to assist with the child's care to approximately \$200,000 pa.



CASE STUDY

Resisting evictions on the basis of hoarding

Our housing team represented an Aboriginal mother at the NSW Civil and Administrative Tribunal (NCAT) Appeal Panel and successfully reinstated her social housing tenancy. When she approached us, the NCAT had already terminated our client's tenancy on the basis of her hoarding and squalor issues and that she had not engaged with support services. We lodged an appeal and a stay on the eviction orders so she could stay in her home until the Appeal was decided. We also connected the client with support services who assisted her to clean up the property and agreed to provide ongoing support to maintain the property in a healthy condition. Based on these improvements the landlord agreed to set aside the eviction orders and allow the tenant to remain in the home. Not only did this intervention prevent the client, her partner and their teenage son becoming homeless, the involvement with services and the improved condition of the property increases the likelihood of FACS restoring our client's other children to her.



The year ahead

- Increase and expand our Extended Legal Assistance services to vulnerable clients.
- Strengthen the Civil Law Division's referral networks within and outside Legal Aid NSW.
- Seek out opportunities to work with allied health and other professionals to provide comprehensive assistance to our clients.

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. In 2017–2018 we focussed on older people, new arrivals and young people.

OBJECTIVE ACCESS TO JUSTICE

In 2017–2018 we focussed on older people, new arrivals and young people.

Highlights:

- We delivered *Piano Forte* sessions, in about 17 locations and to 336 older people across NSW, about how to recognise and prevent elder abuse. Sessions were delivered in partnership with the Seniors Rights Service, NSW Elder Abuse Helpline & Resource Unit, local community legal centres and local libraries.
- We also delivered our *Let's Talk* workshops about Australian law to 316 people to refugees, asylum seekers, and newly arrived migrants.
- We ran *Borrowers Beware*—an awareness raising radio campaign developed by Legal Aid NSW and the Seniors Rights Service for older people and their families about the risk of losing their homes—on SBS, on the Macquarie network and over a number of community radio stations on the Mid-north Coast and in the Riverina and Illawarra regions.
- We launched a podcast channel called *Law for Community Workers on the go*, and created CLE Alerts for community workers to promote our webinars, podcasts and other CLE activities.
- We delivered education programs and resources for newly arrived refugees (page 30).

Making legal information easy to understand

Legal Aid NSW publishes legal education resources in 25 languages. This year we produced:

- 3 short animated videos that explain what Legal Aid NSW does, how we can help refugees and what a grant of legal aid is. The videos are translated into Audio Described English, Assyrian, Dari/Farsi, Chinese Arabic and Auslan. They are also captioned.

- an Easy English brochure on *How can Legal Aid NSW help me?* for people with low literacy and language proficiency.
- Our 7th edition of our *Legal Topics for Older People Diary*, which continues to be our most popular and widely distributed publication.

CLE for young people

Our program of crime prevention early intervention workshops for young people continued to be popular this year in schools, youth services and for young people in contact with Juvenile Justice. Our suite of workshops includes police powers, traffic Law, BURN (a crime prevention workshop about the laws around group offending, robbery offences and young people's rights in custody) and *Putting the X in Sexy Text* (an interactive online resource to educate young people about the criminal laws around sexting and cyberbullying). We delivered 343 workshops to over 12,000 young people and their workers. This year, *Putting the X in Sexy Text* was the most requested workshop (47% of workshops).

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

The CLE Strategic Framework sets out the best practice strategies and principles for developing and delivering CLE. We implemented these strategies and principles by:

- Significantly enhancing our capability to use technology to deliver CLE to community workers through live and on-demand webinars and podcasts.
- Developing multi-media resources for our lawyers to support them to provide high quality CLE including the *How can Legal Aid NSW help me?* resources and the My rights at work resources package for new arrivals.
- Introducing 'CLEsters' groupings of regional offices, specialist services, CLSD regions, business units and practice divisions—to help us coordinate, monitor and avoid duplication of CLE across Legal Aid NSW.
- Negotiating the use and adaptation of high-quality existing resources from other jurisdictions for older people and refugees in NSW to avoid duplicating resources.

OBJECTIVE STRONG PARTNERSHIPS

We embedded collaboration with key legal service providers—including LawAccess NSW, CLCs and government agencies as the starting point for developing and delivering all CLE projects.

We used a co-design model to develop CLE sessions with a range of key partners to make sure the CLE we provide is relevant to their needs and learning styles—including a provider of therapeutic programs for residents recovering from alcohol and other drug dependence and providers of employment services and programs for new arrivals.

Borrowers Beware

We developed a radio campaign with the Seniors Rights Service called *Borrowers Beware*. for older people and their families. It aimed to raise awareness about the risk of losing their homes, pension or other assets if they help their family members with credit contracts, mortgages, or guarantees. Our data shows that Arabic, Chinese and English speaking older people are most at risk. We broadcast

short messages over several months through Chinese and Arabic radio programs on SBS and Macquarie as well as community radio stations on the Mid-North Coast, Riverina and Illawarra regions. These regions have a high proportion of older people.

OBJECTIVE SUPPORTING OUR PEOPLE

We implemented a program of training sessions and 'Workshop your CLE issues' workshops for staff who do CLE to develop their capacity to provide best practice, rather than a 'one-size-fits-all', CLE.



The year ahead

- ➔ In collaboration with our CLC partners, run a 'CLE Masterclass' for staff to build their capacity to plan and deliver best practice CLE.
- ➔ Review the way we collect data about, and report on, our CLE activities.

CONTRIBUTING TO LAW REFORM

Our experience working with vulnerable and disadvantaged clients across NSW means that we are able to engage in a wide range of law reform processes to advocate for legal, policy and operational changes that will benefit our clients.

In late 2017, we established the Strategic Law Reform Unit. In 2017–2018 we made 41 public submissions and provided confidential comments on a range of draft Bills and other government proposals.

OBJECTIVE ACCESS TO JUSTICE

We have contributed to inquiries investigating the availability of vital programs for clients in the criminal justice system, including:

- a NSW Parliamentary Committee inquiry into youth diversionary programs in NSW, and
- a NSW Parliamentary Committee inquiry into the provision of drug rehabilitation programs in regional, rural and remote NSW.

We made a submission to the Australian Law Reform Commission's inquiry into the Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.

We scrutinised and provided feedback on a range of Commonwealth and State legislative proposals to amend the criminal law.

We engaged extensively with the NSW Department of Justice regarding the NSW Government's proposals for *Strengthening Child Sexual Abuse Law in NSW*. This reform package, based on the *Criminal Justice Report* of the Royal Commission into Institutional Responses to Child Sexual Abuse, also contains some additional reforms that we advocated for:

- a new similar age defence for young people who engage in consensual underage sex.
- an exception and defence to the sexting offences for young people under the age of 18 years, to address particular situations that do not merit a criminal justice response.

Advocating for vulnerable clients

Legal Aid NSW made a number of submissions to different bodies on financial hardship and consumer issues, and contributed to the NSW Law Reform Commission's Review of the *Guardianship Act 1987 (NSW)*.

We also made submissions on visa simplification and immigration detention facilities.

We made a submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry regarding local adoption, and contributed to a joint submission from National Legal Aid to the Australian Law Reform Commission's review of the family law system.

We also contributed to the Independent Review into Aboriginal and Torres Strait Islander Children and Young People in Out of Home Care in NSW, and made a submission to the NSW Department of Family and Community Services on the *Shaping a Better Child Protection System* Discussion Paper.

The impact of the transition to the National Disability Insurance Scheme (NDIS) on our vulnerable clients

Legal Aid NSW assists a significant number of vulnerable clients across all our practice areas who are NDIS participants, or likely to be eligible for the scheme. We have identified a number of areas where the transition to the NDIS is disadvantaging those clients. Legal Aid NSW is focusing broadly on the impact of the transition to the NDIS on vulnerable clients and working with a number of agencies to identify gaps and develop solutions.

We made a submission to the Productivity Commission Inquiry into NDIS costs. We also made a submission to the Inquiry of the Joint Standing Committee on the National Disability Insurance Scheme into market readiness for the provision of services under the NDIS.

Our submission highlighted the experiences of Legal Aid NSW clients who are at increased risk of homelessness, contact with the criminal justice system and incarceration because of the transition from state-based disability services to the NDIS.

We made a submission to the NSW Department of Family and Community Services regarding proposed legislative protections for residents in long term supported accommodation, many of whom would be NDIS participants.

We participate in the NDIS Justice Cluster Working Group and a local National Disability Insurance Agency and Justice Working Group looking at the implementation of the NDIS in Sydney.



The year ahead

- ➔ Identify improvements needed in legal and justice systems, develop and progress over the next two years a strategic agenda for law, policy and operational reforms.
- ➔ Continue to contribute to significant policy and law reform processes for vulnerable and disadvantaged people.
- ➔ Review impact of the transition to the NDIS.
- ➔ Review family law systems and family court structures in relation to vulnerable and disadvantaged people.
- ➔ Review NSW Law Reform Commission's work relating to sexual assault offences.
- ➔ Review sentencing by NSW Sentencing Council of vulnerable or disadvantaged recidivist traffic offenders.

2 Collaborating with our partners

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



IN THIS SECTION

46 Key partners at a glance

47 Effective partnerships benefit the community

49 Private lawyers

53 Programs

56 Regional partnerships

59 Justice forums

60 Aboriginal community partnerships

◀ In November, Legal Aid NSW won the 2017 Premier's Award for Public Service in the category of Reducing Domestic Violence. Legal Aid NSW won the award in partnership with the NSW Police Force, Women NSW and the Department of Justice for the It Stops Here: Safer Pathway domestic violence reforms. The Legal Aid NSW Women's Domestic Violence Court Advocacy Program funds 29 Women's Domestic Violence Court Advocacy Services (WDVCASs), which play a crucial role in Safer Pathway.

See page 54



Key achievements

- ★ Our partnerships with health services expanded over the year to include five new health justice partnerships (page 47).
- ★ We established the Domestic Violence Panel and appointed 110 lawyers to the panel (page 50).
- ★ We rolled out Safer Pathway to 16 more locations across NSW and provided training for 1,103 of our partners from government and non-government services and agencies (page 54).
- ★ We audited 587 panel lawyers and 2,213 files/claims (page 51).
- ★ We conducted a review of the fees we pay to private lawyers undertaking legal aid work (page 51).
- ★ We partnered with the Aboriginal Legal Service to develop and implement the Aboriginal Cultural Competency Program (page 60).



The year ahead

- ➔ Work with the CLC sector to implement the Cameron Review of CLC services by Mr Alan Cameron.



Key challenge

- ★ Work collaboratively with our partners to ensure disadvantaged communities across NSW have access to legal services.

KEY PARTNERS AT A GLANCE

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

<p>PAGE 49</p>	<p>PRIVATE LAWYERS Private lawyers provided 43.9 % of all Legal Aid NSW case and duty services.</p>	<p>We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.</p>
	<p>LAWACCESS NSW LawAccess NSW made 64,649 referrals to Legal Aid NSW offices compared with 53,034 last year. The main areas people sought help from LawAccess NSW in 2017–2018 were debt, family law parenting matters, neighbours, wills, fines, car accidents, tenancy, employment and apprehended domestic violence orders.</p>	<p>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.</p>
<p>PAGE 59</p>	<p>NATIONAL LEGAL AID (NLA) Developed a national family violence and CLE website resource to support the FASS.</p>	<p>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.</p>
<p>PAGE 59</p>	<p>NSW Legal Assistance Forum (NLAF) Successfully advocated to increase access to birth certificates, and resolved an issue relating Victims Restitution Orders (VRO) and Work and Development Orders (WDO) for prisoners.</p>	<p>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.</p>
<p>PAGE 60</p>	<p>Aboriginal Legal Service (NSW/ACT) Ltd Legal Aid NSW and the ALS worked together to deliver cultural competency sessions designed to equip practitioners with the skills and knowledge they need to better represent Aboriginal clients.</p>	<p>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.</p>
<p>PAGE 56</p>	<p>Cooperative Legal Service Delivery (CLSD) Program The Cooperative Legal Service Delivery (CLSD) Program and the Regional Outreach Clinic Program (the ROCP) were restructured under a new Unit—the Collaborative Legal Service Delivery Unit.</p>	<p>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.</p>
<p>PAGE 53</p>	<p>Community Legal Centres (CLCs) 32 CLSP-funded CLCs assisted 35,791 people and provided 40,113 advices to clients</p>	<p>Legal Aid NSW administers funding to 32 generalist and specialist Community Legal Centres and their peak body in New South Wales.</p>
<p>PAGE 54</p>	<p>Women's Domestic Violence Court Advocacy Services (WDVCAS) The services rolled out the <i>Safer Pathway service model</i> to 16 more locations across the state and supported 43,947 clients.</p>	<p>WDVCAS's work with the NSW Police Force, Victims Services, NSW Local Courts and legal, health, welfare and accommodation services in the community. Integrated responses are provided to women and children impacted by domestic and family violence. The 29 WDVCAS's are administered by the Women's Domestic Violence Court Advocacy Program within Legal Aid NSW.</p>

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

Health Justice Partnerships (HJPs) establish collaborative ways of working to enhance the ability of clients engaged in health services to interact, seek, reach and engage with legal services. This model can facilitate timely identification of legal need(s), prevent or reduce the escalation of justice and health-related issues, generate greater awareness of legal issues and resolve and reduce the impact of legal stressors such as debt, housing insecurity and child removal.

Our partnerships with health services expanded over the year to include five new health justice partnerships in 2017–2018. These partnerships are located at:

- We Help Ourselves (WHOS) Drug and Alcohol Rehabilitation Centre in Lilyfield
- Coffs Harbour Health Campus
- The Westmead Campus of the Sydney Children's Hospital Network
- The Community Hub at Kelso
- The Fairfield Legal Aid NSW office at Fairfield*

*In a Legal Aid NSW first, we partnered with Credential Mental Health Nursing Service—to deliver the mental health services at Fairfield Legal Aid NSW office two days per week.

We continued to be active participants in 19 other HJPs in NSW. These HJPs operated out of hospitals, mental health or drug and alcohol facilities, community centres, Aboriginal Medical Service centres and multi-service hubs in housing and residential estates.

In July 2017 we established an Executive Steering Group for HJPs. The purpose of the Steering Group is to provide high-level leadership and oversight to Legal Aid's work relating to HJPs. Its roles and responsibilities include supporting effective leadership and coordination across the justice sector in the establishment of HJPs in NSW.

We also developed a *Statement of Strategic Intent* to guide our HJP work. The *Statement of Strategic Intent* is to improve the health, wellbeing and legal outcomes of clients through integrated health and legal partnerships.

The HJP Community of Practice cross sector working group has continued bringing together experts in the health, legal and community service sector with an interest in the health justice partnership model to explore and share new research and developments in this area.

Legal Aid NSW has continued to chair the Sydney East Justice and Wellbeing Task Group which explores effective models of collaboration between Health and Justice sectors. Its members include representatives from the Department of Justice, Department of Premier and Cabinet, Department of Family and Community Services, Local Health Districts, Mental Health Commission, Health Justices Australia, Justice Connect and community legal centres.



CASE STUDY

The partnership located at the Fairfield Legal Aid NSW office highlights the evolving nature of our health justice partnership work. Instead of placing a legal service in a health setting, the Fairfield model involved a mental health service, known as Credentialed Mental Health Nursing Service (CMHNS), delivering their services to their existing clients from the Fairfield Legal Aid NSW office for two half days per week. CMHNS screened clients to identify legal issues and refer clients to Legal Aid NSW. The service also keeps allocated appointments for Legal Aid NSW to refer our clients to the mental health service. As well as providing mental health services to Legal Aid NSW clients, CMHNS also assists our clients with reports to support their legal problems. Referrals from CMHNS to Legal Aid NSW provided early legal assistance to vulnerable clients who we might not have otherwise seen. The service is limited to existing clients of both the mental health service and Legal Aid NSW.

OBJECTIVE STRONG PARTNERSHIPS

NSW–Victoria initiative aims for justice without borders

In 2017–2018 Legal Aid NSW and Victoria Legal Aid worked together to identify the legal issues faced by clients in cross-border communities and the barriers they experience when seeking timely legal assistance.

Living at the intersection of two sets of rules and systems makes understanding legal obligations more difficult, while residents may also be ineligible for services that are physically closer to them because of jurisdictional boundaries.

The key objective of the cross-border project was to reduce barriers to legal assistance for vulnerable people in communities close to the NSW and Victorian border. It was also to remove unnecessary complexity for both Legal Aid NSW and Victoria Legal Aid staff, panel practitioners and CLCs who deliver legal aid services in those regions.

Working together, Victoria Legal Aid and Legal Aid NSW aim to increase access to justice for all border communities by conducting joint and coordinated service planning in cross-border regions and advocating for improvements or reforms where necessary to reduce unnecessary bureaucracy for clients.

Multi agency partnership delivers services to Redfern residents

RedLink is a multi-agency partnership led by Family and Community Services (FACS) providing intensive in-reach services and support to social housing residents in the Redfern high rise estate. Legal Aid NSW lawyers work in collaboration with the Redfern Legal Centre to assist clients with multiple legal issues including housing, Centrelink, debts and fines, immigration, family law, care and criminal matters.

More than 25 government agencies and non-government organisations (NGOs) are participating in the Redlink collaboration, including drug health, chronic and complex care, Aboriginal health, family and youth services, financial counselling, employment services and various charitable organisations.

NDIS consumer CLEs in partnership with Fair Trading NSW

In 2017, we partnered with Fair Trading NSW to deliver community legal education on consumer law issues surrounding National Disability Insurance Scheme (NDIS) service agreements. The training addressed how Australian Consumer Law applies to the provision of disability services and avenues for dispute resolution, and was delivered to community workers, service providers and participants throughout NSW. The success of these workshops led to the production of a joint Legal Aid NSW and Fair Trading NSW webinar and podcast on NDIS and Consumer Law.



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 2017–2018, private lawyers provided 43.9% of Legal Aid NSW case and duty services. More details appear in Appendix 10.

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 the Grants Division have regular telephone contact with lawyers and clients.

FACT FILE

Total staff: 74

Total applications for legal aid processed: 48,364

- in criminal law: 30,252
- in family law: 15,934
- in civil law: 2,178

Number of individual lawyers appointed to 12 Legal Aid NSW panels*: 2,146

Percentage of legally aided case and duty services provided by private lawyers: 43.9%

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

Total individual panel members

2015–2016: 1,892

2016–2017: 1,980

2017–2018: 2,146

Number of private lawyers on Legal Aid NSW panels 2017–2018*

Domestic Violence	96
Veterans' Law	4
Mental Health Advocacy	180
General Civil Law	159
Complex Criminal Law Barrister	99
Appellate Criminal Law Barrister	87
Children's Criminal Law	181
Complex Criminal Law Solicitor	221
Indictable Criminal Law	367
Summary Criminal Law	1,422
Independent Children's Lawyer	133
Care and Protection**	264
General Family Law	906

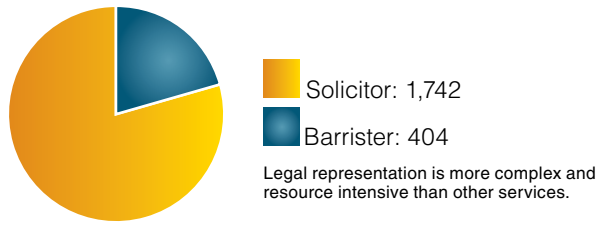
*This includes lawyers who are active members of more than one panel.

**162 of the 264 Care and Protection Panel members are appointed to act for children as well as adults.

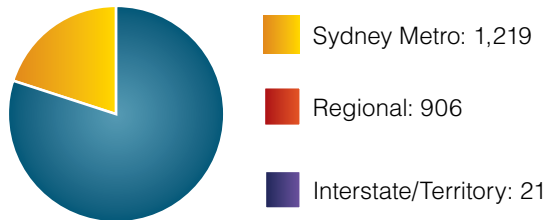
All of the numbers include current active panel members whose appointment start dates are before 30 June 2018.

◀ A cross-border meeting with Legal Aid NSW and Victoria Legal Aid. L-R: Julia Barling (Project Manager), Brendan Thomas (CEO, Legal Aid NSW) and Bevan Warner (former Managing Director, Victoria Legal Aid)

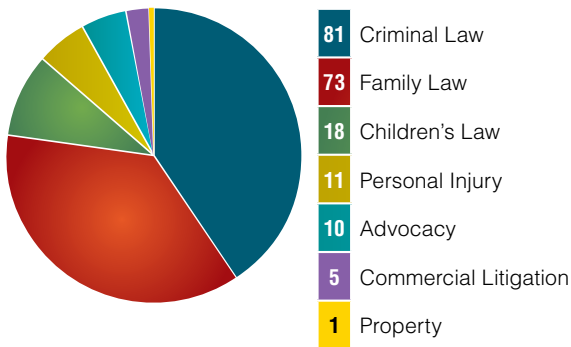
Panel member type



Panel member location breakdown*

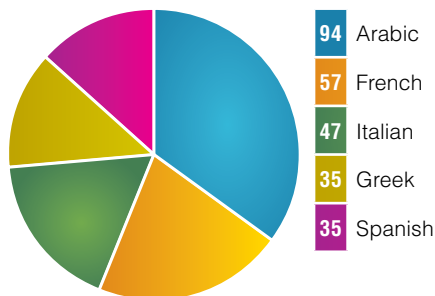


Panel member specialist accreditations



Languages spoken other than English spoken by panel members: 52

Top five languages other than English spoken by panel lawyers



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, complex criminal law for solicitors, indictable criminal law, children's criminal law, mental health advocacy, veteran's law and domestic violence matters. There are also specialist panels for barristers briefed in complex criminal law matters and appellate criminal law matters.

Legal Aid NSW panels are comprised of 2,146 individual private lawyers across 1,648 registered firms (individual barristers are registered as a firm) who are current members of one or more panels.

Panel lawyers are located throughout NSW with 1,219 panel members based in the Sydney metropolitan region. There are 906 panel lawyers located in regional NSW and 21 lawyers located interstate or in the ACT.

In 2017–2018, there were 915 appointments made to Legal Aid NSW panels. There were also 100 reappointments of current panel members whose five-year panel appointments expired throughout the year.

Implement Domestic and Family Violence reforms and initiatives

After the completion of a rigorous selection process for the Domestic Violence Panel in the second half of 2017, Legal Aid NSW appointed 110 lawyers to the panel.

The Selection Committee recommended that lawyers appointed to the panel would be required to undertake training organised by Legal Aid NSW in family violence and other matters relevant to the work undertaken by panel members. So far, 94 panel members have attended the training sessions.

Implement the Early Appropriate Guilty Plea reforms

With the implementation of the Early Appropriate Guilty Pleas reform on 30 April 2018, we restructured the General Criminal Law Panel. All current members of the General Criminal Law panel were transferred to the new Summary Criminal Law Panel.

A new Indictable Criminal Law Panel was established for non-complex indictable criminal matters. The selection criteria for inclusion on this new panel required a greater level of criminal experience than the Summary Criminal Law Panel, reflecting the change in the nature of the work required of a solicitor at the Local Court stage under the reform.

The Indictable Criminal Law Panel opened for applications in November 2017. We received 500 applications from private lawyers that were considered by a Selection Committee. 389 applicants were recommended for appointment to the new panel, which became operational on 30 April 2018

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Consulted practitioners over changes to fee scales

We conducted a review of the fees we pay to private lawyers undertaking legal aid work. The base hourly rate of \$150 in legally aided matters has not increased since 2007. We prepared a discussion paper on fees and consulted with the Law Society of NSW, the NSW Bar Association and individual practitioners. We have developed options to reform the fee scale, which include both changes to the hourly rate and structural changes to the fee scales. Structural changes would address key pain points raised by practitioners during the consultation, such as the fee for preparation in summary crime matters, fees for gaol visits, travel rates and the fees paid in the initial stage of proceedings in the family law matters.

Reopened Complex Crime Barrister Panel following review

In 2017–2018 we completed a review of the selection process and panel documents for the Complex Criminal Law Barrister Panel.

Following consultation with the NSW Bar Association, Law Society of NSW and the Public Defenders, the panel opened for applications in September 2017. We received 62 applications from current members applying for reappointment and 81 applications from new applicants that were considered by a Selection Committee. 61 reappointment applicants along with 39 new applicants were recommended for appointment to the panel.

Appointments to the panel will be for two years from 2018, to allow for a further review of the panel and its requirements before the panel is re-opened again.

Implement the reforms arising from Criminal Appeals review

In 2017 we completed the Review of Legal Aid NSW Higher Court Criminal Appeals Policies and Procedures. A number of recommendations were made to strengthen the selection process for and monitoring of the Appellate Criminal Law Barrister Panel.

As a result of the review, selection criteria for new applicants and reappointment applicants along with the appellate crime barrister and complex crime solicitor practice standards were amended. These changes provided strengthened selection criteria for the panel and a clearer prescription of matters to be addressed by counsel when assessing the prospects of success of an appeal. A new strengthened monitoring process will be implemented for panel barristers instructed in legally aided higher court appeals.

The panel will re-open for applications in the second half of 2018.

Lawyers complied better with practice standards due to audits

Legal Aid NSW conducts regular audits to assess Legal Aid NSW conducts regular audits to assess compliance with practice standards and ensure private lawyers comply with our policies and guidelines. In 2017–2018 we audited 587 panel lawyers and 2,213 files/claims and requested refunds of \$163,381, a slight reduction from last year due in part to a change in audit focus from claims to non-financial risk areas.

Spot check audits of claims were a priority. This year, we focused on claims for court time in family law matters. In total, we spot check audited 576 panel lawyers and 2,196 claims/matters.

These audits highlighted the general overall compliance of panel lawyers with the practice standard requirement of maintaining adequate file notes of court attendances.

We also completed file audits of seventeen files for eleven panel lawyers, and in response to a recommendation arising from the Grants Civil Law Review, we facilitated a qualitative file review of six matters assigned to panel lawyers. Three of the files audited satisfactorily met the requirements of the Civil Law Practice Standards and the remaining three files had identified issues with file management.

Year	lawyers audited	files/spot check audits	Refunds requested
2014–2015	116	602	\$11,713
2015–2016	503	2,046	\$84,076
2016–2017	705	3,448	\$142,770
2017–2018	587	2,213	\$163,382

Review of Audit Strategy

This year we completed an Audit Review of our panel lawyer audit strategy.

The Audit Review made a number of recommendations including that Legal Aid NSW consider including additional non-financial risk indicators in our targeting methodology. In response, a number of our spot check audits focused on:

- practitioners who did not advise Legal Aid NSW of the outcome of the proceedings for which legal aid was granted
- means verification for applicants who stated that they are not in receipt of a maximum Centrelink benefit on their application for legal aid
- compliance with the requirements of the Independent Children's Lawyer Panel Practice Standards with respect to meeting with children.

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 pursuant to section 52B (11) of the *Legal Aid Commission Act 1979* including removal of the lawyer from panels to which the lawyer is appointed. In 2017–2018, five panel lawyers were removed from the panels to which they were appointed because they failed to cooperate with an audit.

Communication with Panel Lawyers

Panel lawyers received regular updates about audit issues and activities in monthly Legal Aid news bulletins. Following the review of the Panel Lawyer Audit Strategy, we updated the Audits Information page of our website. This included the addition of a new Audits FAQ's page listing some of the most commonly asked audit questions we receive from panel lawyers throughout the audit process.

At the end of 2017 we developed a guide highlighting five good practice audit themes we identified from our panel lawyer audits conducted during 2017 to assist panel lawyers confidently meet Legal Aid NSW audit requirements.

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 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 2017–2018, we investigated 66 panel lawyers; a substantial increase on the sixteen serious complaints we investigated nearly a decade ago in 2008–2009. Most related to the Summary Criminal Law panel (formerly the General Criminal Law Panel). Of these, four panel lawyers were being considered for referral to the Monitoring Committee for apparent breaches of panel service agreements early in the new financial year.

The substantial rise in serious complaint matters referred to Professional Practices in the last decade reflects the increase in panel lawyers and more specialised panels.



The year ahead

- ➔ Implement a new panel of private lawyers for Sexual Assault Privilege Communication matters.
- ➔ Complete the next five-year review of the Complex Criminal Law Solicitor, Care and Protection, General Family Law, General Civil Law, Summary Criminal Law, Mental Health Advocacy and Veterans' Law Panels.
- ➔ Re-open the Appellate Criminal Law Barrister Panel for applications from current panel members and new applicants.

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.

In 2017–2018, Community Legal Centres (CLCs) continued to grow and work in partnership with Legal Aid NSW and other legal service providers to support some of the most economically and socially disadvantaged people in the community to access legal assistance.

FACT FILE

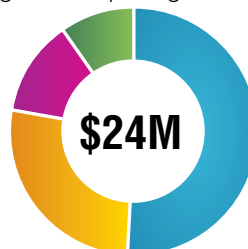
32 CLSP-funded CLCs:

- Assisted 35,791 people
- Provided 40,113 advices to clients
- Opened 3,855 representation services and closed 3,958 representation services
- Delivered 604 CLE activities and created 179 resources
- Made and received 42,108 referrals

In all, 96.65% of casework was directed to financially disadvantaged clients, exceeding the benchmark of 90%.

Funding in 2017–2018

A total of \$24,208,803 was paid to CLCs through the program comprising of:



\$12,209,943	Commonwealth funding
\$6,578,946	State Funding
\$3,041,000	Additional State one-off funding
\$2,378,314	Public Purpose Fund (PPF)

The Public Purpose Fund also provides funding directly to some CLCs.

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

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 added over \$3 million to the budget in 2017–2018. Additional State funding was provided on the principle that no CLC would receive less funding in 2017–2018 than in 2016–2017.

This provided many CLCs with additional funding to upgrade their infrastructure and support more personnel to deliver their services. It also provided many geographic areas of unmet need and legal demand with funding to deliver additional outreaches and services to clients in their communities.

The Commonwealth Attorney General provided 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 family violence related services. This has enabled the CLC sector to build its capacity to deliver services to people experiencing or at risk of family violence.

CLC Services review

The NSW Attorney General's highly anticipated Review of CLC Services commenced in September 2017, and was conducted by Mr Alan Cameron AO. The aims of the review were to ensure that CLC legal assistance is directed to people most in need, to improve CLC service provision and to assist the NSW Government in settling an approach to funding allocation.

The review examined a range of issues, including:

- The type, scope and geographic spread of CLC services that should be funded by the NSW Government;
- The funding levels that are required to enable CLCs to deliver those services; and
- The funding model that should be used to inform the allocation of available funding.

The NSW CLC Program has welcomed the increased funding to support CLCs work.

Family law and family violence service delivery

The introduction of defined funding provided an opportunity for Legal Aid NSW to establish a working group with recipient CLCs to consider family law and family violence service delivery, data and reporting. The working group also supported the development of service delivery strategies and targets, and identified gaps in services and unmet legal need. This collaboration has sought to increase the coordination of family law and family violence legal services by CLCs and Legal Aid NSW, and improve the integration of these services with the broader domestic and family violence service system.

Performance benchmark

CLCs continued to exceed the NPA benchmark for provision of representation services to clients who are defined as financially disadvantaged. In 2017–18, the benchmark increased from 85% of representation services to 90%. CLCs directed 96.65% of representation services to financially disadvantaged clients, exceeding the increased benchmark.



The year ahead

- ➔ Work with the CLC sector to implement the NSW Review of CLC services
- ➔ Work with the CLC sector to continue to expand legal service delivery
- ➔ Support the CLC sector to expand services into areas of identified legal need

Women's Domestic Violence Court Advocacy Program (WDVCAP)

Legal Aid NSW administers NSW Government funding for 29 Women's Domestic Violence Court Advocacy Services (WDVCASs) and their peak representative body, the Women's Domestic Violence Court Advocacy Service NSW Inc. WDVCASs cover 117 NSW Local Courts. The newest WDVCAS, Castlereagh, commenced in July 2017.

WDVCASs provide information, advocacy, safety planning and referrals to women experiencing domestic violence and their children. In 2017–2018, referrals were made to services for family support and counselling, accommodation and health services, case management, legal advice on Apprehended Domestic Violence Orders and other legal issues such as family law, debt, immigration, victims' compensation and tenancy.

FACT FILE

- A 2.2% increase in the number of clients supported from the previous financial year
- A 14.5% increase in the number of service events provided from the previous financial year
- 11.7% of WDVCAS clients identified as being Aboriginal or Torres Strait Islander
- 18.5% of WDVCAS clients identified as being from culturally diverse backgrounds
- 7.4% 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
2017–2018	43,947

Funding in 2017–2018

In 2017–2018, \$24,397,719 was paid in grants through the WDV CAP to incorporated, not-for-profit, non-government service providers under a funding agreement with Legal Aid NSW. These service providers host WDV CASs in 29 locations across the state.

This amount included \$12,070,899 to support 43 Local Coordination Points (LCPs). LCPs are hosted by WDV CASs as part of Safer Pathway, a component of *It Stops here: Standing together to End Domestic Violence*, the NSW Government's domestic and family violence framework for reform.

For further details regarding WDV CAP funding, see Appendix 4.

OBJECTIVE ACCESS TO JUSTICE

More support for those impacted by domestic and family violence

In 2017–2018, WDV CASs supported 43,947 clients, a 2.2% increase from 2016–2017. Safety Action Meetings held at each Safer Pathway site provide a targeted, cross-agency response to domestic and family violence victims assessed as being at serious threat of injury or death. A total of 895 Safety Action Meetings were held during the year. Of the referrals to Safety Action Meetings in 2017–2018, 90.7% were for women, and 9.3% for men.

Clients were referred by WDV CASs 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.

Protection for victims strategy rolled out to 16 additional locations

WDV CAP, in partnership with WDV AS's work together to implement Safer Pathway. 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.

The WDV CAP rolled out seven new Safer Pathway sites in September 2017. These sites were Albury, Armidale, Dubbo, Illawarra, Liverpool, Penrith and Port Macquarie. A further nine sites commenced operations in March 2018 at Bathurst, Blue Mountains, Burwood, Gosford, Goulburn, Moree, Sutherland, Toronto and Walgett. The total number of Safer Pathway sites now in operation is 43, an increase of 16 from the previous year.

Using a mix of methods to support women

The WDV CAP is responsible for the social support services component of the Family Advocacy and Support Service (FASS). Sydney, Parramatta, Illawarra and Hunter WDV CASs provide social support for women at the four Family Court Registries, and Relationships Australia NSW provides social support for men across the four registries.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

In November 2017, Legal Aid NSW won the 2017 Premier's Award for reducing domestic violence reoffending, in partnership with the NSW Police Force, the Department of Justice and Women NSW. The award recognises the success of Safer Pathway, a coordinated, interagency response to victims of domestic and family violence in NSW.

The WDV CAP's training for WDV CAS staff has been updated to address contemporary issues in domestic and family violence. Training on trauma-informed practice was delivered by the Mental Health Coordinating Council, and the Education Centre against Violence provided training on responding to disclosures of childhood sexual assault. During 2017–18, WDV CAP training was delivered to 218 WDV CAS workers.



The year ahead

- ➔ Completion of Safer Pathway roll-out, in partnership with the NSW Police Force and Victims Services.
- ➔ Consider the recommendations of an independent evaluation of the WDV CAP.

REGIONAL PARTNERSHIPS

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

Cooperative Legal Service Delivery Program

This year, the Cooperative Legal Service Delivery (CLSD) Program and the Regional Outreach Clinic Program (ROCP) have been re-badged under a new Unit– the Collaborative Legal Service Delivery Unit. The new Unit reflects the expanding role that the CLSD and ROCP Programs will play in collaborative planning with our justice sector partners.

FACT FILE

- 72 CLSD Program projects commenced or completed
- Around 44 % of the projects were delivered with Aboriginal communities
- 13 wills clinics delivered with our pro bono partners in Aboriginal communities across regional and remote NSW

The CLSD Program supports regional partnerships between legal and related non-legal services to improve access to legal services for disadvantaged people. CLSD Program 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 NSW, 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 NSW.

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

OBJECTIVE ACCESS TO JUSTICE

In 2017–2018 the CLSD Program supported over 70 projects and initiatives including:

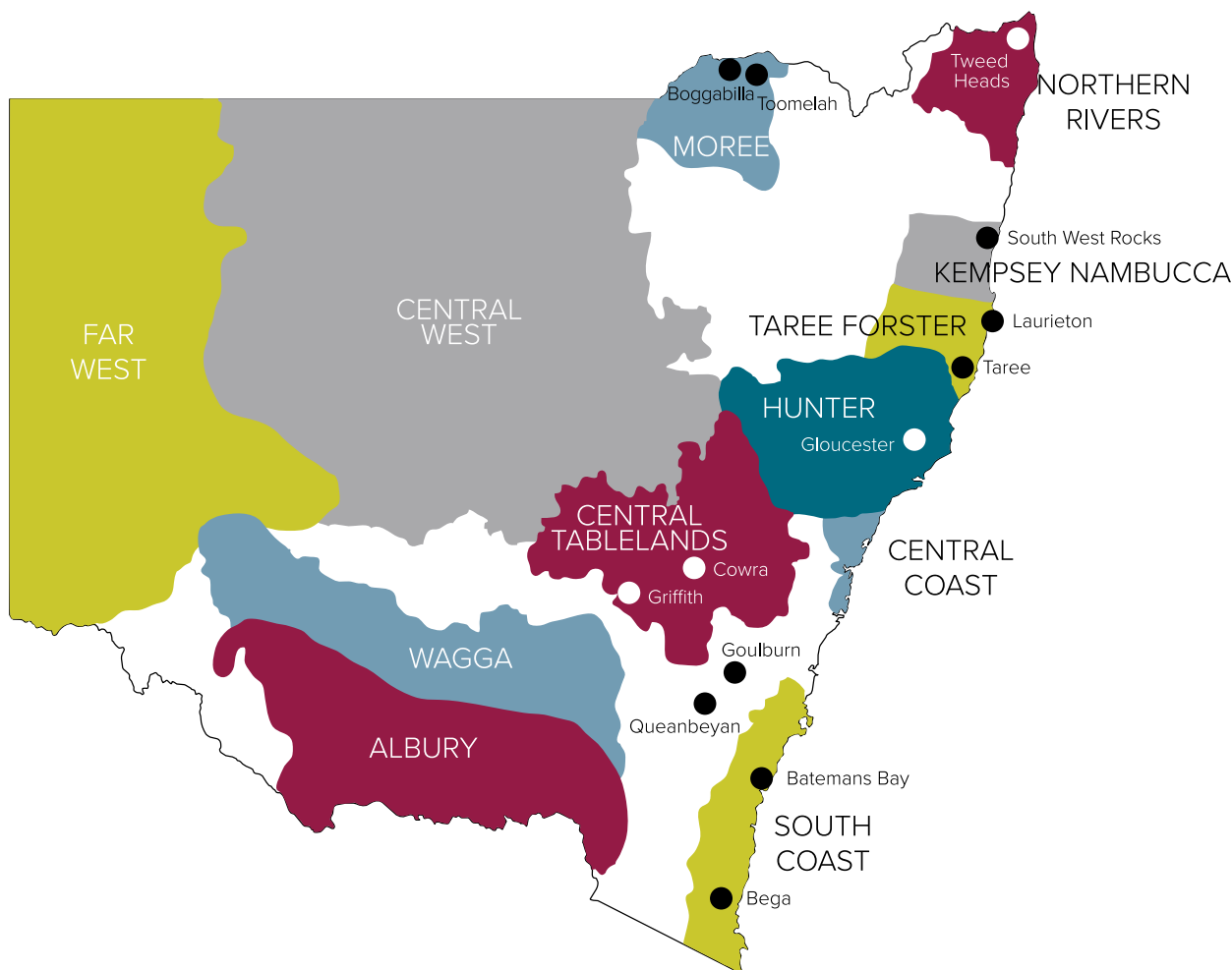
- weekly traffic clinics at Broken Hill, Wyong and Toronto Local Courts
- coordinated multi-service advice and minor assistance clinics in Corowa, Finley, Deniliquin, Bathurst, Cowra and Wilcannia
- joint legal and non-legal service outreach days in Wellington, Dubbo, Walgett, Lightning Ridge, Moree, Mungindi, Bourke and Brewarrina with our justice sector partners including CLCs, the Aboriginal Legal Service, crime and family law solicitors from our regional offices, pro bono law firms, Family Violence Prevention Legal Services, Revenue NSW, the Tenancy Support and Education Project, the Anti-Discrimination Board and the Energy and Water Ombudsman
- 10 wills clinics for Aboriginal communities in Wellington, Dubbo, Walgett, Bourke, Brewarrina, Albury, Wyong, Bathurst, Orange and Bodalla conducted with our pro bono partners Gilbert + Tobin, Ashurst, Sparke Helmore, Tress Cox (now HWLE), Hall and Wilcox and Curwoods
- Planning ahead CLE and wills clinics for the Bhutanese community in Albury (90 people assisted) with local Regional Law Societies

OBJECTIVE STRONG PARTNERSHIPS

In 2017–18, there were 44 CLSD Program regional justice partnership meetings across NSW, including eight (8) collaborative service strategic planning days.

CLSD Program partners engaged in over 60 joint service projects in regional, rural and remote NSW.

CLSD LOCATIONS AND ROCP LOCATIONS



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 CLSD Program hosts speakers and consultations on statewide initiatives from specialist CLCs and agencies interested in expanding their reach into regional and remote NSW including the Anti-Discrimination Board, LawAccess NSW and No to Violence.

The CLSD Program participates 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.



CASE STUDY

Albury Bhutanese community members make Wills

Albury-Wodonga is home to a sizeable population of refugees and humanitarian settlers from Bhutan. Our CLSD Program partner Frank Johnson, the local Multicultural Settlement Officer from the Albury-Wodonga Volunteer Resource Bureau (AWVRB) had told CLSD Program partners that there was a low understanding of wills, and the benefits of planning ahead. Frank could see there would be issues arising, and the common practice of shared purchasing of houses was just one scenario that would create a legal minefield in years to come, when owners pass away.

In October 2017 our local CLSD Program Regional Coordination Service, the Hume Riverina Community Legal Service and firms within the Albury and District Regional Law Society and the North East Law Association joined Frank to run a Community Legal Education session (CLE) on wills, powers of attorney and appointment of enduring guardianship documents to Bhutanese community members. Around 90 people attended the CLE which was followed up by a pro bono reduced fee wills clinic the next week. We assisted 48 clients on the day with a further 18 to be finalised.

The response to the CLE was overwhelmingly positive, and the willingness of local private legal firms to be involved allowed the firms to promote their services in the community. It was also an opportunity to work in a new environment with interpreters. With such a positive take-up and enthusiasm from the community, the AWVRB expects this to be an accepted practice by people in the area who now consider Australia home

Under the ROCP, Legal Aid NSW funds private and CLC lawyers to provide advice and minor assistance services to communities that have little, or no, access to public legal services, and where it would not be feasible or efficient for Legal Aid NSW to provide regular outreach services. The Program also aims to increase the uptake of grants of legal aid for representation in regional NSW. 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 continuously reviewed and realigned to complement in-house outreach activity. As at June 2018, ROCP clinics are held in Boggabilla, Toomelah, Tweed Heads, South West Rocks, Laurieton, Taree, Gloucester, Cowra, Griffith, Goulburn, Queanbeyan, Bateman's Bay and Bega

OBJECTIVE EXCELLENCE IN SERVICE DELIVERY

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



The year ahead

- ➔ Participate in collaborative service planning work under the National Partnership Agreement with our partners, including the ALS and CLCs.
- ➔ Work with Victoria Legal Aid on expanding the Albury CLSD Program partnership over the border into Victoria.

Regional Outreach Clinic Program

FACT FILE

- 511 advice and minor assistance services in 13 locations
- Approximately 70% of people receiving ROCP assistance are Centrelink recipients
- Approximately 13% of ROCP services are delivered to Aboriginal people



The year ahead

- ➔ Review all the ROCP locations.
- ➔ Develop new Guidelines for the ROCP.

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 2017 and March 2018 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 2017–2018 included:

- Developing a national family violence and family law community legal education website resource to support the role out of the Family Advocacy & Support Service.
- Investigating the introduction of an online dispute resolution system (ODRS) for couples that are separating or divorcing in Australia to assist them to resolve their family law disputes with less reliance on formal pathways. Seed funding for the ODRS is being provided under the Commonwealth Government's *Online Dispute Resolution System for Separating Couples* agreement.
- Developing a pilot advice and legal task service to low income applicants in either Federal Circuit or Family Court proceedings.

NLA also provided a number of submissions to the Australian Government and to the Australian Law Reform Commission, including to the:

- Attorney-General's Department Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2017 consultation paper and exposure draft
- ALRC Inquiry into the incarceration rates of Aboriginal and Torres Strait Islander Peoples Discussion Paper 84

- Law Council of Australia The Justice Project
- The Treasury 2018–2019 Federal Budget
- Senate Standing Committee on Legal & Constitutional Affairs Inquiry Family Law Amendment (Family Violence and Other Measures) Bill 2017
- Department of Prime Minister & Cabinet Closing the Gap Refresh The Next Phase Discussion Paper
- AGD Rights & Protections Privacy Review of Consumer Credit Reporting and Hardship

The NSW Legal Assistance Forum (NLAF)—focusing 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.

NLAF was chaired by Richard Funston (Deputy CEO, Legal Aid NSW) this year until he was appointed to the bench in March 2018. Deputy Chair, Geoff Mulherin (Law and Justice Foundation of NSW), acted as Chair for the last quarter of the year, when Brendan Thomas (CEO, Legal Aid NSW) was elected as the incoming chair of NLAF.

NLAF met quarterly, and its members include:

- 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)

The NSW Civil Justice Strategy (Department of Justice) and the NSW Attorney General's office provided quarterly updates to NLAF, and the Commonwealth Attorney-General's department provided half yearly updates.

NLAF received reports from its working groups, as well as Community Legal Centres, the Law and Justice Foundation of NSW, and the Legal Aid NSW Cooperative Legal Services Delivery (CLSD) Program.

Working groups are advocates for change. NLAF had two working groups in 2017–2018: Prisoners Forum and Fines and Traffic Law Working Group.

The Fines and Traffic Law working Group focus for the last five years has been on increasing access to birth certificates. This year Attorney General announced that free birth certificates will be provided to Aboriginal and disadvantaged community members.

The Prisoners Forum was well attended by government and non-government services working with prisoners. The main focuses this year were on the topics of women in prison and prisoners' health.

In March 2018, the Prisoners Forum worked with the Fines and Traffic Law Working Group to successfully resolve an issue relating Victims Restitution Orders (VRO) and Work and Development Orders (WDO) in prison.

Working Group reports are available on the NLAF website www.nlaf.org.au.



The year ahead

- ➔ Support collaborative planning by establishing a new Collaborative Service Planning Working Group.
- ➔ Establish a new working group to investigate and find solutions to the issue of Aboriginal overrepresentation in prison.
- ➔ Support the implementation of the New South Wales driver licence disqualification law reform.

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.

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

We have a close working relationship with the ALS as our key partner in delivering high quality, culturally competent services to Aboriginal people and communities across the state, in accordance with our *Statement of Commitment*, which sets out our roles and responsibilities.

There are a number of initiatives within the ALS partnership.

Legal Aid NSW and the ALS work together to deliver criminal law reforms

In 2017–2018 we worked closely with the ALS to deliver extra services and support for Aboriginal clients affected by the criminal law reforms. Under the Early Appropriate Guilty Pleas Funding Agreement we provided funding to the ALS to employ six additional lawyers and three additional administrative staff in order for them to adequately service Aboriginal clients under the reforms in recognition of the fact that Aboriginal people would be disproportionately affected by the reforms. We also provided funding to the Aboriginal Legal Service to assist with the Driver Disqualification Reforms.

Legal Aid NSW and the ALS work to deliver cultural competency sessions

Our Aboriginal Cultural Competency Program is designed to equip practitioners with the skills and knowledge they need to better represent Aboriginal clients.

We partnered with the Aboriginal Legal Service to develop and implement the sessions including training programs for civil, family and criminal lawyers on trauma-informed practice, cultural dispossession, advocating for Aboriginal clients in sentencing proceedings and guardianship issues.

We continued implementing our locally-oriented Aboriginal Cultural Awareness Workshops in regional areas including Tamworth and Port Macquarie.

OBJECTIVE ACCESS TO JUSTICE

We worked to address the legal needs of Aboriginal people in the North West of NSW by developing and implementing a new service strategy—targeting services to communities in Bourke, Cobar, Brewarrina, Walgett, Lightning Ridge and Coonamble. The Legal Aid NSW Aboriginal Services Branch consulted widely with Aboriginal community members and organisations, local police and the local council in Bourke, Brewarrina, Walgett and Coonamble which identified a need for quality legal representation in criminal law and more access to family and civil law services.

Under this strategy two new criminal lawyer positions were created along with new Community Liaison Positions (Aboriginal identified) in Bourke and Walgett.

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 STRONG PARTNERSHIPS

While establishing our presence in North West NSW we partnered with Maranguka Community Hub to host a Community Liaison Officer within their office in Bourke. This ensures we continue our strong partnership with the community organisation and also places our services at the centre of the Bourke community.

OBJECTIVE STRONG PARTNERSHIPS

In 2017–2018 we commenced a partnership with the Aboriginal Employment Strategy (AES) to employ two adult trainees at our Tamworth and Lismore offices. The AES is a non-government, Aboriginal community organisation and managed employment services provider which began in Moree and has since expanded across New South Wales.

OBJECTIVE STRONG PARTNERSHIPS

The Stolen Generation Reparations Scheme and Funeral Assistance Fund opened on 1 July 2017. To assist survivors, Legal Aid NSW and the Law Society NSW established the Stolen Generation Wills Initiative to help Stolen Generation survivors who make a claim for reparations to get a will for free or for a substantially reduced fee. More information about the work we have done with stolen generations survivors. See page 39.



The year ahead

- ➔ Holistically manage the ALS working relationship through our new *Aboriginal Client Services Strategy and Aboriginal Employment and Career Development Strategy*, both of which will be implemented over the life of the *Legal Aid NSW Strategic Plan 2018–2023*.

▶ The Aboriginal Services Branch staff at Yabun in 2018



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.



IN THIS SECTION

OUR PEOPLE	64	Supporting our staff to provide outstanding customer service
	66	Programs support staff to work safely and stay healthy
	67	Workforce diversity and equity
	68	Learning and development
	70	Professional and personal achievements

ORGANISATIONAL CAPABILITY	71	Efficiency measures
	73	Information technology
	74	Environmental responsibility

“With languages comes pride and connection”.

Staff take part in an interactive Arabana language activity for NAIDOC Week.



Key achievements

- ★ Introduced the LEAD program for new and established managers to come together in a genuine commitment to create future leaders (page 68).
- ★ In the process of reviewing and improving our recruitment processes (page 64).
- ★ Introduced Divisional Action Plans to give staff and managers the means to build on the positive feedback from the PMES results (page 65).
- ★ Partnered with Aboriginal community members to provide specific and tailored Aboriginal Cultural Competency training to our staff, private practitioners and key partners the Aboriginal Legal Service and Community Legal Centres (page 60).
- ★ Developed our ICT and Digital Strategy (page 73).



The year ahead

- ➔ Restructure our Corporate Services, including People and Organisational Development with a renewed focus on service delivery to the business.
- ➔ The first release of the Client and Case Management System (CCMS).



Key challenge

Updating and testing our systems including the CCMS and human resources systems.

SUPPORTING STAFF

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

- 1203 staff, 576 in regional offices and 627 in our Central Sydney office
- 631 lawyers and 572 administrative and corporate services staff
- 75 Aboriginal staff
- 309 men and 894 women
- 79 lawyers with specialist accreditation

Staff numbers over five years

Year	FTE* figures** Financial year end	Actual staff number Financial year end
2017–2018	1,098.94	1,203
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

Note: Under the *Government Sector Employment Act 2013*,

Staff movements over five years

Staff movements	2013–2014	2014–2015	2015–2016	2016–2017	2017–2018
New ongoing staff	15	54	56	64	58
Staff departures	57	66	165	77	88
Promotions	32	11	51	37	36

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

OBJECTIVE SUPPORTING OUR PEOPLE

Review leads to more efficient process to recruit administrative staff

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.

As a result of the review of the role of our legal administrative last year, the first bulk Assessment Centre pilot for the Legal Support Officers Clerk Grade 1/2 role commenced at the end of June 2018. We assessed approximately 80 candidates through a combination of objective online assessments, multi-mini interviews, and work samples. This aims to bring about a more efficient, consistent, and effective way of hiring new staff into the organisation.

Better recruitment practices

In response to the 2017 People Matter Survey, we are in the process of reviewing our recruitment processes. We improved our recruitment practices through:

- The establishment of additional roles to provide a higher level of support and expertise
- Priority consideration for candidates on the Aboriginal talent pool across all our ongoing and long-term roles
- New targeted advertising through social media channels such as Facebook and LinkedIn

Organisational reviews acknowledge the complexity and volume of work we do

We completed a number of organisational reviews to address the ongoing complexity and volume of the work we do.

In 2017, the Strategic Planning, Policy and Community Partnerships Division was restructured. The Director of the Division reviewed its role and structure and recommended changes to better align the Division with Legal Aid NSW's strategic direction.

The newly named Policy, Planning and Programs Division now has seven units covering:

- Strategic Law Reform Unit
- In-house Counsel Unit
- Planning and Review Unit
- Business Reporting Unit
- WDVCAP Unit
- CLC Program Unit
- Collaborative Legal Service Delivery Unit

In our Criminal Law Division three Indictable teams merged from the existing Committal and Indictable teams in response to the change to practice as a result of the Early Appropriate Guilty Pleas reform. This resulted in additional roles at all levels with three teams conducting end to end case management for indictable matters from committal to trial.

The Regional Office Project commenced in April 2018. This project aims to develop a new model for managing regional office staff and resources. This will result in defining clear reporting lines and decision-making points, developing a model for effective staff performance management, clarifying the respective roles of Solicitors in Charge and identifying clear and meaningful operational KPIs for regional offices. The Project Team as at 30 June was in the consultation phase, with their report due in August 2018. A pilot of the new model will commence towards the end of 2018.

The Grants Division conducted a review of the Grants systems and processes and workshops for Grants staff identified grants specific priorities.

PMES 2017 survey—listening to our staff and responding

The NSW People Matter Employee Survey was open to all employees across the NSW Government sector during June 2017.

The survey provides an important opportunity for our employees to have a say about their workplace and to help make Legal Aid NSW a better place to work.

Legal Aid NSW returned a 52% response rate and 73% engagement rate.

As a result of the survey, in 2017–2018 we consulted with staff through focus groups and workshops to improve recruitment practices. Some of the changes that resulted from this consultation process include new talent pool activation guidelines, candidate information packs, more administration support for bulk recruitment actions (e.g., booking interviews, printing), hiring manager guides to providing meaningful feedback to interviewed candidates, and more flexibility for regional offices to conduct their own local recruitment.

We also introduced Divisional Action Plans to give staff and managers the means to build on the positive feedback and address areas that needed improvement.

Individual Planning is the performance and development framework. It is a part of Legal Aid NSW day to day business and is used to manage and develop staff capabilities.

A speak up employee culture—complaints and workplace standards

We promote the Legal Aid NSW Code of Conduct with staff at induction and provided specialised training to established and emerging leaders and managers to assist them to resolve workplace conflict and to respond to alleged breaches of the Code of Conduct.

In support of a 'speak up' culture we developed posters about respectful workplace behaviour and resolving conflict.

The number of workplace complaints received about alleged misconduct (38) was consistent with the previous year (41).

A lack of respect (26%) and bullying and harassment (28%) continue to be the most common allegations. The number of allegations being characterised as bullying increased by 10%.

Following a process of assessment and enquiry the majority of complaints (60%) were resolved informally or resulted in no action (not misconduct). The remaining 40% were subject to formal investigation. These figures are consistent with last year.

As a consequence of substantiated findings of serious misconduct four ongoing employees had their employment terminated in 2017–2018. A fifth employee serving a period of probation also had their employment terminated.

One public interest disclosure was received in the reporting period and notified to oversight agencies—NSW Ombudsman and the Independent Commission Against Corruption.

Committees

We continued to work closely with staff to consult and collaborate on major organisational changes. This was achieved through:

- Our Peak Consultative Committee composed of the CEO, People and Organisational Development (POD) and the PSA, which met every two months.
- People and Culture Sub Committee which met monthly to discuss HR issues
- Our Health and Safety Committee includes an executive representative, POD, Facilities and the health and safety representatives which met every two months to discuss work health and safety matters.
- Our Equity and Diversity Committee comprising the CEO, executive representatives, representatives from the business, the Disability Network and the PSA which met on a quarterly basis to discuss equity and diversity initiatives.
- In addition, various consultative committees and working groups were established to implement the Justice Reforms, the Regional Office Project, Recruitment initiatives and the Administrative Services Review.

PROGRAMS SUPPORT STAFF TO WORK SAFELY AND STAY HEALTHY

OBJECTIVE SUPPORTING OUR PEOPLE

Supporting our staff through health, safety and wellbeing initiatives

Our new Online Safety System (OSS) which was introduced in May 2017 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.

In 2017–2018 the OSS recorded total of 161 incidents compared to 64 incidents in the previous 2016–2017 year, an increase of 152%. The increase is due to the enhanced reporting capability of the OSS during the year.

We further developed the OSS to record additional WHS information for:

- safety hazards
- safety observations
- risk assessments including outreach safety assessments
- office inspections
- safety data sheet and electrical equipment information
- first aider and emergency warden information

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.

To promote a safe and healthy workplace in 2017-2018 we:

- Reviewed our Risk Management Guidelines and updated currency and responsibilities for WHS.
- Developed an online safety system resource page to support staff.
- Conducted training for staff at all 24 Legal Aid NSW offices about online safety system and POD initiatives
- Created a protocol for staff to respond to Serious Client Incidents.

Workers compensation claims and associated costs

There were 27 workers compensation claims lodged in 2017–2018. 13 of these were accepted and 14 identified as notification only. 18 claims were finalised and nine remained under investigation as at 30 June 2018.

The cost of new claims was \$70, 638.18 compared to \$167,645.44 in 2016/2017, a decrease of \$97,007.26.

Of the accepted claims in this reporting period, 11 were physical injuries and three were muscular stress claims (e.g. lifting heavy objects). Physical injuries amounted to \$47, 892.76 of the total cost of claims of \$70, 638.18.

There was a decrease in psychological injuries (e.g. workplace related harassment and bullying / Anxiety Disorders or Depression) from four in the 2016-2017 reporting period to two this year. One psychological claim was accepted and one was finalised. The cost of psychological claims was \$22, 745.42, a decrease in the costs from last year of \$123,852.7. This decrease is directly related to the reduced number in psychological claims lodged for the reporting period.

The total number of reported 'Incident Only' Notifications of Injury remained the same, equating to a total of 14.

Workers compensation claims 2015 to 2018

Type of claims	Number of claims for 2015–2016	Number of claims for 2016–2017	Number of claims for 2017–2018
Workplace	2	8	11
On duty (e.g. at court)	1	2	1
Journey	0	0	0
Recesses (authorised breaks)	2	0	1
Total claims lodged	5	10	13

Work-related incidents over five years

Type of Injury/ Incident	Number of reports for 2016–2016	Number of reports for 2016–2017	Number of reports for 2017–2018
Workplace	7	13	19
On duty (e.g. Court)	3	2	4
Journey	6	2	6
Recesses	2	1	2
Total	18	18	31

WORKFORCE DIVERSITY AND EQUITY

Of 1,203 staff, 178 people told us they are from a multicultural background and 54 people told us that they had a disability.

OBJECTIVE SUPPORTING OUR PEOPLE

Creating a disability confident workplace

With the support of our CEO, the Planning and Review Unit and the Australian Network on Disability, we supported the Disability Network, our employee network for staff with a disability.

The Disability Network is a peer support group for Legal Aid NSW staff that allows for dialogue and exploration of issues in a safe environment. It's a consultative forum to provide a disability perspective to our policies and practices in the organisation.

Diversity and Inclusion Plan 2018-2019

The *Diversity and Inclusion Plan 2018-2019* was approved by the Legal Aid NSW Board on 6 March 2018.

The Plan includes two key objectives:

- A diverse and inclusive workforce; and
- Services that recognise and respond to the legal and support needs of diverse clients.

The Plan details seven strategic outcomes, as well as indicative actions and timeframes, for achieving those outcomes.

Responsibility for each indicative action has been assigned to the relevant business area, and progress reports will be provided to the Equity and Diversity Committee and Executive each quarter.

Women in the legal profession—equitable briefing

We are a member of the Law Society NSW'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% of all matters and paying 30% of the value of all brief fees to women by 2020. In 2017–2018, the percentage of claims certified for briefs to female barristers was 32%.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

More opportunities for Aboriginal and Torres Strait Islander staff

Our *Aboriginal Services Branch Business Plan 2017–2018* ensures 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*.

We achieved our commitment to increase the Aboriginal and Torres Strait Islander workforce to 6% of the total Legal Aid NSW workforce. With currently 75 (6.2%) Aboriginal and Torres Strait Islander staff across Legal Aid NSW, we have reached the previous employment target of 6%. We are continuing to work towards the increased target of 11%.

We commenced the establishment of and mandated priority use of Aboriginal targeted talent pools across Legal Aid NSW. At the time of the report the Aboriginal targeted talent pools were being used regularly.

Opportunities under the Legal Aid NSW Judge Bob Bellear Legal Pathways Career Program are continuing and have expanded. The program consists of the following opportunities for Aboriginal and Torres Strait Islanders studying or graduating from Law:

- Five identified cadetship positions
- Two identified graduate positions
- Two identified professional Legal Placement positions and
- Two identified Aboriginal traineeship positions

The Aboriginal traineeship program was developed as part of the Administrative Review Project, and provides opportunities for (non-legal) entry level positions as part of the Judge Bob Bellear program for Aboriginal and Torres Strait Islanders. Whilst the traineeships do not directly lead to legal qualifications they broaden the scope of the Judge Bob Bellear Program and meet the interests of regional offices and staff within the Aboriginal Staff Network. The program consists of full time work placement, whilst studying towards a Cert III in Business Administration.

In February 2018, two new trainees commenced in the Lismore and Tamworth office as part of the Judge Bob Bellear Legal Pathways Career Program. Legal Aid NSW worked with the Aboriginal Employment Strategy (AES) to recruit and on board the Aboriginal trainees. The AES is the only Aboriginal owned and managed Group Training Organisation (GTO) in the country.

We completed recruitment to establish talent pools for:

- Legal Support Officer
- Legal Officer Grade I-III
- Legal Officer Grade IV
- Judge Bob Bellear cadetship program and Professional Legal Placement

Recruitment was undertaken to fill the vacant Dubbo Aboriginal Field Officer position and also the newly established Community Liaison officer roles in Bourke and Walgett.

New approaches to Talent Pool Recruitment supports the business

As part of our new approach to recruitment, we established an Aboriginal Legal Officer I-III Talent Pool which consists of candidates from each practice area. Although the general capabilities in each practice area are similar, there are differences in required practice area legal knowledge.

Young Professionals Network

On 23 November the CEO launched the Young Professionals Network (YPN). The YPN is a forum for networking and collaboration between young employees, aged under 35., in order to support career development and staff wellbeing in metropolitan and regional locations. It also provides young employees with the opportunity to communication across divisions in order to promote integrated service delivery. The YPN met on a number of occasions and held two events in 2017-2018.

LEARNING AND DEVELOPMENT

FACT FILE

- 2810 people registered for Legal Aid NSW conferences and seminars
- 2270 attendances at Legal Aid NSW courses and workshops
- 98 distinct courses and workshops conducted for staff
- 3092 online learning activities undertaken

OBJECTIVE SUPPORTING OUR PEOPLE

Developing the knowledge and skills of our leaders and employees

The LEAD program provides a supportive environment for new and established managers to discuss and draw practical learning from theory, research and case studies, to better inform their practise and improve service delivery.

The LEAD program follows on from the highly successful New Leaders Program (NLP). During 2017, 19 employees undertook the nine month NLP program, which was designed to integrate management theory with real life Legal Aid case studies. In April 2108, 13 employees came together to celebrate their successful completion of the New Leaders Program (NLP).

Pilot of New Lawyer Induction Program

In May 2018, five new Legal Aid NSW lawyers participated in the pilot of the New Lawyer Induction Program (NLIP). The aim of the program is to develop client-centred lawyers who can identify legal problems across different jurisdictions and work to resolve these issues through a range of approaches. The program runs over two days and covers civil, family, criminal and domestic violence law. This training will now be conducted at regular intervals throughout the year for all new Legal Aid NSW.

Pilot of Solicitor in Charge Orientation

In recognition of the important role the Solicitor in Charge (SIC) has in leading an office, an SIC orientation was piloted to seven participants in April/May 2018. Following positive feedback and evaluation, the orientation will be extended to include new Legal Aid NSW managers from July 2018.

Evolving Individual Planning as part of continuous improvement

As part of our ongoing maturation of the Individual Planning (IP) process, a half day workshop titled Meaningful Conversations was developed to support managers in preparing for the conversations related to the Mid-Cycle Review. Across ten sessions, 105 managers were given an opportunity to examine their own reactions under stress and learn practical techniques to support them to better hold meaningful conversations about; performance, recognition, work-life integration and the support we all need to do our job well.

Initiatives to support the health and wellbeing of managers and staff

Maintaining the health and wellbeing of managers and staff remained a key focus and builds on the recognition that our work can often be demanding and stressful. Staff received training Building Resilience, Reasonable Adjustment and Trauma-Informed Practice. Feedback was universally positive around all these courses.

A pilot session of Managing Vicarious Trauma (VT) training in November 2017, was fully subscribed and highlighted that staff acknowledge they must be equipped with strategies that can help them prevent and manage VT. In the year ahead, monitoring and managing VT is a pillar of our *Being Well* campaign.

Legal Aid NSW is a signatory to the Tristan Jepson Memorial Foundation Guidelines, which are a set of 13 workplace factors that can influence psychological health. An audit was conducted in 2017, which included a review of our current policies and processes against best practice as identified in the Guidelines. As a result of the audit, the Executive determined the psychological protection and recognition reward would take priority. Psychological protection is being worked on as part of a wider strategic approach in 2018/19 to create a mentally healthy workplace.

The Wellbeing Project Officer also began visiting regional offices to discuss aspects of a healthy lifestyle, including nutrition, exercise and other wellbeing topics. These visits will continue across the organisation in 2018.

Overcoming barriers to mental illness

Training for the highly anticipated *Overcoming the Barriers* Mental Health Project occurred from October 2017 and continues with 863 internal and external practitioners having attended. *Overcoming the Barriers* is a half-day course for all frontline staff to improve client service to people living with mental illness and to reduce the barriers encountered when these clients access our services. The training uses short films and practical exercises. A Guide to Best Practice is provided to participants, providing strategies for engaging effectively with clients living with mental illness. The training package and associated resources were developed in collaboration with peak bodies such as Flourish Australia and One Door Mental Health.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Training for frontline staff with client journey mapping

A client journey map is a visual representation of a series of interactions that a client has with an organisation. The map identifies the client's feelings, touchpoints the client has with the organisation (e.g. front desk, phone call, face to face interview) and the pain points that the client experiences at each of these touchpoints.

We conducted workshops on client journey mapping between June and December 2017 with teams from across practice areas, servicing clients in regional, rural and metropolitan areas. The workshops enabled staff to:

- understand how clients with complex needs experience our services
- identify practical ways to improve how we provide services to these clients.

In early 2018 we conducted a client journey mapping workshop for staff across corporate services to facilitate thinking about how to integrate processes and provide a seamless service to internal staff/clients.



The year ahead

- ➔ Launch the *Being Well* campaign that includes, vicarious trauma and mental health essentials initiatives.
- ➔ Support the implementation of the *If Not, Why Not?* flexibility campaign.

PROFESSIONAL AND PERSONAL ACHIEVEMENTS

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

Professional development for lawyers

There are currently 79 lawyers working for Legal Aid NSW who are accredited specialists: eight in civil law, 24 in family law and 47 in criminal law.

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

Deputy CEO Richard Funston was sworn in as a magistrate of the Local Court on 30 April 2018. Richard worked at Legal Aid NSW for over 21 years in a number of roles, including Director Grants and Community Partnerships and Director Criminal Law before he was appointed Deputy Chief Executive Officer in 2017.

Deputy Director of the Criminal Law Division Leanne Robinson was sworn in as a magistrate of the Local Court on 23 April 2018. Leanne began her career at Legal Aid NSW as a social worker, and later worked in a range of solicitor roles in the Criminal Law Division at the Children's Legal Service and later as the Solicitor in Charge of the Manly Legal Aid NSW office.

Solicitor in Charge of the Children's Legal Service Debra Maher, was sworn as a magistrate of the Children's Court on 18 June 2018. Debra first joined Legal Aid NSW in 2001, and worked predominately in the Children's Legal Service including as Solicitor in Charge from 2010 until her appointment.

On 22 January 2017, Daniel Covington and Stuart Devine were sworn in as magistrates of the Local Court. Daniel worked at Legal Aid NSW for over a decade and held a number of roles in the Criminal Law Division over that time, including as a solicitor in Inner City Local Courts and Indictable teams, and as Legal Education Coordinator for the Criminal Law Division.

Stuart worked at Legal Aid NSW for 16 years in Inner City Local Courts, Committals and as a Solicitor Advocate. Stuart also took part in running the defended hearing workshop for

junior lawyers and was a great mentor for many lawyers at Legal Aid NSW.

Appointment to the Federal Circuit Court

Gosford Solicitor in Charge Jane Costigan was appointed as a Judge to Newcastle's Federal Circuit Court in November 2017. Jane commenced work at Legal Aid NSW at our Gosford office in 1999. She was later appointed solicitor in charge of the Gosford office overseeing 19 lawyers.

Highest praise for staff with awards

On 1 November 2017, Legal Aid NSW won the 2017 Premier's Award for Public Service in the category of Reducing Domestic Violence. This prestigious award recognises the efforts of multiple agencies collaborating on Safer Pathway, the NSW Governments response to domestic and family violence. Legal Aid NSW won the award in partnership with the NSW Police Force, Women NSW and the Department of Justice. Safer Pathway is a coordinated, interagency response to supporting domestic violence victims, including consistent threat assessment, streamlined service provision, and priority responses to victims at serious threat of injury or death.

Director Family Law, Kylie Beckhouse was awarded NSW Women's Lawyer of the Year in August 2017. The Award recognises outstanding women lawyers who have achieved excellence in their area of practice, while advancing opportunities for women in the law.

As Director of Family Law at Legal Aid, Kylie oversees one of the largest family law practices in Australia. Kylie is renowned for her commitment to improving the quality of legal representation for children in family law. She is a leader in early intervention strategies and outreach work that takes lawyers out of their traditional legal practices and makes them more accessible to communities.

Port Macquarie Solicitor in Charge Juliana Crofts received a Highly Commended in the Crowther PSM Excellence Awards in 2017. The Law Society NSW Michelle Crowther PSM Excellence Award recognizes the significant contribution of a government solicitor or group within the last year.

Bev Lazarou, Senior Project Officer in the Women's Domestic Violence Court Advocacy Program (WDVCAP) Unit, was named the 2018 Local Woman of the Year for Heathcote. Nominated by her local member of NSW Parliament, Lee Evans MP, Bev was recognised at the NSW Women of the Year Awards, a gala event held on 8 March in celebration of International Women's Day. Bev has been working with the WDVCAP Unit for more than 10 years, providing significant advice to Women's Domestic Violence Court Advocacy Services regarding any issues that arise in relation to their work supporting domestic violence victims.

WDVCAP manager Michelle Jones was the 2018 recipient of the University of Sydney's Graduate School of Government's highest award in June 2018. Jointly assessed by the Graduate School of Government (GSG) and the NSW Public Service Commission, the Public Service Commission Award in Public Administration recognises academic excellence by a NSW public servant in the GSG's Graduate Diploma in Public Administration program.



THE YEAR AHEAD

- Launch a new campaign aimed at promoting staff health and well being called *Being Well*.
- Develop a new model for regional offices that will be piloted in a number of office in late 2018 and evaluated in 2019.
- Restructure our corporate services divisions with a renewed focus on service delivery.

OUR ORGANISATIONAL CAPABILITY—EFFICIENCY MEASURES

OBJECTIVE ACCESS TO JUSTICE

New service model in Remote NSW

During 2017, we consulted with local communities, and state-wide stakeholders, and created a plan with a staged approach to improving our service model in the North West NSW.

The first stage involves making changes to current criminal law service delivery. The second stage involves developing a broader plan for ongoing services (including family and civil law services) in the region.

Implementing the NSW Government's package of criminal justice reforms

We established the Early Guilty Pleas (EAGP) Implementation Team to design and implement necessary changes across the organisation. We redesigned our workforce – at Central Sydney, we amalgamated the Committals and Indictable Sections, and the Advocates Unit into three new Indictable Teams; and for Regional Offices, we created 14 Legal Officer and seven Legal Support Officer roles, following detailed analysis and consultation to assess relative business needs at each location. Additional Grants and Case Conferencing positions were also created to facilitate the reforms.

Putting clients at the centre of everything we do

During 2017 we started developing a new online booking system to improve the management of and communication of client bookings. The new system will improve client service by providing a streamlined and consistent process for staff to manage client bookings.

Following the successful trial of client computers at our Central Sydney and Gosford offices, we installed client computer kiosks in six regional locations. The kiosks are operating at our Bankstown, Campbelltown, Coffs Harbour, Dubbo, Lismore and Penrith offices.

Clients can use the kiosks to print documents to support an application for a grant of aid and find legal information and resources to help with legal problems.

Online Application Form

We trialled an online version of the legal aid application form between July 2017 and April 2018. A number of recommendations were made on the basis of the trial and we are working to implement these this year.

OBJECTIVE SUPPORTING OUR PEOPLE

Transforming our administrative support services

In response to our administrative staff increasingly handling high volumes of work and providing client service, we began three trials to alleviate capacity issues:

- An administrative relief pool with four staff placed at offices where required.
- An administrative work pool of two staff based in Central Sydney
- A Senior Legal Support Officer trial offered four existing staff the opportunity to act in more high-graded administrative role.

OBJECTIVE EXCELLENCE IN LEGAL SERVICES

A new monitoring and evaluation framework

The Legal Aid NSW Monitoring and Evaluation Framework (the Framework) was developed in 2017–2018. Informed and aligned to the *NSW Government Program Evaluation Guidelines* (C2016-01- Program Evaluation), the Framework provides an overarching guide to evaluative practice in order to integrate and evaluative activities into service planning and delivery.

The Framework is designed to embed a culture of evaluation throughout the organisation, in order to equip all staff with the tools to demonstrate and assess the impact of Legal Aid NSW's work to our clients, community and the justice sector.

OBJECTIVE STRONG PARTNERSHIPS

Regional plans built on local needs

We continued to roll out Regional Service Delivery Planning during 2017–2018. Following the successful pilot conducted in 2016 a total of nine offices now have an approved plan with a further four offices in the final stages of finalising their plans.

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 the demographic and other data about their local populations to identify likely local legal need.

Reviewing our grants system

As a result of review recommendations, our Grants Division launched the Grants Efficiency Review project. Part of this project includes a comprehensive review of the Grants systems, processes and workshops with all Grants staff to engage in identifying Grants specific priorities.

Integrated health justice partnerships

We developed a Statement of Strategic Intent to guide its Health Justice Partnership (HJP) work which was approved by the Executive Steering Group for HJPs in July 2017.

The Statement of Strategic Intent is to improve the health, wellbeing and legal outcomes of clients through integrated health and legal partnerships.

Physical environment supports staff to work safely and efficiently

This year, we completed a number of office relocations and refurbishments whilst maintaining safe interrupted service delivery.

New satellite offices were established in Bourke and Walgett, relocations were completed for Parramatta and Penrith Office and refurbishments were undertaken at Gosford and Campbelltown offices.

We also introduced new personal security devices for staff conducting outreach work.



THE YEAR AHEAD

- Streamline consistent client entry pathways and design new digital channels.
- Complete the design and testing of our client triage model.
- Build on the review of our advice model by developing a new Legal Aid NSW advice framework.
- Progress work on our service model for priority client groups, especially prisoners and Aboriginal people.
- Complete evaluations of our specialist services and draw together learnings about what works.

INFORMATION TECHNOLOGY

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

OBJECTIVE ACCESS TO JUSTICE

Criminal Law reform support

This year we implemented a range of system changes supporting the Early Appropriate Guilty Plea (EAGP) and Sentencing and Parole reforms.

The system changes included reconfiguration of our Grants Management System and Case Management System to support revised business processes around the reforms, as well as the expansion of our video conferencing facilities to support the additional case conferencing between parties.

OBJECTIVE SUPPORTING OUR PEOPLE

Digital strategy

We developed a 3.5 year roadmap to inform the roll out of our *ICT and Digital Strategy*. The *ICT and Digital Strategy* key focus areas include:

- Making digital channels available to clients and partners
- Modernising core and supporting business systems
- Enhancing technology to better support our workforce mobility
- Transitioning to more flexible and scalable ICT infrastructure
- Recalibrating the ICT operating model to encourage closer alignment with the business and improved service delivery.
- Transforming to cloud based technologies enabling Legal Aid NSW to leverage best technology services beyond 'in house' capability, bringing increased security and reliability and providing greater agility and reduced time for delivery of new services

The *ICT and Digital Strategy* has also been aligned with the *Client Services Strategy* and Implementation Plan, and highlights key digital initiatives requiring support from ICT.

The *ICT and Digital Strategy* will assist Legal Aid NSW with targeting technology investment to support the delivery of the business strategy and provide better outcomes to its clients and stakeholders.

New Client and Case Management systems (CCMS)

Last year we identified the need to streamline systems used to undertake and capture legal and client services.

By replacing our current system with the CCMS, we aim to improve the management of our clients, matters and services by delivering an easy to use, client centric solution for all

staff, covering::

- client management
- matter and service management
- document management
- office management
- transitioning to a paper light process
- providing access across all offices, outreach locations, and courts via mobile devices

This platform will be digitally integrated with Justice and NSW government agencies to provide Legal Aid NSW clients with a more efficient service.

In 2017-2018 the platform and vendor selection for the new Client and Case Management System (CCMS) was completed. The first release of the platform is planned for late 2018 with the final release scheduled for September 2019.

Improved ICT Service

The Service Desk Portal provides a single place on our Intranet for staff to go to log requests and incidents with our Service Desk. Staff can also track the progress of their calls. We regularly survey staff using the Service Desk about their experience and we have received overwhelmingly positive responses. Key Performance Indicators for the Service Desk were formally introduced in February 2018 and are published to staff each month—every month since then the Service Desk has well exceeded the target of 90% of requests completed with agreed service levels.

Business Intelligence into the future

We conducted a Business Intelligence (BI) architecture review and proposed architectures for the BI platform into the future were defined. Our existing BI platform was implemented in 2011. The need to use data in our decision making has grown exponentially since then. The review we have undertaken provides options and a roadmap for us for the implementation of a new BI platform to support a range of new systems providing data for analysis, ensuring we can leverage this data for decision making most effectively.



THE YEAR AHEAD

- ➔ Implement Phase 1 of the Client and Case Management System.
- ➔ Roll out the Client Appointment Booking System (CABS).
- ➔ Implement a new Human Resources Management System.
- ➔ Implement agreed initiatives from the ICT and Digital Strategy.

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.

This year saw the introduction of the Legal Aid NSW Green Committee. The role of the Green Committee is to implement low cost, high impact ways to make Legal Aid NSW more environmentally sustainable. The Green Committee implemented a number of initiatives during the year including an organisation-wide stationary rescue leading up to World environment Day on 5 June 2018, Plastic Free July promotions and the introduction of Keep-Cups. The Committee meets quarterly at the Sydney Central office.

The Committee also organised an environmental audit for the Central Sydney office. The audit was conducted by the UNSW Sydney Sustainability Centre. The audit looked at waste, water and energy use. The audit revealed areas where Central Sydney office already has good practices and flagged many areas where we can improve our ecological footprint.

The report recommended:

- 4-5 star rated fridges and implementation of a 'switch off' policy for computers at the end of the work day.
- secure printing functions be installed on printers to prevent jobs being printed multiple times or being misplaced or forgotten, and signage to be mindful of what is printed and minimise wastage.
- clear communication and monitored paper purchasing to ensure practice aligns with the stated goal.

As shown in the following table, we exceeded, often substantially, the environmental targets set by the NSW Government, including those for use of green paper, green electricity and green fleet.



Reducing our environmental footprint—summary table 2017–2018

Goal	Target	Achievement
Reduce electricity consumption	Install energy efficient lights in our premises	Relocated Penrith and Parramatta Offices into new energy efficient buildings incorporating new energy efficient lighting.
Increase use of green paper purchasing	NSW Govt Target: Minimum 85% of copy paper to contain recycled content by 2014	A new contract for PECF Certified paper was negotiated which contributed to the target. A trial of 100% recycled paper is being undertaken by finance and facilities.
Reduce paper purchasing	Target of 10% reduction in paper purchasing per annum was introduced in 2009–2010	A reduction of 5% from 2017–2018 in paper usage was achieved.
Green electricity purchasing	NSW Govt Target 6% Green Electricity	New contract negotiated with Origin Energy for 2018/19 mandating a minimum of 6% 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

78	Key activities of the Board
79	Decisions of the Board
80	Board members
83	Organisational structure
84	Senior directors
86	Governance framework
91	Legislative compliance
91	Appealing decisions about legal aid
93	Complaint handling

Legal Aid NSW Deputy
CEO Monique Hitter with
NSW Attorney General
Mark Speakman SC.



Key achievements

- ✦ Developed a five-year strategic plan, the *Legal Aid NSW Strategic Plan 2018–2023* and a new Legal Aid NSW yearly plan, the *Legal Aid NSW Plan 2018–2019* (page 87).
- ✦ The Board approved a number of changes to the eligibility policies (page 79).
- ✦ Completed six performance audits (page 88).
- ✦ Received 18 applications for access to information (page 91).
- ✦ Received 401 complaints in 2017–2018 (page 93).
- ✦ There were no Public Interest Disclosures (page 91).



THE YEAR AHEAD

- ➔ Overseeing the implementation of the first year of the *Legal Aid NSW Plan 2018–2023*.



Key challenge

- ✦ Continuing to provide quality legal aid services with an increasing demand for limited resources and changing social conditions.

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.

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 Strategic Plan 2017–2018*.

The Board was kept informed about key initiatives during the year and approved the Legal Aid NSW Plan 2018-2019 and the five-year *Legal Aid NSW Strategic Plan 2018-2023* as well as *Legal Aid NSW Elder Abuse Strategy 2018-2020*.

The Board approved the establishment of the Indictable Criminal Law Panel for solicitors appearing in committal matters under the Early Appropriate Guilty Pleas Reform and the fee scales for solicitors appearing in committal matters under the Early Appropriate Guilty Pleas Reform.

The Board re-established the Crime and Grants Sub Committee established under section 68 of the *Legal Aid Commission Act 1979* (NSW), to examine fees paid to private practitioners undertaking legally aided work.

The Board also approved a number of changes to the eligibility policies so that the means test and contributions policy do not apply to matters being dealt with under the National Disability Insurance Scheme or to children seeking legal aid for criminal law proceedings.

The Board approved a new Board Charter and Code of Conduct. It also 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 also welcomed the appointment of new Deputy CEO, Monique Hitter in late June 2018.

Meetings of the Board

The Board held eight meetings in 2017–2018, including one out of session meeting to approve Community Legal Centre funding allocation for 2018-2019.

25% of the Board's time was spent on reviewing finance and operational reports and considering matters raised by the Audit and Risk Committee, 60% per cent of its time was taken up by determining policies and strategies, and the remaining 15% 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.



THE YEAR AHEAD

- ➔ Overseeing the implementation of the first year of the *Legal Aid NSW Strategic Plan 2018-2023*.
- ➔ Reviewing the eligibility and contributions policies of Legal Aid NSW.

DECISIONS OF THE BOARD 2017–2018

4 July 2017	<ul style="list-style-type: none"> ▶ Approved the <i>Legal Aid NSW Plan 2017–2018</i>. ▶ Approved amending the eligibility policy so that clients receiving a Centrelink benefit are not required to verify their means where they have assets of less than \$1,500. ▶ Approved the internal budget for 2017–2018. 	6 March 2017	<ul style="list-style-type: none"> ▶ Approved the strategic initiatives for inclusion in the <i>Legal Aid NSW Strategic Plan 2018–2023</i>. ▶ Approved the <i>Diversity and Inclusion Plan 2018–2019</i>. ▶ Approved amending the eligibility policy so the means test and contributions policy do not apply to matters being dealt with under the National Disability Insurance Scheme.
5 September 2017	<ul style="list-style-type: none"> ▶ Approved streamlining the process for complaints handling so that all complaints addressed to the Board of Legal Aid NSW are referred to the Chief Executive Officer for a response. ▶ Approved consultation with the Law Society NSW and NSW Bar Association about the proposed fee scales for the Early Appropriate Guilty Pleas Reform. ▶ Approved a new eligibility policy to reflect the changes made to the <i>Road Transport Act 2013</i>, which allows an applicant to apply to the Local Court for the removal of their licence disqualification. 	2 May 2018	<ul style="list-style-type: none"> ▶ Approved amendment to the civil law policy relating to coronial inquests so that Aboriginal and Torres Strait Islander families are represented at inquests following a death in custody of a family member.
7 November 2017	<ul style="list-style-type: none"> ▶ Appointed new members to the Legal Aid NSW Review Committee. ▶ Approved the establishment of the Indictable Criminal Law Panel for solicitors appearing in committal matters under the Early Appropriate Guilty Pleas Reform. ▶ Approved the fee scales for solicitors appearing in committal matters under the Early Appropriate Guilty Pleas Reform. ▶ Approved the Legal Aid NSW Board Charter and Code of Conduct. 	5 June 2018	<p>Out of session meeting</p> <ul style="list-style-type: none"> ▶ Approved Community Legal Centres funding allocation for 2018–2019
5 December 2017	<ul style="list-style-type: none"> ▶ Approved the <i>Legal Aid NSW Elder Abuse Strategy 2018–2019</i>. ▶ Approved the revised Audit and Risk Committee Charter and the Internal Audit Charter. ▶ Re-established the Crime and Grants Sub Committee to assist the Board in examining fees paid to private practitioners undertaking legally aided work 	19 June 2018	<ul style="list-style-type: none"> ▶ Approved the <i>Legal Aid NSW Plan 2018–2019</i>. ▶ Approved a new service type, Extended Legal Assistance to support clients with multiple legal problems. ▶ Approved amending the criminal law policy so that legal aid is available in response to an application under the <i>Terrorism (High Risk Offenders) Act 2017 (NSW)</i>. ▶ Approved amendments to the eligibility policy so the means test does not apply to children seeking legal aid for criminal law proceedings. ▶ Approved amendments to parts of the family law policy relating to adoption so that the policy targets the most disadvantaged clients.

BOARD MEMBERS | 1 JULY 2017 TO 30 JUNE 2018



Craig Smith

Dip Law (BAB) Dip Crim (SYD)



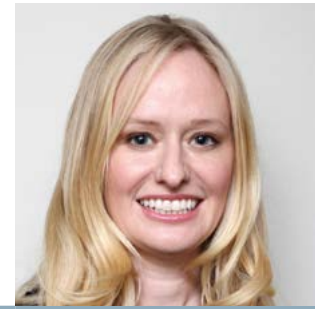
Brendan Thomas

BA



Dr Peggy Dwyer

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



Ainslie van Onselen

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

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 seven meetings)

Chief Executive Officer

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 seven meetings).

Board member

Peggy was called to the Bar in 2008, after nearly a decade as a solicitor with Aboriginal Legal Services in NSW and the Northern Territory. She has a varied practice, but specialises in criminal law, and appearance in trials, appeals, the children's Court and State Parole Authority. Peggy has a busy practice in coronial proceedings, appearing as Counsel Assisting the Coroner and counsel for interested parties, and she recently been Counsel in the Royal Commission into the Institutional Response to Child Sexual Abuse and 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 two meetings)

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.

In addition Ainslie sits on the Boards of Beem It, RAM's Financial Group Pty Ltd and is the Chair of the Kambala Girls School Council. She 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 Associate Professor of the University of Western Australia.

Ainslie is currently the General Manager of Deposits and Unsecured Lending in Westpac's Consumer Bank.

Ainslie has been with Westpac Group for more than four years in a range of senior roles. Most recently she was Managing Director of RAMS, and prior to this, Director of Women's Markets, Inclusion and Diversity.

(Attended seven meetings)

BOARD MEMBERS | 1 JULY 2017 TO 30 JUNE 2018



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 Chairman of Bingo Industries Limited, was a member of the Reserve Bank of Australia's Audit Committee; 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 Governor and Chairman of the Audit and Risk Committee of The Centenary Institute of Cancer Medicine and Cell Biology and a director of the Belvoir St Theatre Foundation.

(Attended six 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 Paediatrico.

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 seven meetings)



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 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 the top ranking of legal profession directories for IP litigation, in particular patent litigation.

Sue also has strong management experience, having been the Regional Managing Partner of Herbert Smith Freehills for Asia and Australia until 2017. Reflecting two areas Sue feels strongly committed to, Sue remains a member of her firm's governance bodies for each of pro bono and citizenship, and diversity and inclusion. Sue is also the Chair of the firm's RAP Steering group, and is proud of the Firm's Elevate RAP status.

(Attended seven 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 Elder Law, Capacity and Succession Committee, Chair of Elder Abuse Working Group, Member Specialist Accreditation Board, Director of Lawcover Insurance Pty Ltd, Member Future Committee, Chair Law Council of Australia's Elder Law and Succession Committee, Member of the State government's Steering Committee on preventing and responding to elder abuse and Member of the University of Sydney's Law Extension Committee.

(Attended seven meetings)

BOARD MEMBERS | 1 JULY 2017 TO 30 JUNE 2018



**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 five meetings)



Rachel Francois

BA (UNSW), LLB (UNSW)

Board member

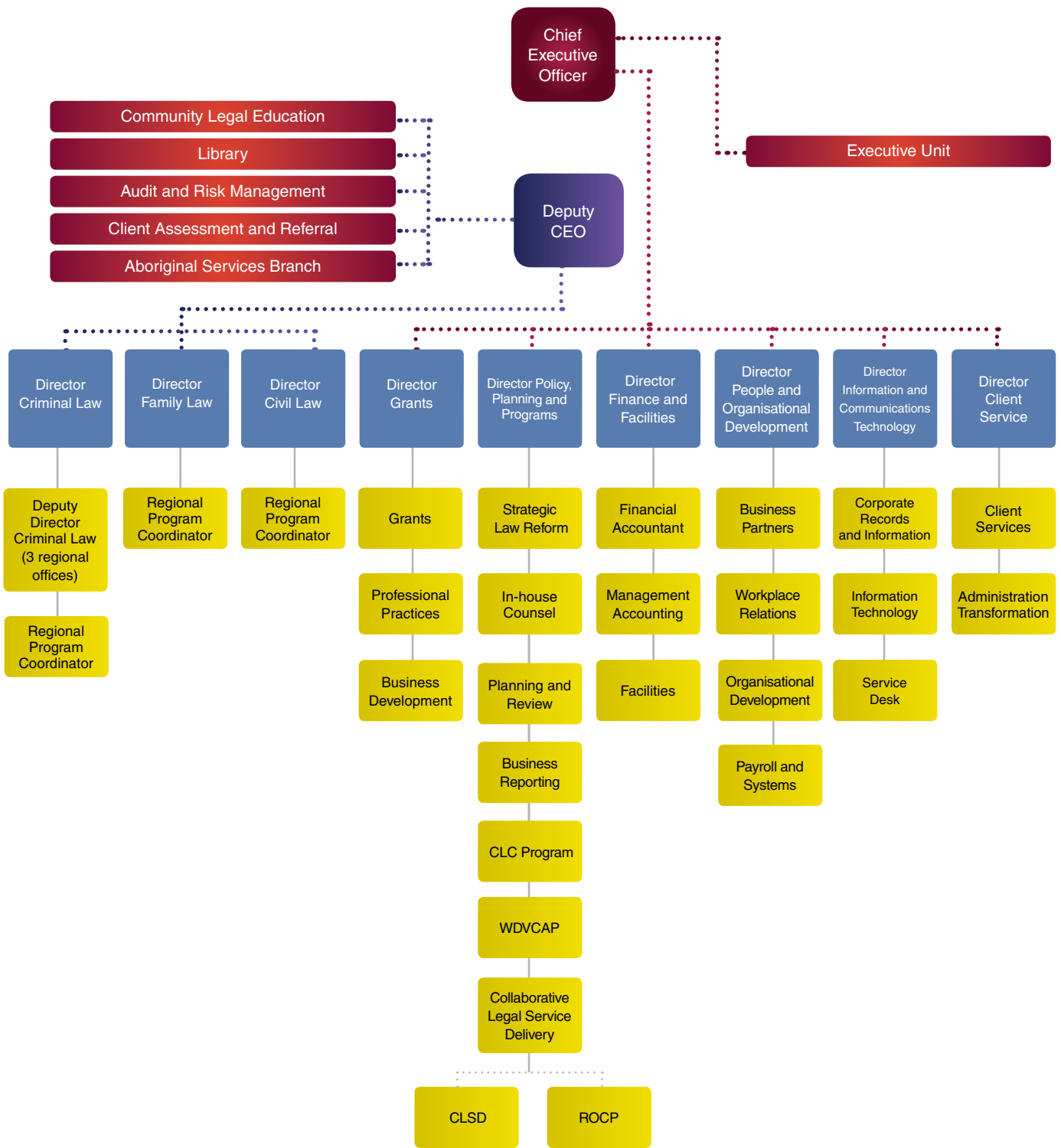
Rachel was appointed by the NSW Attorney General as representative Unions NSW for the period 23 June 2016–22 June 2019.

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 six meetings)

ORGANISATIONAL STRUCTURE



- CLCs: Community Legal Centres
- CLSD: Cooperative Legal Service Delivery Program
- WDV: Women's Domestic Violence Court Advocacy Program
- ROCP: Regional Outreach Clinic Program

SENIOR DIRECTORS



Brendan Thomas

BA

Chief Executive Officer

(Band 3)

(1 July 2017–30 June 2018)

Budget total: \$316.1M

Total staff (FTE): 1,098.94

Total actual: 1203



Richard Funston

*BCom LLB EMPA, Accredited
Criminal Law Specialist*

Deputy Chief Executive Officer

(Band 2)

(1 July 2017–20 April 2018)

Budget total: \$189.4M

Total staff (FTE): 1,044

Total actual: 1,162



Monique Hitter

BSW Dip Law

Deputy Chief Executive Officer

(Band 2) (23 April 2018–4 May 2018,
11 June 2018–30 June 2018)

Budget total: \$189.4M

Total staff (FTE): 1,044

Total actual: 1,162



Jane Cipants

BSW M Social Policy EMPA

Director Client Service

(Band 1)

Budget total: \$1.5M

Total staff (FTE): 23.55

Total actual: 26



Gaby Carney

BA/LLB (UNSW), MIL (USyd)

Director, Policy, Planning and Programs

(Band 1)

Budget total: \$54.4M

Total staff (FTE): 38.26

Total actual: 42



Barry O'Loughlin

B Fin Admin FCPA

Director Finance and Facilities

(Band 1)

Budget total: \$316.1M

Total staff (FTE): 21.6

Total actual: 22

SENIOR DIRECTORS



Annmarie Lumsden

BA LLB Dip Bus EMPA, Accredited Criminal Law Specialist

Director, Criminal Law (Band 1)

Budget total: \$96.6M
Total staff (FTE): 355.57
Total actual: 388

Annmarie Lumsden was Acting Deputy Chief Executive Officer 7 May 2018–18 May 2018.



Kylie Beckhouse

BA LLB, Accredited Family Law Specialist

Director, Family Law (Band 1)

Budget total: \$55.2M
Total staff (FTE): 256.28
Total actual: 289

Kylie Beckhouse was Acting Deputy Chief Executive Officer 21 May 2018–1 June 2018.

Meredith Osborne

BSW Dip Law

Acting Director, Civil Law (Band 1)

Budget total: \$21.8M
Total staff (FTE): 225.59
Total actual: 248

Meredith Osborne was Acting Director of Civil Law from 11 June to 30 June 2018. Prior to this Monique Hitter held the position of Director, Civil Law (1 July 2017–8 June 2018).



Vicki Leaver

BA, Dip Ed, CAHR

Director, People and Organisational Development (Human Resources) (Band 1)

Budget total: \$2.2M
Total staff (FTE): 23
Total actual: 24



Jocelyn Flanagan

BA/LLB

Director, Grants (Band 1)

Budget total: \$6.6M
Total staff (FTE): 74.35
Total actual: 77

Mary Whitehead was Director of Grants from 1 July 2017–16 October 2017.

Leanne Robinson was Acting Director, Grants 17 October 2017–16 April 2018.



Wayne Gale

BA (Computing) MCom (Accounting)

Director, Information and Communications Technology (Band 1)

Budget total: \$3.5M
Total staff (FTE): 35.62
Total actual: 37

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. See pages 80–82.

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 below.

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 80–81.

The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from the Deputy CEO and nine Directors who appear on pages 84–85.

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, the *Strategic Plan 2018-2023*, Code of Conduct, legal aid guidelines and means tests, Corruption and Fraud Prevention Plan, and Business Continuity Plan.



Legal Aid NSW Strategic Plan 2018–2023

In October 2017, we started developing our five year strategic plan. We held workshops in a number of Legal Aid NSW offices in October and November 2017, including Nowra, Wagga, Sydney, Bankstown, Port Macquarie, Lismore, Parramatta and Tamworth. Sessions were also held with the Aboriginal Staff Network, Solicitor in Charge Network and Office Manager Network. Around 300 staff members were involved in these discussions.

The content for the *Legal Aid NSW Strategic Plan 2018–2023* was progressively developed through a series of workshops with the Legal Aid NSW Executive Team, and staff comments on the draft high level Strategic Plan were sought via the intranet throughout December 2017 and January 2018. The feedback we received from staff during this process was overwhelmingly positive.

Targeted consultation with external stakeholders on a draft strategic plan occurred in February 2018, with views sought from the Aboriginal Legal Service NSW/ACT, Community Legal Centres NSW, the Law and Justice Foundation of NSW and the Department of Justice.

The Legal Aid NSW Strategic Plan 2018–2023 was approved by the Legal Aid NSW Board on 6 March 2018, and will commence on 1 July 2018. It sets out our vision—to be a leader in a legal system that delivers fair outcomes for disadvantaged and vulnerable people; and our purpose—to use the law to help people, particularly those who are disadvantaged, know, defend and assert their rights.

It includes five key outcomes, as well as our strategic initiatives for achieving those outcomes. The outcomes are:

- High quality, targeted services that meet our clients' needs;
- Partnerships that deliver the best possible outcomes for our clients;
- Our work improves the legal and justice systems;
- A highly capable workforce that is flexible, developed and equipped;
- Business processes that are responsive to our business needs.

Legal Aid Plan NSW 2018-2019

The *Legal Aid NSW Plan 2018-2019* highlights the key priorities for the first year of the *Strategic Plan 2018-2023*.

A draft Year 1 Plan was developed at an Executive Workshop held on 20 April 2018, and discussed at the Board Planning Day on 2 May 2018.

Actions in the *Legal Aid NSW Plan 2018-2019* 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 plans 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 2018–2019* and *Legal Aid NSW Strategic Plan 2018–2023* are available in the About us section of the Legal Aid NSW website.

Executive Program Management Office

The Executive Program Management Office (ePMO) provides centralised support for the major change and project initiatives within Legal Aid NSW. It promotes organisation-wide standards and processes and provides senior managers and the executive with information on progress, costs, resources and benefits across projects, which helps with key decisions.

The ePMO is a member of the Major Projects Sub Committee and the Major Project Boards but does not have decision making powers. The ePMO is responsible for:

- Oversight of all projects defined as Major Projects
- Coordinating and quality assurance of the program reporting for the Major Projects Sub Committee
- Supporting and advising project teams and sponsors
- Facilitating Post Implementation Reviews
- Coordinating change management across all Major Projects.

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* (NSW) 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 2017–2018.

Number of performance audits completed

2013–2014	8
2014–2015	5
2015–2016	6
2016–2017	6
2017–2018	6

Target for 2018–2019: 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 2017–2018

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.

The Committee is comprised of three independent members:

- Michael Coleman—Chair
- Peter Whitehead—Committee Member
- Robyn Gray—Committee Member

The Chief Executive Officer, Deputy Chief Executive Officer and Chief Audit Executive, Director Finance and Director of Policy, Planning and Programs also attend each meeting. Representatives from the NSW Audit Office also attend each meeting.

The Committee met on six occasions in 2017–2018 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:

- Payroll
- Complaints Management
- Credit Cards and Travel Claims
- ISO27001 Information Security Management System Surveillance Review



Monique Hitter
Chief Audit Executive

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, Monique Hitter, Kylie Beckhouse.** (pages 80-85)

Digital Information Security Annual Attestation Statement for the 2017–2018 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 2017–2018 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 2017–2018 financial year.



Brendan Thomas, CEO

Internal Audit and Risk Management Attestation Statement

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
- **Mr Richard Funston**
Non-Independent Member
Start term date: 12 March, 2017
Finish term date: 20 April, 2018
- **Ms Kylie Beckhouse**
Non-Independent Member
Start term date: 21 April, 2018
Finish term date: 10 June, 2018
- **Ms Monique Hitter**
Non-Independent Member
Start term date: 11 June 2018



Brendan Thomas
CEO
Date: 20 August 2018

Business continuity

We have a Business Continuity Plan that are 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 plans address 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, currently chaired by the Deputy CEO. During 2017–2018, we completed the Business Continuity Plan testing and training for Central Sydney (Head Office). Business continuity training, staff awareness and testing for regional offices will continue through 2018–2019.

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

- ➔ Implement the first year of the *Strategic Plan 2018-2023* and the *Legal Aid NSW Plan 2018-2019*.
- ➔ Conduct five performance audits.
- ➔ Conduct business continuity training, staff awareness and testing for regional offices.

LEGISLATIVE COMPLIANCE

We met our legal obligations under all the relevant legislative requirements.

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.

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 received two Internal Review requests in this reporting year. The first internal review is complete, and was conducted in accordance with the *Privacy and Personal Information Protection Act 1998* and the NSW Information and Privacy Commission guidelines. A report outlining our findings was provided to the Privacy Commissioner for review and

her recommendations were incorporated in the final report which was provided to the complainant and the 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 bases 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* (NSW) (GIPA Act) are set out in Appendix 8. During 2017-2018 reporting period we received 18 formal GIPA applications. Most of our applications were requests by individuals for their own information.

There were no internal reviews conducted in the 2017–2018 reporting period.

APPEALING DECISIONS ABOUT LEGAL AID

Independent reviews of decisions made by Legal Aid NSW provide procedural fairness to our clients.

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
- Ms Janet Moss
- Mr Brett Thomson
- Mr Jeremy Styles
- Ms Jane Sanders
- Mr Andrew Borg
- Ms Maria Good
- Mr Lisa Battersby
- Mr Peter Robinson
- Ms Kathleen Hainsworth
- Ms Stephanie Koch
- Mr Winston Terracini SC
- Ms Paul Blacket SC
- Ms Anne Healey
- Ms Pauline Mueller
- Ms Rita Zammit
- Mr Kim Garling

- Mr Brad Watts
- Mr Dian Neligan
- Ms Pauline David
- Mr Jon Prowse
- Mr Sharyn Hall
- Ms Thea Heness
- Ms Miranda Tunica
- Mr James Lonsdale
- Ms Anthea Tomlin
- Ms Leanne Spencer
- Mr Clyllyn Sperling
- Ms Mary Falloon
- Ms Jennifer Wong
- Mr Donald Sword
- Ms Lina Rapone
- Mr Nick Mitrevski
- Ms Johanna Geddes
- Ms Lucy Boyle
- Mr Christopher Dunn
- Ms Gemma Slack-Smith
- Mr Paul Guterres
- Ms Melanie Faithfull
- Ms Kathleen Lamoureux
- Ms Cheryl Drummy
- Mr Michael Granziera
- Ms Alexandra Brown
- Ms Terese Messner
- Mr Mark Whelan
- Mr Greg Moore
- Dr Stephen van der Mye
- Mr Stephen Stuart

Decrease in family law appeals

The review committees held 48 meetings and eight teleconferences. The committees allowed appeals in 66 out of 974 matters lodged, compared to 65 appeals allowed out of 1,049 lodged last year. There was a significant decrease in the number of appeals lodged in family law and a slight decrease in civil law and criminal law.

The decrease in Family Law matters can be largely attributed to the reduction in Care & Protection matters as a result of FACS introducing a new service model that supports keeping children safely with their families wherever possible.

The percentage of successful appeals across all three program areas increased slightly to last year with an overall increase of 0.6%. For further information in comparison to last year and this year, please refer to Table 1 and Table 2.

Appeal trends over five years

The average number of appeals submitted each year over the past five years has been 1,162. The trends in the numbers of appeals and outcomes over the past five years is set out in Table 2.

Table 1: Appeals and outcomes 2017–2018

Law Type	Allowed	Disallowed	Deferred	Not Appealable	Withdrawn	Total Appeals	Appeals Allowed (%)
Civil	2	109	2	0	0	113	1.8%
Criminal	27	210	4	47	6	294	9.2%
Family	37	503	8	1	18	567	6.5%
TOTAL	66	822	14	48	24	974	6.8%

Table 2: Appeals and outcomes over five years

Review outcome	2013–2014	2014–2015	2015–2016	2016–2017	2017–2018
Appeal allowed	122	49	60	65	66
Appeal disallowed	1,196	999	879	878	822
Deferred	55	25	14	19	14
Not appellable	90	72	36	58	48
Withdrawn	4	4	180	29	24
TOTAL	1,467	1,149	1,169	1,049	974

COMPLAINT HANDLING

We are accountable to the public through an open and efficient complaints process.

We received 401 complaints in 2017–2018 and 238 inquiries from third parties querying another person's grant of aid. See Table 3 on page 94 for more details.

In addition to our standard 21 day timeframe a new 30 day timeframe was introduced in September 2017 to reflect the additional time needed to respond to complaints about panel lawyers or other external parties.

We encourage all types of feedback and recorded 39 compliments and five suggestions. This allows us to know when we are doing well and encourages people to tell us how we might improve.

Aiming for best practice complaint handling

Deloitte, as part of our internal audit schedule, and the NSW Ombudsman undertook audits of our complaint handling processes which were finalised at the end of 2017.

The audits reviewed randomly selected complaints, surveyed staff with complaint handling responsibilities and compared Legal Aid NSW's complaint handling with other agencies across the Department of Justice cluster and against the NSW Complaint Handling Commitments.

The audits noted current good practice and also made recommendations for improvement.

A six month Complaints Handling Project started in June 2018 to implement the recommendations of the audits.

Training

The need for staff training in complaint handling was identified in both audits.

The Deputy NSW Ombudsman gave a presentation to the Executive on complaint handling in June 2018.

A training plan for other staff and offices was developed and will be rolled out from July to October 2018.

Service improvement

Our Complaints Working Group identifies opportunities for service improvement arising from complaints. We use this feedback to bring the 'voice of the client' to a range of client service initiatives, given the important insights they give us about the client experience.

This year for example, we received a number of complaints from prison inmates regarding their grant of legal aid applications. Once the issues were identified, Legal Aid NSW and Corrective Services NSW, worked collaboratively to design a solution.

A workshop with representatives of both agencies designed a new process which was trialled at three correctional facilities. In July 2018 the trial will be reviewed to determine whether to roll it out to other correctional centres across NSW.

Better reporting to Executive and Board

Our Executive started receiving monthly complaints reports from March 2018 which identify serious complaints and complaints that are outside their respective 21 or 30 day timeframe.

The Board started receiving quarterly reports from April 2018.

With the introduction of weekly reports to Directors regarding open complaints and monthly reporting to the Executive highlighting complaints outside their timeframes (21 or 30 days) we saw a significant reduction in the number of overdue complaints.

The weekly reports have also helped to improve our performance in giving progress updates to complainants.

In May 2018 the Executive report showed that there were no overdue complaints.

Table 3: Number of Complaints and inquiries- three year comparison

Inquiries	2015–2016	2016–2017	2017–2018
Grants—eligibility inquiries	283	260	238*
Grants—refusals	44	40	-
In-house—customer service	59	45	-
In-house lawyer	68	101	-
Staff (other than in-house lawyer)	1	5	-
Policy and/or administrative processes	32	15	-
Private lawyer—conduct	68*	78	-
Private lawyer—fees	15	18	-
Independent Children’s Lawyer—conduct	26	29	-
Mediator—conduct	20	13	-
Funding allocations	24	7	-
Other	21	29	-
Total complaints	378	380	401*
Outcome of complaints			
Upheld	19	23	-
Partially upheld	28	28	-
Not upheld	194	220	-
Referred to other body	17	1	-
Response to Minister’s office or Community Relations Unit	84	45	-
Professional Practices Branch	0	0	-
Complaint—unknown outcome (eg s25/26)	24	40	-
To be determined	12	23	7*
Total	378	380	401*
Time taken to close complaints			
Within 21 days	65%	74%	-
4–6 weeks	18%	16%	-
7–12 weeks	6%	9%	-
12+ weeks	11%	1%	-

*Due to the limitations of a new complaints management system introduced in November 2018 it is not possible to give a detailed breakdown of complaints data.

Recording complaints

An across government complaints management system was trialled from 1 November 2017.

As this system does not meet our business reporting needs and cannot be customised other options are being scoped.

A new Complaint Management System is being designed to capture meaningful complaints data which is accessible for analysis purposes. The intention is to use complaints data to identify trends, identify opportunities for service improvement and manage risk.

As the complaints data for 2017-2018 was collected from two separate systems we were not able to provide a detailed breakdown for comparison with previous years.



THE YEAR AHEAD

- ➔ Introduce a new Complaints Management System.
- ➔ Develop a toolkit for staff to improve complaint handling skills.

5 Financial summary



IN THIS SECTION

98 Financial overview

99 Financial performance

100 Financial statements



Key results

- ✦ Total revenue of \$319.7 million
- ✦ Total expenses of \$318.9 million
- ✦ Net equity of \$51.8 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 2017–2018 was \$319.7 million and expenditure was \$318.9 million.

Funding from the NSW Government was \$149.3 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$80.4 million

Key developments

Our financial result was a surplus of \$0.3 million which is \$0.1 million more than the budgeted surplus of \$0.2 million.

We ended the year with net equity of \$51.8 million. Payments of \$107.5 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)

Funding received in 2017-18	(\$M)
State Appropriation including Commonwealth NPA funding	229.7
Public Purpose Fund Grant	34.4
Other Grants	44.3
Acceptance by the Crown Entity of employees benefits and other liabilities	4.1
Interest and Other Sources	7.2
Total	319.7

How we spent our money (\$M)

Employee Related Expenses	127.9
External Legal Services	107.5
Grants and subsidies	50.2
Other	33.3
Total	318.9

How we spent our money by program (\$M)

Criminal Law	138.8
Family Law	83.4
Civil Law	43.0
Community Partnerships	53.7
Total	318.9

FINANCIAL PERFORMANCE

Our financial result was a surplus of \$0.3 million which is \$0.1 million more than the budgeted surplus of \$0.2 million.

Income

Total income for 2017–2018 was \$319.7 million and expenditure was \$318.9 million.

Funding from the NSW Government was \$149.3 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$80.4 million.

Acceptance by the Crown Entity of Employees benefits and other liabilities was \$4.1 million.

Funding from other sources includes \$34.4 million from the Public Purpose Fund, \$44.3 million from Other Grants Received and \$7.2 million from Interest revenue and other sources.

Expenses

Our major expenses were:

- Employee related expenses of \$127.9 million (\$125.8 million in 2016–2017); and
- Payments to private lawyers of \$107.5 million (\$107.9 million in 2016–2017).
- Total expenses for Legal Aid NSW are estimated at \$358.1 million in 2018–2019, an increase of 12.29% on the 2017–2018 actual.

Budget outline 2018–2019

Operating statement	(\$M)
Revenue (including government contributions)	330.1
Expenditure	358.1
Other Gains/Losses	(0.2)
Net result	(28.2)

Balance sheet	(\$M)
Current assets	41.2
Non current assets	16.7
Total assets	57.9
Current liabilities	27.8
Non Current liabilities	6.2
Total liabilities	33.9
Net assets	24.0
Equity	24.0

Our financial performance over five years

Total expenses (\$M)

2013–2014	243.9
2014–2015	257.4
2015–2016	283.4
2016–2017	306.4
2017–2018	318.9

Surplus or (deficit) (\$M)

2013–2014	3.5
2014–2015	4.4
2015–2016	10.2
2016–2017	1.4
2017–2018	0.3

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.

Statement by Members of the Board	101
Independent Auditor's Report	102
Statement of comprehensive income	104
Statement of financial position	105
Statement of changes in equity	106
Statement of cash flows	107

Notes to the financial statements for the year ended 30 June 2016

1. Statement of significant accounting policies	108
2. Expenses	109
3. Revenue	111
4. Gains/(loss) on disposal	113
5. Other gains/(losses)	113
6. Program Group Statements	114
7. Current assets—cash and cash equivalents	116
8. Current/non-current assets receivables	116
9. Non-current assets—plant and equipment	117
10. Intangible assets	118
11. Current liabilities—payables	119
12. Current/non-current liabilities—provisions	120
13. Non-current liability—other	121
14. Equity	121
15. Commitments for expenditure	121
16. Contingent liabilities and contingent assets	122
17. Budget review	122
18. Reconciliation of cash flows from operating activities to net result	122
19. Trust funds	122
20. Financial instruments	123
21. Related party disclosure	126
22. Events after reporting period	127

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:

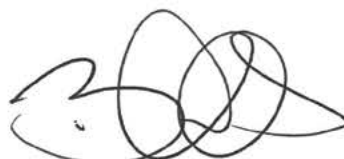
1. The Legal Aid Commission of NSW's financial statements are prepared in accordance with:
 - applicable Australian Accounting Standards (which include Australian Accounting Interpretations).
 - the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2015*; and
 - the Financial Reporting Directions mandated by the Treasurer.
2. The accompanying financial statements exhibit a true and fair view of the financial position and the financial performance of the Legal Aid Commission of NSW as at 30 June 2018 and transactions for the year then ended.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.



Craig Smith
Chair, Legal Aid NSW

Date:

11/9/2018



Brendan Thomas
Chief Executive Officer

Date:

11/9/18



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 Comprehensive Income for the year ended 30 June 2018, the Statements of Financial position as at 30 June 2018, the Statements of Changes in Equity and the Statements of Cash Flows for the year then ended, notes comprising a Statement 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 2018, 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 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.

Other information comprises the information included in the annual report of the Commission and the consolidated entity for the year ended 30 June 2018, other than the financial statements and my Independent Auditor's Report thereon. The members of the Board of the Commission are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Statement by members of the Board.

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Board's Responsibilities 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 Act, 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 are responsible for assessing the ability of the Commission and the consolidated entity to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting except where operations will be dissolved by an Act of Parliament or otherwise cease.

Auditor's Responsibilities 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: 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.



Chris Harper
Director, Financial Audit Services

14 September, 2018
SYDNEY

Statement of comprehensive income for the year ended 30 June 2018

	Notes	Consolidated		Parent		
		Actual 2018 \$'000	Budget 2018 \$'000	Actual 2017 \$'000	Actual 2018 \$'000	Actual 2017 \$'000
Expenses excluding losses						
Employee-related expenses	2(a)	127,851	124,072	125,755	840	354
Personnel Services	2(a)	–	–	–	123,208	99,042
Other operating expenses	2(b)	29,300	26,652	25,500	29,018	25,124
Depreciation and amortisation	2(c)	3,935	6,000	6,036	3,935	6,036
Grants and subsidies	2(d)	50,245	42,894	41,164	50,245	41,164
Finance costs	2(e)	78	–	4	78	4
Services provided by private practitioners	2(f)	107,480	102,226	107,933	107,480	107,933
Total Expenses excluding losses		318,889	301,844	306,392	314,804	279,657
Revenue						
Sale of goods and services	3(a)	6,066	4,100	6,807	6,066	6,807
Investment revenue	3(b)	160	0	807	160	807
Grants and contributions	3(c)	308,407	294,387	291,650	308,407	291,650
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	4,085	3,372	6,787	–	–
Other revenue	3(e)	969	320	1,761	969	1,761
Total Revenue		319,687	302,179	307,812	315,602	301,025
Operating Result		798	335	1,420	798	21,368
Gain/(loss) on disposal	4	(64)	35	(49)	(64)	(49)
Other Gains/(losses)	5	(410)	(200)	11	(410)	11
Net result	18	324	170	1,382	324	21,330
Other comprehensive income						
<i>Items that will not be reclassified to net result in subsequent periods</i>						
Superannuation actuarial gains/(losses)		–	–	19,948	–	–
Total other comprehensive income		–	–	19,948	–	–
TOTAL COMPREHENSIVE INCOME		324	170	21,330	324	21,330

The accompanying notes form part of these statements

Statement of financial position as at 30 June 2018

	Notes	Consolidated		Parent		
		Actual 2018 \$'000	Budget 2018 \$'000	Actual 2017 \$'000	Actual 2018 \$'000	Actual 2017 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	7	58,694	63,379	63,798	58,694	63,798
Receivables	8	11,372	4,522	4,967	11,372	4,967
Total Current Assets		70,066	67,901	68,765	70,066	68,765
Non-Current Assets						
Receivables	8	3,833	3,238	3,684	3,833	3,684
Plant and equipment	9	9,656	6,796	8,441	9,656	8,441
Intangible Assets	10	3,789	4,988	2,622	3,789	2,622
Total Non-Current Assets		17,278	15,022	14,747	17,278	14,747
Total Assets		87,344	82,923	83,512	87,344	83,512
LIABILITIES						
Current Liabilities						
Payables	11	15,955	14,255	13,883	15,955	13,883
Provisions	12	13,439	13,283	13,282	13,439	13,282
Total Current Liabilities		29,394	27,538	27,165	29,394	27,165
Non-Current Liabilities						
Provisions	12	4,652	5,796	4,547	4,652	4,547
Other	13	1,496	132	322	1,496	322
Total Non-Current Liabilities		6,148	5,928	4,869	6,148	4,869
Total Liabilities		35,542	33,466	32,034	35,542	32,034
Net Assets		51,802	49,457	51,478	51,802	51,478
EQUITY						
Accumulated funds	14	51,802	49,457	51,478	51,802	51,478
Total Equity		51,802	49,457	51,478	51,802	51,478

The accompanying notes form part of these statements

Statement of changes in equity for the year ending 30 June 2018

Notes	Consolidated		Parent	
	Accumulated Funds \$'000	Total \$'000	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2017	51,478	51,478	51,478	51,478
Net result for the Year	324	324	324	324
Other comprehensive income	–	–	–	–
Total comprehensive income for the year	324	324	324	324
Balance at 30 June 2018	51,802	51,802	51,802	51,802
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)	19,948	19,948	–	–
Total other comprehensive income	19,948	19,948	–	–
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

The accompanying notes form part of these statements

Statement of cash flows for the year ending 30 June 2018

	Notes	Consolidated		Parent		
		Actual 2018 \$'000	Budget 2018 \$'000	Actual 2017 \$'000	Actual 2018 \$'000	Actual 2017 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee Related		(123,432)	(113,873)	(135,826)	(840)	(354)
Grants and subsidies		(55,270)	(42,894)	(45,280)	(55,270)	(45,280)
Personnel services		–	–	–	(122,592)	(135,472)
Private Practitioners		(107,098)	–	(108,811)	(107,098)	(108,811)
Other		(34,340)	(150,160)	(32,022)	(34,340)	(32,022)
Total Payments		(320,140)	(306,927)	(321,939)	(320,140)	(321,939)
Receipts						
Sale of goods and services		5,625	3,900	6,925	5,625	6,925
Grants and Contributions		307,264	258,177	296,045	307,264	296,045
Interest received		160	–	1,013	160	1,013
Other		8,017	51,306	7,650	8,017	7,650
Total Receipts		321,066	313,383	311,633	321,066	311,633
NET CASH FLOWS FROM OPERATING ACTIVITIES	18	927	6,456	(10,306)	927	(10,306)
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		127	35	–	127	–
Purchases of plant and equipment		(6,157)	(6,920)	(4,728)	(6,157)	(4,728)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(6,030)	(6,885)	(4,728)	(6,030)	(4,728)
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENT		(5,103)	(429)	(15,034)	(5,103)	(15,034)
Opening cash and cash equivalents		63,798	63,808	78,832	63,798	78,832
CLOSING CASH AND CASH EQUIVALENTS	7	58,694	63,379	63,798	58,694	63,798

The accompanying notes form part of these statements

1 STATEMENT 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 Commission is an independent statutory body, established under the *Legal Aid Commission Act 1979*. The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The Commission's main objective is to improve access to justice for the most disadvantaged people in our society, responding to their legal and non-legal needs.

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 2018 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 11 September 2018.

(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 (AAS) (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, which is the Commission's presentation and functional currency.

(c) Statement of Compliance

The 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) 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.

(f) 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. The budget for the cash flow statement however was not presented to parliament as it was not included in Budget Paper No 3.

(g) 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.

(h) Changes in accounting policy, including new or revised Australian Accounting Standards

Effective for the first time in 2017-18

The accounting policies applied in 2017-18 are consistent with those of the previous financial year.

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 Revenue from Contracts with Customers

AASB 16 Leases

AASB 1058 Income of Not-for-Profit Entities

AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15

AASB 2014-10 Amendments to Australian Accounting Standards—Sale or Contribution of Assets between an Investor and its Associate or Joint Venture

AASB 2015-8 Amendments to Australian Accounting Standards—Effective Date of AASB 15

AASB 2016-3 Amendments to Australian Accounting Standards—Clarifications to AASB 15

AASB 2016-5 Amendments to Australian Accounting Standards—Classification and Measurement of Share-based Payment

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—Transfers of Investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments

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 overall impact on the total amount of cash flows reported.

	Consolidated		Parent	
	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000
2 EXPENSES EXCLUDING LOSSES				
(a) Employee related expenses and personnel services				
Employee related expenses				
Salaries and wages (including annual leave)	106,650	99,937	–	–
Superannuation—defined benefit plans	1,172	1,961	–	–
Superannuation—defined contribution plans	9,262	8,615	–	–
Long service leave	3,052	8,532	–	–
Workers' compensation insurance	262	336	–	–
Payroll tax and fringe benefits tax	6,613	6,020	–	–
Agency staff costs	840	354	840	354
Total	127,851	125,755	840	354
The Commission does not employ staff that are directly involved in day-to-day servicing or maintenance. Employee related expenses capitalised to fixed assets in 2017-18 was \$Nil (2016-17: \$0.212m), therefore excluded from the above.				
Personnel services Personnel services				
Personnel services provided by the Legal Aid Commission Staff Agency	–	–	123,208	99,042
Total	–	–	123,208	99,042

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
(b) Other operating expenses				
Other operating expenses include the following:				
Operating lease rental expense—minimum lease payments	11,254	10,073	11,254	10,073
Telephone	330	385	330	385
Library resources	812	819	812	819
Consultants	1,326	425	1,326	425
Stationery, stores and provisions	794	709	794	709
Computer running costs	4,233	3,273	4,233	3,273
Printing	761	795	761	795
Records management	679	619	679	619
Travel	1,849	1,940	1,849	1,940
Interpreters' fees	23	74	23	74
Postage	733	818	733	818
Cleaning	592	495	592	495
Practicing certificates	521	486	521	486
Electricity and gas	477	398	477	398
Insurance	166	136	166	136
Auditor's remuneration—audit of financial statements	145	142	145	142
Auditor's remuneration—audit of IAAAS	4	4	4	4
Internal audit and audit of Trust Account	266	279	266	279
Courier and freight	91	72	91	72
Maintenance	545	425	545	425
Other	3,699	3,133	3,417	2,757
Total	29,300	25,500	29,018	25,124

Recognition and Measurement

Maintenance Expense

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.

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.

Operating Leases

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.

(c) Depreciation and amortisation expenses

Depreciation

Leasehold Improvements	2,028	3,414	2,028	3,414
Plant and Equipment	1,388	1,549	1,388	1,549
Total	3,416	4,963	3,416	4,963
Amortisation				
Software	519	1,073	519	1,073
Total	519	1,073	519	1,073
Total depreciation and amortisation expense	3,935	6,036	3,935	6,036

Refer to Notes 9 and 10 for recognition and measurement policies on depreciation and amortisation.

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
(d) Grants and subsidies				
Domestic Violence Court Assistance Program	23,700	17,251	23,700	17,251
Community Legal Centres	24,348	23,041	24,348	23,041
Cooperative Legal Service Delivery Program	921	338	921	338
ALS Field Officer Training	1,276	504	1,276	504
Legal Pathways	–	30	–	30
Total	50,245	41,164	50,245	41,164

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	78	4	78	4
Total	78	4	78	4

(f) Services provided by private practitioners

Solicitor services provided by private practitioners	66,488	66,030	66,488	66,030
Barrister services provided by private practitioners	26,201	28,380	26,201	28,380
Disbursements	14,791	13,523	14,791	13,523
Total	107,480	107,933	107,480	107,933

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

Recognition and Measurement

Income is measured at the fair value of the consideration or contribution received or receivable. Comments regarding the accounting policy for the recognition of income are discussed below.

(a) Sale of goods and services

Rendering of services

Criminal Law	2,587	3,101	2,587	3,101
Family Law	2,331	2,292	2,331	2,292
Civil Law	1,148	1,414	1,148	1,414
Total	6,066	6,807	6,066	6,807

Recognition and Measurement

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).

(b) Investment revenue

Interest on outstanding accounts	160	114	160	114
Interest on cash assets	–	693	–	693
Total	160	807	160	807

Recognition and Measurement

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.

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
(c) Grants and contributions				
Cluster Agency recurrent contribution	212,433	206,505	212,433	206,505
Cluster Agency capital contribution	4,970	3,600	4,970	3,600
Law Society Public Purpose Fund i)	34,395	36,210	34,395	36,210
Cluster Agency recurrent contribution–CLC specific ii)	12,287	12,553	12,287	12,553
Other grants and contributions iii)	44,322	32,782	44,322	32,782
Total	308,407	291,650	308,407	291,650

Recognition and Measurement

Grants and Contributions

Income from grants (other than contribution by owners) is recognised when the entity obtains control over the contribution. The entity is deemed to have assumed control when the grant is received or receivable. Contributions are recognised at their fair value. Contributions of services are recognised when and only when a fair value of those services can be reliably determined and the services would be purchased if not donated.

i) This fund provided a grant of \$34.4m (\$36.2m in 2016-17) to provide legal aid services in State matters.

Other specific grants from this fund include:

Community Legal Centres	1,375	1,375	1,375	1,375
Children's Court Assistance Scheme	206	206	206	206
Homeless Persons	457	457	457	457
Older Persons Legal Service	527	527	527	527
Aboriginal Legal Access Program	297	297	297	297
Environmental Defenders Office	–	825	–	825
Public interest Advocacy	–	990	–	990
Total	2,862	4,677	2,862	4,677

ii) CLC specific funding received from the Commonwealth Government via the National Partnership Appropriation. In 2017-18, \$12.287m plus a further \$0.648m SACS ERO funding, totalling \$12.935m (2016-17 \$12.553m as a Commonwealth Base grant). These funds were earmarked for distribution to various Community Legal Centres

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
iii) Other Grants and contributions include:				
State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	202	202	202	202
Commonwealth Government special funding for expensive criminal cases	–	5,554	–	5,554
State FACS–Homelessness Action Plan	378	377	378	377
NSW Health–Women's Domestic Violence	11,671	7,124	11,671	7,124
State Department of Justice–Domestic and Family Violence	13,382	10,869	13,382	10,869
State Department of Justice–Early Guilty Plea reform	5,832	–	5,832	–
State Department of Justice–Client Case Management System	1,200	544	1,200	544
State Department of Justice–Driver Disqualification Reform	1,683	–	1,683	–
State Department of Justice–Community Legal Centres	3,041	–	3,041	–
State Department of Justice–District Court Backlog	4,400	7,000	4,400	7,000
Commonwealth Grant–South West Sydney Domestic Violence	850	350	850	350
Commonwealth Grant–National Disability Insurance Scheme	1,513	–	1,513	–
Commonwealth Grant–Family Law Services	–	635	–	635
Other	170	127	170	127
Total	44,322	32,782	44,322	32,782

(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	1,172	586	–	–
Long Service Leave	2,849	6,169	–	–
Payroll tax	64	32	–	–
Total	4,085	6,787	–	–

(e) Other revenue

Miscellaneous	969	1,761	969	1,761
Total	969	1,761	969	1,761

4 GAIN/(LOSS) ON DISPOSAL

Gain/(Loss) on disposal of plant and equipment

Proceeds from disposal	127	–	127	–
Less: Written down value of assets disposed	(191)	(49)	(191)	(49)
Net Gain/(loss) on disposal	(64)	(49)	(64)	(49)

5 OTHER GAINS/(LOSSES)

Impairment gain/(loss) on receivables	(474)	(303)	(474)	(303)
Gain/(loss) on make good provision	64	314	64	314
Net Other Gains/(losses)	(410)	11	(410)	11

Recognition and Measurement

Impairment Losses

Impairment losses may arise on assets held by the Commission from time to time. Accounting for impairment losses is dependent upon the individual asset (or group of assets) subject to impairment. Accounting Policies and events giving rise to impairment losses are disclosed in Note 8–Receivables, Note 9 Plant and equipment, and Note 10–Intangible assets.

6 PROGRAM GROUP STATEMENTS FOR THE YEAR ENDING 30 JUNE 2018

CONSOLIDATED EXPENSES AND REVENUES	Program Group 1 * Legal Services		Program Group 2 * Community Part- nerships		Not Attributable **		Total	
	2018 \$000	2017 \$000	2018 \$000	2017 \$000	2018 \$000	2017 \$000	2018 \$000	2017 \$000
Expenses excluding losses								
Employee related/Personnel services	125,166	123,416	2,685	2,339	–	–	127,851	125,755
Other Operating expenses	28,208	24,506	1,092	994	–	–	29,300	25,500
Depreciation and amortisation	3,850	5,927	85	109	–	–	3,935	6,036
Grants and subsidies	885	534	49,360	40,630	–	–	50,245	41,164
Finance costs	76	4	2	–	–	–	78	4
Services provided by private practitioners	107,062	107,663	418	270	–	–	107,480	107,933
Total Expenses excluding losses	265,247	262,050	53,642	44,342	–	–	318,889	306,392
Revenue								
Sale of goods and services	6,066	6,807	–	–	–	–	6,066	6,807
Investment income	160	807	–	–	–	–	160	807
Grants and contributions	13,878	14,789	28,093	17,994	266,436	258,867	308,407	291,650
Acceptance by the Crown Entity of employee benefits and other liabilities	–	–	–	–	4,085	6,787	4,085	6,787
Other revenue	967	1,647	2	114	–	–	969	1,761
Total Revenue	21,071	24,050	28,095	18,108	270,521	265,654	319,687	307,812
Operating Result	(244,176)	(238,000)	(25,547)	(26,234)	270,521	265,654	798	1,420
Gain/(Loss) on disposal of non-current assets	(64)	(49)	–	–	–	–	(64)	(49)
Other gains/(losses)	(410)	11	–	–	–	–	(410)	11
Net result	(244,650)	(238,038)	(25,547)	(26,234)	270,521	265,654	324	1,382
Other Comprehensive Income								
Items that will not be reclassified to net result in subsequent periods								
Other–actuarial gains/(losses)	–	19,577	–	371	–	–	–	19,948
Total Other Comprehensive Income	–	19,577	–	371	–	–	–	19,948
TOTAL COMPREHENSIVE INCOME	(244,650)	(218,461)	(25,547)	(25,863)	270,521	265,654	324	21,330

CONSOLIDATED ASSETS AND LIABILITIES	Program Group 1 * Legal Services		Program Group 2 * Community Part- nerships		Not Attributable **		Total	
	2018 \$000	2017 \$000	2018 \$000	2017 \$000	2018 \$000	2017 \$000	2018 \$000	2017 \$000
Current Assets								
Cash and cash equivalents	–	–	–	–	58,694	63,798	58,694	63,798
Receivables	6,710	4,907	4,662	60	–	–	11,372	4,967
Total Current Assets	6,710	4,907	4,662	60	58,694	63,798	70,066	68,765
Non-Current Assets								
Receivables	3,832	3,639	1	45	–	–	3,833	3,684
Plant and equipment	9,453	8,284	203	157	–	–	9,656	8,441
Intangible assets	3,709	2,573	80	49	–	–	3,789	2,622
Total Non-Current Assets	16,994	14,496	284	251	–	–	17,278	14,747
Total Assets	23,704	19,403	4,946	311	58,694	63,798	87,344	83,512
Current Liabilities								
Payables	15,702	13,689	253	193	–	–	15,955	13,883
Provisions	13,157	13,034	282	247	–	–	13,439	13,282
Total Current Liabilities	28,859	26,723	535	440	–	–	29,394	27,165
Non-Current Liabilities								
Provisions	4,554	4,463	98	85	–	–	4,652	4,547
Other	1,465	316	31	6	–	–	1,496	322
Total Non-Current Liabilities	6,019	4,779	129	91	–	–	6,148	4,869
Total Liabilities	34,878	31,502	664	531	–	–	35,542	32,034
Net Assets	(11,174)	(12,099)	4,282	(220)	58,694	63,798	51,802	51,478

* The names and purposes of each program group are summarised below.

** Cluster grant funding is made on an agency basis and not to individual program groups. Consequently, cluster grant funding is included in the 'Not Attributable' column

In 2017–18 the Commission realigned its Program Groups to two (2). This was done by combining Criminal Law, Civil Law, and Family Law Program Groups into Program Group 1–Legal Services.

PROGRAM GROUP DESCRIPTIONS

PROGRAM GROUP 1–LEGAL SERVICES

This program group covers the provision of legal services to eligible persons under Commonwealth law and State legislation, provision of community legal education and provision of advice to the socially and economically disadvantaged.

PROGRAM GROUP 2–COMMUNITY PARTNERSHIPS

This program 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	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
7 CURRENT ASSETS—CASH AND CASH EQUIVALENTS				
Cash at bank	58,694	63,798	58,694	63,798
Total Cash	58,694	63,798	58,694	63,798

For the purposes of the statement of cash flows, cash and cash equivalents include cash at bank, cash on hand, short-term deposits with a maturity of three months or less, which are subject to an insignificant risk of changes in value, and net of outstanding 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)	58,694	63,798	58,694	63,798
Cash and cash equivalents (per Statement of Cash Flows)	58,694	63,798	58,694	63,798

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 (2016–17: \$0.150m), 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	7,996	2,337	7,996	2,337
Less: Allowance for impairment	(736)	(635)	(736)	(635)
	7,260	1,702	7,260	1,702
Other debtors	1	2	1	2
GST recoverable from Australian Taxation Office	2,556	2,507	2,556	2,507
Prepayments	1,555	756	1,555	756
Total Current	11,372	4,967	11,372	4,967

Non-Current

Sale of goods and services	4,409	3,965	4,409	3,965
Less: Allowance for impairment	(576)	(281)	(576)	(281)
Total Non-Current	3,833	3,684	3,833	3,684

Movement in the allowance for impairment

Balance at 1 July	916	785	916	785
Amounts written off during the year	(100)	(190)	(100)	(190)
Amounts recovered during the year	(22)	(17)	(22)	(17)
Increase/(decrease) in allowance recognised in net result	518	338	518	338
Balance at 30 June	1,312	916	1,312	916

Details of 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 \$3.7m (2016–17: \$3.2m) are secured by way of caveat.

Recognition and Measurement

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. Receivables, including trade receivables, prepayments etc. are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Subsequent measurement is 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 where the effect of discounting is immaterial.

Impairment

Receivables are subject to an annual review for impairment. These 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.

The entity first assesses whether impairment exists individually for receivables that are individually significant, or collectively for those that are not individually significant. Further, receivables are assessed for impairment on a collective basis if they were assessed not to be impaired individually.

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, if objectively related to an event occurring after the impairment was recognised. Reversals of impairment losses 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 'Sale of Goods and Services' component of Receivables for 2017–18.

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
9 NON-CURRENT ASSETS—PLANT AND EQUIPMENT				
At 1 July—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
At 30 June—fair value				
Gross Carrying Amount	39,271	37,708	39,271	37,708
Less: Accumulated depreciation and impairment	(29,615)	(29,267)	(29,615)	(29,267)
Net Carrying Amount	9,656	8,441	9,656	8,441
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 beginning of year	8,441	10,175	8,441	10,175
Additions	3,825	2,865	3,825	2,865
Disposals	(142)	(50)	(142)	(50)
Transfers	948	414	948	414
Depreciation expense	(3,416)	(4,963)	(3,416)	(4,963)
Net carrying amount at end of year	9,656	8,441	9,656	8,441

Refer Note 2(c).

Recognition and Measurement

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 from sale of 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.

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.

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.

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 Note 2(c).

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)	Term of the lease or 10 years whichever is the lesser.

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.

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 rare circumstances such as where the costs of disposal are material.

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 to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in net result and is treated as a revaluation increase. However, to the extent that an impairment loss on the same class of asset was previously recognised in net result, a reversal of that impairment loss is also recognised in net result.

	Consolidated		Parent	
	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000
10 INTANGIBLE ASSETS				
At 1 July—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
At 30 June—fair value				
Cost (gross carrying amount)	17,011	15,399	17,011	15,399
Less: Accumulated amortisation and impairment	(13,222)	(12,777)	(13,222)	(12,777)
Net Carrying Amount	3,789	2,622	3,789	2,622
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	2,622	1,892	2,622	1,892
Additions	2,683	2,217	2,683	2,217
Disposals	(49)	–	(49)	–
Transfers	(948)	(414)	(948)	(414)
Amortisation (recognised in "depreciation and amortisation")	(519)	(1,073)	(519)	(1,073)
Net carrying amount at end of year	3,789	2,622	3,789	2,622

Recognition and Measurement

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 four years or a rate determined by management. Refer Note 2(c).

The amortisation period and the amortisation method for an intangible asset with a finite useful life are reviewed at least at the end of each reporting period.

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.

	Consolidated		Parent	
	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000
11 CURRENT LIABILITIES–PAYABLES				
Accrued salaries, wages and on-costs	1,089	928	–	–
Legal Aid Commission Staff Agency–accrued salaries, wages and on-costs	–	–	1,089	928
Creditors–Legal	996	665	996	665
Accrued Expenses	3,756	2,337	3,756	2,337
Unearned Revenue	85	306	85	306
Accrual of estimated legal expenses ⁱ⁾	10,029	9,647	10,029	9,647
Total	15,955	13,883	15,955	13,883

ⁱ⁾ 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.

Recognition and Measurement

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.

Payables are financial liabilities at amortised cost, initially measured at fair value, net of directly attributable transaction costs. These are subsequently measured at amortised cost using the effective interest method. Gains and losses are recognised in the net result when the liabilities are derecognised as well as through the amortisation process.

12 CURRENT/NON-CURRENT LIABILITIES–PROVISIONS

Current

Employee benefits and related on-costs

Annual leave expected to be taken within 12 months	5,460	6,501	–	–
Annual leave expected to be taken after 12 months	3,242	2,249	–	–
Provision for related on-costs	4,737	4,532	–	–
Legal Aid Commission Staff Agency–provision for personnel services	–	–	13,439	13,282
Total Current	13,439	13,282	13,439	13,282

Non-Current

Employee benefits and related on-costs

Provision for related on-costs	290	274	–	–
Legal Aid Commission Staff Agency–provision for personnel services	–	–	290	274
	290	274	290	274

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
Other Provisions				
Restoration costs	4,362	4,273	4,362	4,273
	4,362	4,273	4,362	4,273

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.

	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
Total Non-Current Provisions	4,652	4,547	4,652	4,547
Aggregate employee benefits and related on-costs				
Provisions—current	13,439	13,282	—	—
Provisions—non-current	290	274	—	—
Accrued salaries, wages and on-costs (Note 11)	1,089	928	—	—
	14,818	14,484	—	—

Movements in provisions (other than employee benefits)

Restoration Provision

Carrying amount at start of financial year	4,273	4,230	4,273	4,230
Additional provisions recognised	351	538	351	538
Amounts used	(340)	(499)	(340)	(499)
Unwinding/change in the discount rate	78	4	78	4
Carrying amount at end of financial year	4,362	4,273	4,362	4,273

Recognition and Measurement

Employee Benefits and related on-costs

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.

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. It has been determined by Management that approximately 37.3% of annual leave will be taken after 12 months.

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.

Long Service Leave and Superannuation

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.

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 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. 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.

Consequential on-costs

Consequential on-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.

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 1.83% (2017 2.01%), which reflects the current market assessments of the time value of money and the risks specific to the liability.

	Consolidated		Parent	
	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000
13 NON-CURRENT LIABILITY-OTHER				
Lease incentive liability	1,496	322	1,496	322
Total Non-Current Liability-Other	1,496	322	1,496	322

14 EQUITY

Recognition and Measurement

(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 in the year ending 30 June 2017.

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*.

15 COMMITMENTS FOR EXPENDITURE

(a) Capital Commitments

Aggregate capital expenditure contracted for at balance date and not provided for:

Not later than one year	4,389	1,197	4,389	1,197
Total (including GST)	4,389	1,197	4,389	1,197

(b) Operating Lease Commitments

Future non-cancellable operating lease rentals not provided for and payable:

Not later than one year	12,011	10,719	12,011	10,719
Later than one year and not later than five years	35,797	45,456	35,797	45,456
Later than five years	12,571	21,956	12,571	21,956
Total (including GST)	60,379	78,131	60,379	78,131

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 leases extending beyond five years. Rental accommodation is indexed by either CPI, market or fixed annual increments.

The total commitments in (a) and (b) above include input tax credits of \$5.890m (2016-17: \$7.212m) 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 (2016-17: nil).

17 BUDGET REVIEW

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (e.g. adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the financial statements are explained below.

Net Result

The net result of \$0.324m gain exceeds the budget of \$0.170m by \$0.154m. Total Expenses exceeded budget by \$17.0m, this was generally offset by Total Revenue exceeding budget by \$17.5m. Investment revenue exceeds the budget by \$0.16m being the main contributor to the variation. Other Operating expenses exceeded the budget by \$2.6m. This was partially offset by Sale of goods and services revenue exceeding the budget by \$2m.

Assets and Liabilities

Net Assets are higher than budget by \$2.3m primarily due to higher than budgeted Accounts Receivable balances pertaining to District Court Backlog and Client Case Management system funding.

Cash Flows

Net cash flows from operating activities were \$5.5m less than budget due to total payments exceeding budget by \$12.8m, however, this was offset by total receipts exceeding budget by \$7.3m. Closing cash and cash equivalent is below budget by \$4.7m generally as a result of the higher Accounts Receivable balance.

The budget for Other Receipts contains the expected revenue from the Public Purpose Fund due to NSW Treasury classification, however, the actual amounts for these are contained in Grants and Contributions.

18 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income as follows:

	Consolidated		Parent	
	2018 \$'000	2017 \$'000	2018 \$'000	2017 \$'000
Net cash used on operating activities	927	(10,306)	927	(10,306)
Depreciation and amortisation expense	(3,935)	(6,036)	(3,935)	(6,036)
Decrease/(increase) in provisions	(262)	37,162	(262)	37,162
Decrease/(increase) in other liabilities	(1,174)	(190)	(1,174)	(190)
Decrease/(increase) in creditors	(2,072)	(261)	(2,072)	(261)
Actuarial (gains)/losses on superannuation	–	(19,948)	–	–
Increase/(decrease) in prepayments and other assets	6,553	657	6,553	657
Net Gain/(Loss) on disposal of plant and equipment	(64)	(49)	(64)	(49)
Net Gain/(Loss) on other-Lease make good	351	353	351	353
Net Result	324	1,382	324	21,330

19 TRUST FUNDS

The Legal Aid Commission of NSW administers, but does not control the funds in the following Trust Account:

	2018 \$'000	2017 \$'000
Legal Aid Commission Trust Account 1		
Cash balance at the beginning of the financial year	627	1,372
Add: Receipts	2,206	1,656
Less: Expenditure	(2,059)	(2,401)
Cash balance at the end of the financial year	774	627

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.

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 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 Management and by the Internal Auditors on a continuous basis.

(a) Financial Instrument Categories	Note	Category	Carrying Amount 2018 \$'000	Carrying Amount 2017 \$'000
Financial Assets				
Class:				
Cash and cash equivalents	7	n/a	58,694	63,798
Receivables ¹	8	Receivables (at amortised cost)	11,094	5,388
Financial Liabilities				
Class:				
Payables ²	11	Financial Liabilities measured at amortised cost	15,343	13,046

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) 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.

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.

(c) 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.

(d) Financial Risks

i) 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.

Cash

Cash comprises the Legal Aid Commission of NSW funds that are held in the general operating bank account within the Treasury Banking System (TBS). Refer Note 7. As Legal Aid is part of the TBS no interest was earned on the bank balance during the year. The average rate of interest earned on bank accounts during 2017-18 was 0.0% (2016-17 0.68%).

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)
01/07/2017–31/12/2017–3.75%
01/01/2018–30/06/2018–3.75%
- Local Court judgements (Section 101 of Civil Procedure Act 2005)
01/07/2017–31/12/2017–7.5%
01/01/2018–30/06/2018–7.5%
- Family Court judgements (Section 117B of Family Law Act)
01/07/2017–31/12/2017–7.5%
01/01/2018–30/06/2018–7.5%

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 (2018:\$2.714m 2017: \$1.068m;) and not less than 1 month past due (2018: \$0.164m 2017: \$0.277m) are not considered impaired and together these represent 24% of the total debtors (2017: 23.0%).

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
2018			
< 3 months overdue	164	164	–
3 months–6 months overdue	1,558	1,558	
> 6 months overdue	7,434	6,122	1,312
2017			
< 3 months overdue	303	303	–
3 months–6 months overdue	149	149	–
> 6 months overdue	4,277	3,361	916

1 Each column in the table reports 'gross receivables'

2 The ageing analysis excludes statutory receivables, as these are not within the scope of AASB7 and excludes receivables that are not past due and not impaired. Therefore, the 'total' will not necessarily reconcile to the receivables total recognised in the Statement of Financial Position.

Authority Deposits

Legal Aid Commission of NSW did not have any deposit with TCorp during the financial year.

ii) Liquidity risk

Liquidity risk is the risk that the Legal Aid Commission of NSW will be unable to meet its payment obligations when they fall due. The exposure of the Legal Aid Commission of NSW to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Legal Aid Commission of NSW did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the financial liabilities of the Legal Aid Commission of NSW, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities:

	Consolidated and Parent		Maturity < 1 year
	Nominal Amount ¹	Non-Interest bearing	
2018			
<i>Payables</i>			
Accounts payables	15,343	15,343	15,343
2017			
<i>Payables</i>			
Accounts payables	13,046	13,046	13,046

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 principal cash flows therefore will not reconcile to the 'Statement of Financial Position'.

iii) 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 on 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 as for 2017. The analysis assumes that all other variables remain constant.

iv) 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 and Equity	+1% Profit and Equity
2018			
<i>Financial assets</i>			
Cash and cash equivalents	58,694	(587)	587
Receivables	11,094	(111)	111
<i>Financial liabilities</i>			
Payables	15,343	(153)	153
2017			
<i>Financial assets</i>			
Cash and cash equivalents	63,798	(638)	638
Receivables	5,388	(54)	54
<i>Financial liabilities</i>			
Payables	13,046	(130)	130

(e) Fair value measurement

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

i. Fair value compared to carrying amount

Fair value is the price that would be received upon sale of an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The fair value measurement is based on the presumption that the transaction to sell the asset or transfer the liability takes place either in the principal market for the asset or liability or in the absence of a principal market, in the most advantageous market for the asset or liability.

ii. Fair value recognised in the Statement of Financial Position

A number of the Commission's accounting policies and disclosures require the measurement of fair values, for both financial and non-financial assets and liabilities. The Commission does not hold financial and non-financial assets and liabilities that are valued at fair value using valuation techniques.

21 RELATED PARTY DISCLOSURE

Legal Aid NSW's key management personnel compensation is as follows:

	2018 \$000	2017 \$000
Short term employee benefits:		
Salaries	528	527
Other monetary allowances	–	–
Long term employee benefits:		
Termination benefits	21	21
	–	107
Total Remuneration	549	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.

Statement by Chief Executive Officer	129
Independent Auditor's Report	130
Statement of comprehensive income	132
Statement of financial position	133
Statement of changes in equity	134
Statement of cash flows	135

Notes to the financial statements for the year ended 30 June 2016

1 Summary of significant accounting policies	136
2 Expenses	137
3 Revenue	137
4 Service group/activities of the agency	137
5 Current/non-current assets–receivables	137
6 Current liabilities–payables	138
7 Current/non-current liabilities–provisions	138
8 Reconciliation of cash flows from operating activities to net result	139
9 Contingent liabilities and contingent assets	139
10 Commitments for expenditure	139
11 Financial instruments	139
12 Related party disclosure	143
13 Events after reporting period	143

Other information (unaudited)

1 Payment performance	144
2 Annual reporting legislation requirements	144

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 Legal Aid Commission of NSW's financial statements are prepared 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 and the financial performance of the Legal Aid Commission Staff Agency as at 30 June 2018 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: 11/9/18

Date: 11/9/2018



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 Comprehensive Income for the year ended 30 June 2018, the Statement of Financial Position as at 30 June 2018, the Statement 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.

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Agency as at 30 June 2018, and of its 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 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 Responsibilities for the Financial Statements

The CEO is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the CEO determine 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 are responsible for assessing the Agency's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting except where the Agency will be dissolved by an Act of Parliament or otherwise cease operations.

Auditor's Responsibilities 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.



Chris Harper
Director, Financial Audit Services

14 September, 2018
SYDNEY

Statement of comprehensive income for the year ended 30 June 2018

	Notes	Actual 2018 \$'000	Actual 2017 \$'000
Revenue			
Personnel Services	3(a)	123,208	99,042
Acceptance by Crown of employee benefits	3(b)	4,085	6,787
Total Revenue		127,293	105,829
Expenses			
Employee-related expenses	2(a)	127,011	125,401
Other operating expenses	2(b)	282	376
Total Expenses		127,293	125,777
Net result	8	–	(19,948)
Other comprehensive income			
Items that will not be reclassified to net result in subsequent periods			
Superannuation actuarial gains/(losses)		–	19,948
Total other comprehensive income		–	19,948
TOTAL COMPREHENSIVE INCOME		–	–

The accompanying notes form part of these statements

Statement of financial position as at 30 June 2018

	Notes	Actual 2018 \$'000	Actual 2017 \$'000
ASSETS			
Current Assets			
Receivables	5	14,528	14,210
Total Current Assets		14,528	14,210
Non-Current Assets			
Receivables	5	290	274
Total Non-Current Assets		290	274
Total Assets		14,818	14,484
LIABILITIES			
Current Liabilities			
Payables	6	1,089	928
Provisions	7	13,439	13,282
Total Current Liabilities		14,528	14,210
Non-Current Liabilities			
Provisions	7	290	274
Total Non-Current Liabilities		290	274
Total Liabilities		14,818	14,484
NET ASSETS		-	-
EQUITY			
Accumulated funds		-	-

The accompanying notes form part of these statements

Statement of changes in equity for the year ended 30 June 2018

	Notes	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2017		-	-
Net result for the Year		-	-
Other Comprehensive income:			
Superannuation actuarial gains/(losses)		-	-
Total other comprehensive income		-	-
Total comprehensive income for the year		-	-
Balance at 30 June 2018		-	-
Balance at 1 July 2016		-	-
Net result for the Year		(19,948)	(19,948)
Other Comprehensive income:			
Superannuation actuarial gains/(losses)		19,948	19,948
Total other comprehensive income		19,948	19,948
Total comprehensive income for the year		-	-
Balance at 30 June 2017		-	-

The accompanying notes form part of these statements

Statement of cash flows for the year ended 30 June 2018

	Notes	Actual 2018 \$'000	Actual 2017 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee Related		-	-
Total Payments		-	-
Receipts			
Legal Aid Commission–personnel services		-	-
Total Receipts		-	-
NET CASH FLOWS FROM OPERATING ACTIVITIES	8	-	-
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENT			
Opening cash and cash equivalents		-	-
CLOSING CASH AND CASH EQUIVALENTS		-	-

The Legal Aid Commission Staff Agency does not hold any cash and cash equivalent assets and therefore there are nil cash flows

The accompanying notes form part of these 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 11 September 2018.

(b) Basis of Preparation

The Agency's financial statements are general purpose financial statements, which have been 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) 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.

(e) Changes in accounting policy, including new or revised Australian Accounting Standards

Effective for the first time in 2017-18

The accounting policies applied in 2017-18 are consistent with those of the previous financial year.

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 Revenue from Contracts with Customers*
- *AASB 16 Leases*
- *AASB 1058 Income of Not-for-profit Entities*
- *AASB 2016-5 Amendments to Australian Accounting Standards—Clarification and measurement of Share-based Payment*
- *AASB 2016-6 Amendments to Australian Accounting Standards—Applying AASB 9 with AASB 4 Insurance Contracts*
- *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*

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial statements of the Legal Aid Commission Staff Agency.

	2018 \$'000	2017 \$'000
2 EXPENSES		
a) Employee related expenses		
Salaries and wages (including recreation leave)	106,650	99,937
Superannuation–defined benefit plans *	1,172	1,961
Superannuation–defined contribution plans	9,262	8,615
Long service leave	3,052	8,532
Workers' compensation insurance	262	336
Payroll tax and fringe benefits tax	6,613	6,020
Total	127,011	125,401

The Agency does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,360 (2016-17: \$2,300) are paid on the Agency's behalf by the Parent entity, the Legal Aid Commission of NSW.

(b) Other operating expenses

Other	282	376
	282	376

3 REVENUE

(a) Rendering of services

Personnel services revenue	123,208	99,042
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Total	123,208	99,042
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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.

Recognition and Measurement

Rendering of Services

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.

(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	1,172	586
Long Service Leave	2,849	6,169
Payroll tax	64	32
	4,085	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⁾	1,089	928
Legal Aid Commission of NSW–provision for employee benefits ⁱ⁾	13,439	13,282

Total Current	14,528	14,210
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Non-Current

Legal Aid Commission of NSW–provision for employee benefits ⁱ⁾	290	274
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Total Non-Current	290	274
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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. Refer Note 7.

	2018	2017
	\$'000	\$'000
6 CURRENT LIABILITIES–PAYABLES		
Current		
Accrued salaries, wages and on-costs	1,089	928
Total Current	1,089	928
Details regarding credit risk, liquidity risk and market risk, including a maturity analysis of the above payables are disclosed in Note 11.		
7 CURRENT/NON-CURRENT LIABILITIES–PROVISIONS		
Current		
Employee benefits and related on-costs		
Annual leave	5,460	6,501
Annual leave taken after 12 months	3,242	2,249
Provision for related on-costs	4,737	4,532
Total Current	13,439	13,282
Non-Current		
Employee benefits and related on-costs		
Provision for related on-costs	290	274
Total Non-Current	290	274
Aggregate employee benefits and related on-costs		
Provisions–current	13,439	13,282
Provisions–non-current	290	274
Accrued salaries, wages and on-costs (Note 6)	1,089	928
	14,818	14,484

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. It has been determined by Management that approximately 37.3% of annual leave will be taken after 12 months.

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.

Long Service Leave and Superannuation

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.

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 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. 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.

Consequential on-costs

Consequential on 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.

8 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:

	2018	2017
	\$'000	\$'000
Net cash from operating activities	–	–
(Increase)/decrease in provisions	(173)	54,509
(Increase)/decrease in creditors	(161)	(399)
(Decrease)/increase in prepayments and other assets	334	(74,058)
Net Result	–	(19,948)

9 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Agency has no contingent liabilities or assets at 30 June 2018 (2016-17: nil).

10 COMMITMENTS FOR EXPENDITURE

The Agency did not have any expenditure commitments in 2017-18 (2016-17: nil).

11 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	Carrying Amount
			2018	2017
			\$'000	\$'000
Financial Assets				
Class				
Receivables ¹	5	Receivables (at amortised cost)	1,089	928
Financial Liabilities				
Class				
Payables ²	6	Financial Liabilities measured at amortised cost	1,089	928

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB7)

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.

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. 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 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 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 2018 (2017 \$nil). However, refer to Note 9 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.

(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
2018			
<i>Payables</i>			
Accounts payables	1,089	1,089	1,089
2017			
<i>Payables</i>			
Accounts payables	928	928	928

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 and Equity	1% Profit and Equity
2018			
<i>Financial assets</i>			
Receivables	1,089	(11)	11
<i>Financial liabilities</i>			
Payables	1,089	(11)	11
2017			
<i>Financial assets</i>			
Receivables	928	(9)	9
<i>Financial liabilities</i>			
Payables	928	(9)	9

(e) Fair value measurement

Financial instruments are recognised at amortised cost, which approximate fair value because of their short-term nature.

12 RELATED PARTY DISCLOSURE

Legal Aid NSW's key management personnel compensation is as follows:

	2018	2017
	\$000	\$000
Short term employee benefits:		
Salaries	528	527
Other monetary allowances	–	21
Long term employee benefits:	21	
Termination benefits	–	107
Total Remuneration	549	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 Agency 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 Staff Agency entered into transactions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government. These transactions in aggregate significant portion of the Legal Aid Staff Agency'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.
- The provision of personnel services to the Legal Aid Commission

13 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 98.89% of invoices received within 30 days during 2017-18 compared to 98.85% in 2016-17.

Period	2017–2018		2016–2017	
	Invoices	%	Invoices	%
Within 30 days	144,874	98.89%	143,221	98.85%
Over 30 days	1,632	1.11%	1,665	1.15%
Total	146,506	100%	144,886	100%

Accounts paid within 30 days by quarter is as follows

Accounts Paid within 30 days by quarter	Target %	Achieved %	Amount paid within 30 days \$000	Total Amount Paid \$000
September	100.00	99.00%	66,956	66,288
December	100.00	96.65%	38,823	37,522
March	100.00	97.77%	58,749	57,439
June	100.00	95.53%	47,862	45,721

(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	576	1	0	1
December	425	4	0	0
March	1447	2	1	7
June	984	17	0	1

Consultancy projects equal to or more than \$50,000

Project	Consultant	\$
Develop People Strategy	Mercer Australia	98,700
Strategic Plan	Nous Group	61,700
Intranet Strategy	Step Two Designs	54,800
ICT Strategic Planning Services	Deloitte Touche Tohmatsu	109,000
WDVCAP Evaluation	Allwood Associates Pty Ltd	70,000
Walama Court Business case	Pharink	54,700

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.

Consultancy projects less than \$50,000

Legal Aid NSW engaged 14 consultants for individual project costing less than \$50,000 per project during 2017-18. The total cost of these consultancies was \$869,000

Charitable and Deductible Gift

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 2017-2018 premium for worker's compensation insurance decreased by 22% to \$262,000 (2016-2017 \$336,000) whilst the premium for the other insurance types increased by 22% to \$166,000 (2016-2017 \$126,000).

Motor Vehicle Claims

The number of motor vehicle claims in 2017-18 was 11 (12 in 2016-17) which incurred a net cost of \$15,000 (\$43,000 in 2016-17). The average number of vehicles in the Legal Aid NSW fleet was 72 (72 in 2016-17) which results in an average claim cost per vehicle of \$208 compared with \$597 in 2016-17.

The 2017-18 deposit premium for motor vehicles was \$56,120 (\$49,490 in 2016-17).

Worker's Compensation

"There were twenty seven (27) workers compensation claims lodged in the 2017/2018 reporting period. Of the total twenty seven (27) lodged, thirteen (13) claims were accepted and fourteen (14) identified as notification only.

The cost incurred of new claims reported in the 2017/2018 period was \$70, 638.18 compared to \$167,645.44 in 2016/2017. This is a decrease of \$97,007.26 from the 2016/2017 financial year.

The number of accepted claims (includes claims accepted under provisional liability) increased from six (6) in 2016/2017 to thirteen (13) in this reporting period. Of the accepted claims in this reporting period, eleven (11) were physical injuries. Three (3) were muscular stress claims (e.g. lifting heavy objects); with one of these claims individually amounting to \$19,149.28 of the total cost of claims for this reporting period (\$70, 638.18). Physical injuries in total have amounted to \$47, 892.76 of the total cost of claims of \$70, 638.18 for this reporting period.

There was a decrease in psychological injuries (e.g. workplace related harassment and bullying / Anxiety Disorders or Depression) lodged in the 2017/2018 reporting period from four (4) in the 2016/2017 reporting period to two (2). Costs incurred by psychological claims was \$22, 745.42 of the total costs of claims for 2017/2018. In comparison to the 2016/2017 reporting period, there was a decrease in the costs of psychological claims by \$123,852.7. This decrease is directly related to the reduced number in psychological claims lodged for the reporting period.

The total number of reported 'Incident Only' Notifications of Injury remained the same, equating to a total of 14. Although 'Journey' claims are no longer compensable, a continuation of collection of statistics is undertaken.

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 is part of the Treasury Banking System. 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.

6

Appendices

1	Human resources information	149
2	Workforce diversity groups	150
3	Learning and development	151
4	Women's Domestic Violence Court Advocacy Program funding	152
5	Community Legal Centres Program Funding	153
6	Legal practice operational statistics	154
7	Law reform submissions	158
8	Right to Information	159
9	Report on multicultural and disability related matters	161
10	Private law firm expenditure	163

Appendix 1 Human resources information

Central Sydney/Regional

FTE staff as at 30 June 2018

Central Sydney	578.06
Regional Offices	520.88
Total Staff FTE	1,098.94

FTE staff as at 30 June 2018

CEO/SES	11
Legal Officers	575.31
Legal Admin Support Staff	512.638
Total Staff FTE	1,098.94

Number of actual staff by employment type	2015–2016	2016–2017	2017–2018
Ongoing Full Time	807	742	735
Ongoing Part-time	87	184	194
Temporary Full Time	159	171	198
Temporary Part-time	39	46	62
Contract SES	10	14	11
Non-SES	0	0	0
Casual	14	6	3
Other	0	0	0
Total	1,116	1,163	1,203

Number of actual staff by type of work	Central Sydney	Regional	Total
Lawyers	269	362	631
Administrative	358	214	572
Total	627	576	1,203

Number of executive roles

Band	Range (\$)	Average remuneration		2017		2018	
		2017	2018	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$328,901 – \$463,550	\$452,250	\$463,556	0	1	0	1
Band 2 (Executive Director)	\$261,451 – \$328,900	\$275,000	\$284,212	0	1	1	0
Band 1 (Director)	\$183,300 – \$261,450	\$208,528	\$228,996	9	2	6	3
Total				9	4	7	4

Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups	2014–2015	2015–2016	2017–2018
Men	284	290	309
Women	832	873	894
Aboriginal people	57	69	63
People from racial, ethnic, ethno-religious minority groups	178	206	234
People whose first language is not English	104	121	151
People with a disability	54	60	76
People with a disability requiring a work-related adjustment	14	15	16
Total	1,116	1,163	1,203.00

Parliamentary annual report tables

Table 1: Trends in the representation of workforce diversity groups

% Total staff

Workforce diversity group	Benchmark or target (%)	2016	2017	2018
Women	50	74.5	75	74.8
Aboriginal people and Torres Strait Islanders	2.6	5.1	5.9	5.6
People whose first language spoken as a child was not English	19.0	15.9	10.4	12.5
People with a disability	N/A	4.8	5.2	6.2
People with a disability requiring a work-related adjustment	1.5	1.2	1.2	1.4

Table 2: Trends in the distribution of workforce diversity groups

Distribution index

Workforce diversity Group	Benchmark or target (%)	2016	2017	2018
Women	100	89	90	93
Aboriginal people and Torres Strait Islanders	100	84	88	88
People whose first language spoken as a child was not English	100	94	94	95
People with a disability	100	104	104	100
People with a disability requiring a work-related adjustment	100	N/A	N/A	N/A

NOTES

Staff numbers as at 30 June 2018.

Excludes casual staff.

A Distribution Index of 100 indicates that the centre of the distribution of the EEO groups across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels.

The Distribution Index is not calculated where Workforce Diverse group or non-Workforce Diverse group numbers are less than 20.

Appendix 3 Learning and development

	Legal Aid NSW Staff	Private lawyers	Other (including not-for-profit)	Total
Legal Aid NSW conferences				
Criminal Law Conferences	328 (registered)	256	124	708
Family Law Conferences	345	59	83	487
WDVCAP Forums	18	8	325	351
Civil Law In-house Forum	190			190
Outreach Lawyers Forum	53			53
Total	934	323	532	1,789
Legal Aid NSW seminars				
Generic CPD*				
Face-to-Face	131	1	1	133
Online	31	9	2	42
Civil Law CPD				
Face-to-Face	78	16	1	95
Online	20	5	28	53
Criminal Law CPD				
Face-to-Face	309	316	31	656
Online	38	23	0	61
Family Law CPD				
Face-to-Face	104	26	7	137
Online	38	14	1	53
Total	749	410	71	1,230
Legal Aid NSW training sessions				
Business Skills				
Face-to-Face	61	0	0	61
Online	2,243	2	4	2,249
Client Service				
Face-to-Face	1,074	83	237	1,394
Online	10	4	3	17
Diversity and Inclusion				
Face-to-Face	20	0	0	20
Online	61	6	3	70
Health and Wellbeing				
Face-to-Face	75	0	0	75
Online	82	2	0	84
Induction and Orientation				
Face-to-Face	280	0	0	280
Online	214	1	2	217
Leadership and Management				
Face-to-Face	66	0	0	66
Online	15	2	0	17
Team and Culture				
Face-to-Face	19			19
Online				0
Technology Skills				
Face-to-Face	355	0		355
Online	227	2		229
Total	4,802	102	249	5,153
Attendance at Legal Aid NSW training and seminars (including online)				
Legal Aid NSW staff				3,326
Private lawyers				512
Other (including not-for-profit)				320
Total conferences, seminars and training				
Seminars and conferences (face-to-face)				2,810
Training sessions (face-to-face)				2,270
Online training and seminars				3,092
Total				8,172

*CPD–Continuing Professional Development

Appendix 4 Women's Domestic Violence Court Advocacy Program funding

As part of this program, we provided funding to 29 Women's Domestic Violence Court Advocacy Services (WDVCASs).

WDVCAS	Service Provider	Component of LCP funding Included	Family Advocacy Support Service	Total Funding
Blue Mountains	Blue Mountains Women's Health and Resource Centre	142,259		407,524
Burwood	Burwood Community Welfare Services	214,084		545,263
Castlereagh	Mission Australia	67,530		322,530
Central Coast	Central Coast Domestic Violence Court Advocacy Service	450,434		888,757
Central West	Housing Plus	240,757		500,723
Far South Coast	Southern Women's Group	183,768		447,090
Far West	Far West Community Legal Centre	208,553		471,198
Hunter	Hunter Women's Domestic Violence Court Service	582,072	85,000	1,211,563
Hunter Valley	Carrie's Place Women's and Children's Services	423,300		792,276
Illawarra	Wollongong Women's Information Service	673,261	85,000	1,186,197
Macarthur	Macarthur Legal Centre	488,061		1,371,739
Mid-North Coast	Mid-Coast Women's Domestic Violence Court Advocacy	466,018		794,502
New England	Tamworth Family Support Service	573,263		846,892
North Coast	Warrina Women and Children's Refuge Co-operative Society	686,005		1,142,937
North West	Inverell Refuge Centre	84,294		328,148
North West Sydney	Blacktown Women's and Girls Health Centre	498,824		911,075
Northern Rivers	Northern Rivers Community Legal Centre	724,657		1,203,031
Northern Sydney	CatholicCare Broken Bay	243,189		628,314
Parramatta	Western Sydney Community Legal Centre Inc	298,800	255,000	954,344
Riverina	Linking Communities Network Ltd	202,376		448,245
South Coast	YWCA NSW	366,924		637,211
South Eastern	Molonglo Women's and Children's Services	117,559		372,037
South West Sydney	South West Sydney Legal Centre	882,813		1,408,741
Southern	Women's Centre for Health and Wellbeing (Albury-Wodonga)	302,826		541,061
Southern Sydney	Sutherland Shire Family Services	412,682		943,990
Sydney	Redfern Legal Centre	613,342	85,000	1,288,067
Wagga Wagga	Wagga Wagga Family Support Service	299,823		1,008,089
Western	Dubbo Emergency Accommodation Project	500,134		938,673
Western Sydney	Penrith Women's Health Centre	1,123,291		1,600,429
WDVCAS NSW Inc.	Women's Domestic Violence Court Advocacy Service NSW Inc. (peak representative body for WDVCASs)			107,073
Relationships Australia NSW			150,000	150,000
Total		12,070,899	660,000	24,397,719

NOTES

WDVCASs received an additional allowance of \$1,613,953 to meet unmet demand as a result of increased referrals from the NSW Police Force. This amount is included in the total funding column.

Macarthur and Wagga WDVCASs received \$896,000 in case management funding for clients with complex needs. This amount is included in the total funding column.

WDVCASs received \$498,000 in Social and Community Services (SACS) Modern Award equal remuneration order supplementation funding. This amount is included in the total funding column.

\$18,000 was provided to three WDVCAS service providers for the chairs of WDVCAS NSW Inc., the WDVCAS Aboriginal Specialist Workers' Network and the WDVCAS Multicultural

Specialist Workers' Network. This amount is included in the total funding column.

FASS funding was provided by the Commonwealth Government. All other funding was provided by the NSW Government.

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	295,047	388,196	87,722	770,965
Central Coast Community Legal Centre	506,006	21,239	199,642	726,887
Community Legal Centres NSW	0	665,389	90,750	756,139
Court Support Scheme	39,619	7,542	6,261	53,422
Elizabeth Evatt Community Legal Service	250,095	215,157	98,469	563,721
Environmental Defender's Office	0	231,223	0	231,223
Far West Community Legal Centre	514,711	0	67,657	582,368
Financial Rights Legal Centre	591,131	159,063	0	750,194
HIV/AIDS Legal Centre	101,346	215,370	135,313	452,029
Hume Riverina Community Legal Service	176,440	66,476	75,984	318,900
Hunter Community Legal Centre	666,089	308,545	0	974,634
Illawarra Legal Centre	550,139	258,273	103,857	912,269
Immigration Advice and Rights Centre	217,185	293,161	0	510,346
Inner City Legal Centre	210,127	195,420	72,360	477,907
Intellectual Disability Rights Service	0	101,586	104,088	205,674
Kingsford Legal Centre	303,746	157,157	0	460,903
Macarthur Legal Centre	504,047	239,818	103,857	847,722
Marrickville Legal Centre	454,897	597,635	0	1,052,532
Mid North Coast Community Legal Centre	525,731	138,471	0	664,202
North and North West Community Legal Service	531,298	321,398	104,088	956,784
Northern Rivers Community Legal Centre	558,635	76,011	145,338	779,984
Public Interest Advocacy Centre	137,019	148,330	0	285,349
Redfern Legal Centre	237,877	303,581	0	541,458
Refugee Advice and Casework Service	0	213,387	104,088	317,475
Seniors Rights Service	185,369	3,019	239,267	427,655
Shoalcoast Community Legal Centre	561,390	320,977	41,250	923,617
South West Sydney Community Legal Centre	619,754	667,943	0	1,287,697
Tenants' Union of NSW	90,076	340,069	0	430,145
Welfare Rights Centre	374,541	431,249	0	805,790
Western NSW Community Legal Centre	651,782	470,596	104,088	1,226,466
Western Sydney Community Legal Centre	1,220,329	524,963	390,147	2,135,439
Wirringa Baiya Aboriginal Women's Legal Centre	160,233	567,226	104,088	831,547
Women's Legal Service NSW	975,284	920,410	0	1,895,694
Interpreter Services	0	51,066	0	51,066
Total	12,209,943	9,619,946	2,378,314	24,208,203

NOTES

- The above funding excludes funding provided to CLCs of \$442,223 Care Partner arrangements under the 'Safe Home for Life' Reforms
- Excludes \$405,000 paid to the National Association of Community Legal Centres for developing the CLASS Database.
- 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.
- Both State and Commonwealth funding includes the Social and Community Services Equal Remuneration Order supplementation.
- The Public Purpose Fund funding includes allocations for the Children's Court Assistance Schemes run by four CLCs.
- 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

	2015-16	2016-17	% change from previous year	2017-18	% change from previous year
Case Matters					
Applications Received	46,253	47,529	2.8%	48,364	1.8%
Applications Refused	8,864	8,824	-0.5%	9,242	4.7%
In-house Grants	11,837	12,610	6.5%	12,351	-2.1%
Assigned Grants	25,294	25,264	-0.1%	27,034	7.0%
Total Case Grants	37,131	37,874	2.0%	39,385	4.0%
Grant Rate	80.7%	81.1%	0.5%	81.0%	-0.1%
Applications Determined	45,995	46,698	1.5%	48,627	4.1%
Applications Undetermined @ year end	1,278	2,430	90.1%	2,385	-1.9%
Grants Finalised	35,691	35,985	0.8%	34,953	-2.9%
Current Grants on Hand @ year end	40,450	42,174	4.3%	46,238	9.6%
Duty Services					
In-house Duty Services	125,239	117,598	-6.1%	120,296	2.3%
Assigned Duty Services	70,765	73,903	4.4%	76,742	3.8%
Total Duty Services	196,004	191,501	-2.3%	197,038	2.9%
Other Services					
Advice	104,547	106,747	2.1%	111,491	4.4%
Minor assistance	42,872	34,253	-20.1%	34,277	0.1%
Extended Legal Assistance	–	–	N/A	515	N/A
Information	528,798	517,888	-2.1%	520,479	0.5%
Total Other Services	676,217	658,888	-2.6%	666,762	1.2%
Total Client Services	909,352	888,263	-2.3%	903,185	1.7%
Criminal Law Totals					
	2015–2016	2016–2017	% change from previous year	2017–2018	% change from previous year
Case Matters					
Applications Received	26,359	29,129	10.5%	30,252	3.9%
Applications Refused	4,334	4,526	4.4%	4,835	6.8%
In-house Grants	8,334	9,237	10.8%	8,968	-2.9%
Assigned Grants	13,689	14,783	8.0%	16,588	12.2%
Total Case Grants	22,023	24,020	9.1%	25,556	6.4%
Grant Rate	83.6%	84.1%	0.7%	84.1%	-0.1%
Applications Determined	26,357	28,546	8.3%	30,391	6.5%
Applications Undetermined @ year end	595	1,226	106.1%	1,207	-1.5%
Grants Finalised	20,848	21,757	4.4%	22,402	3.0%
Current Grants on Hand @ year end	16,795	18,904	12.6%	21,651	14.5%
Duty Services					
In-house Duty Services	115,246	107,586	-6.6%	107,439	-0.1%
Assigned Duty Services	55,654	58,528	5.2%	61,294	4.7%
Total Duty Services	170,900	166,114	-2.8%	168,733	1.6%
Other Services					
Advice	30,733	32,322	5.2%	35,114	8.6%
Minor assistance	6,583	7,415	12.6%	8,423	13.6%
Information	244,858	214,387	-12.4%	210,328	-1.9%
Total Other Services	282,174	254,124	-9.9%	253,865	-0.1%
Total Client Services	475,097	444,258	-6.5%	448,154	0.9%

Family Law	2015-16	2016-17	% change from previous year	2017-18	% change from previous year
Case Matters					
Applications Received	17,953	16,450	-8.4%	15,934	-3.1%
Applications Refused	3,801	3,567	-6.2%	3,561	-0.2%
In-house Grants	2,845	2,699	-5.1%	2,579	-4.4%
Assigned Grants	11,057	9,954	-10.0%	9,906	-0.5%
Total Case Grants	13,902	12,653	-9.0%	12,485	-1.3%
Grant Rate	78.5%	78.0%	-0.7%	77.8%	-0.3%
Applications Determined	17,703	16,220	-8.4%	16,046	-1.1%
Applications Undetermined @ year end	629	1,133	80.1%	1,099	-3.0%
Grants Finalised	13,591	12,820	-5.7%	11,174	-12.8%
Current Grants on Hand @ year end	21,691	21,506	-0.9%	22,857	6.3%
Duty Services					
In-house Duty Services	7,263	7,857	8.2%	10,125	28.9%
Assigned Duty Services	2,885	2,570	-10.9%	2,511	-2.3%
Total Duty Services	10,148	10,427	2.7%	12,636	21.2%
Other Services					
Advice	30,447	32,692	7.4%	32,060	-1.9%
Minor assistance	11,131	7,855	-29.4%	7,311	-6.9%
Information	124,093	126,077	1.6%	128,748	2.1%
Total Other Services	165,671	166,624	0.6%	168,119	0.9%
Total Client Services	189,721	189,704	0.0%	193,240	1.9%

Civil Law	2015-16	2016-17	% change from previous year	2017-18	% change from previous year
Case Matters					
Applications Received	1,941	1,950	0.5%	2,178	11.7%
Applications Refused	729	731	0.3%	846	15.7%
In-house Grants	658	674	2.4%	804	19.3%
Assigned Grants	548	527	-3.8%	540	2.5%
Total Case Grants¹	1,206	1,201	-0.4%	1,344	11.9%
Grant Rate	62.3%	62.2%	-0.3%	61.4%	-1.3%
Applications Determined	1,935	1,932	-0.2%	2,190	13.4%
Applications Undetermined @ year end	54	71	31.5%	79	11.3%
Grants Finalised	1,252	1,408	12.5%	1,377	-2.2%
Current Grants on Hand @ year end	1,964	1,764	-10.2%	1,730	-1.9%
Duty Services					
In-house Duty Services	2,730	2,155	-21.1%	2,732	26.8%
Assigned Duty Services	12,226	12,805	4.7%	12,937	1.0%
Total Duty Services	14,956	14,960	0.0%	15,669	4.7%
Other Services					
Advice	43,367	41,733	-3.8%	44,317	6.2%
Minor assistance	25,158	18,983	-24.5%	18,543	-2.3%
Extended Legal Assistance	-	-	N/A	515	N/A
Information	159,847	177,424	11.0%	181,403	2.2%
Total Other Services	228,372	238,140	4.3%	244,778	2.8%
Total Client Services	244,534	254,301	4.0%	261,791	2.9%

Commonwealth and State allocation of Legal Aid Services	State Matter	State Matter %	Commonwealth Matter	Commonwealth Matter %	Total
Family Law					
Grants	4,352	34.9%	8,133	65.1%	12,485
Duty Appearances	5,116	40.5%	7,520	59.5%	12,636
Advice	4,293	13.4%	27,767	86.6%	32,060
Minor assistance	1,817	24.9%	5,494	75.1%	7,311
Information Services	19,292	15.0%	109,456	85.0%	128,748
Total	34,870	18.0%	158,370	82.0%	193,240
Criminal Law					
Grants	25,099	98.2%	457	1.8%	25,556
Duty Services	166,570	98.7%	2,163	1.3%	168,733
Advice	34,378	97.9%	736	2.1%	35,114
Minor assistance	8,272	98.2%	151	1.8%	8,423
Information Services	191,136	90.9%	19,192	9.1%	210,328
Total	425,455	94.9%	22,699	5.1%	448,154
Civil Law					
Grants	1,058	78.7%	286	21.3%	1,344
Duty Services	15,297	97.6%	372	2.4%	15,669
Advice	30,006	67.7%	14,311	32.3%	44,317
Minor assistance	12,940	69.8%	5,603	30.2%	18,543
Extended legal assistance	274	53.2%	241	46.8%	515
Information Services	133,629	73.7%	47,774	26.3%	181,403
Total	193,204	73.8%	68,587	26.2%	261,791
Legal Aid NSW Total					
Grants	30,509	77.5%	8,876	22.5%	39,385
Duty Services	186,983	94.9%	10,055	5.1%	197,038
Advice	68,677	61.6%	42,814	38.4%	111,491
Minor assistance	23,029	67.2%	11,248	32.8%	34,277
Extended legal assistance	274	53.2%	241	46.8%	515
Information Services	344,057	66.1%	176,422	33.9%	520,479
Total	653,529	72.4%	249,656	27.6%	903,185

In-house and private lawyer allocations of legal work	In-house Practitioner	In-house Practitioner %	Private Practitioner	Private Practitioner %	Total
Family Law					
Duty Services	10,125	80.1%	2,511	19.9%	12,636
Grants of Legal Aid	2,579	20.7%	9,906	79.3%	12,485
Total	12,704	50.6%	12,417	49.4%	25,121
Criminal Law					
Duty Services	107,439	63.7%	61,294	36.3%	168,733
Grants of Legal Aid	8,968	35.1%	16,588	64.9%	25,556
Total	116,407	59.9%	77,882	40.1%	194,289
Civil Law					
Duty Services	2,732	17.4%	12,937	82.6%	15,669
Grants of Legal Aid	804	59.8%	540	40.2%	1,344
Total	3,536	20.8%	13,477	79.2%	17,013
Legal Aid NSW Total					
Duty Services	120,296	61.1%	76,742	38.9%	197,038
Grants of Legal Aid	12,351	31.4%	27,034	68.6%	39,385
Total	132,647	56.1%	103,776	43.9%	236,423

Community Legal Education	2015-16	2016-17	% change from previous year	2017-18	% change from previous year
Criminal Law	715	757	5.9%	514	-32.1%
Family Law	575	535	-7.0%	571	6.7%
Civil Law	953	881	-7.6%	870	-1.2%
Total	2,243	2,173	-3.1%	1,955	-10.0%

Family Dispute Resolution–Family Law	2015-16	2016-17	% change from previous year	2017-18	% change from previous year
Number of conferences	2,796	2,801	0.2%	2,911	3.9%
Agreements reached	2,196	2,261	3.0%	2,311	2.2%
Agreement rate	78.5%	80.7%	2.8%	79.4%	-1.7%

Appendix 7 Law reform submissions

In 2017–2018, 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.

- Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (Round 3 Hearing), June 2018
- Statutory review of the Police Body-Worn Video provisions of the Surveillance Devices Act 2007 (NSW) (Department of Justice), June 2018
- Inquiry into Special Care Offences (Standing Committee on Law and Justice), June 2018
- Protections for certain witnesses giving evidence (Department of Justice) June 2018
- Inquiry into Local Adoption (Standing Committee on Social Policy and Legal Affairs), May 2018
- Review processes associated with visa cancellations made on criminal grounds (Joint Standing Committee on Migration), May 2018
- Australian Consumer Law Review: Clarification, simplification and modernisation of the consumer guarantee framework (Consumer Affairs Australia and New Zealand), April 2018
- Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, (Round 1 Hearing), April 2018
- Inquiry into market readiness for provision of services under the NDIS (Joint Standing Committee on the National Disability Insurance Scheme), March 2018
- Resident Rights Consultation Process (Department of Family and Community Services), March 2018
- Review of the Children's Court Rule 2000 (NSW) (Children's Court of NSW), February 2018
- Review of the Guardianship Act 1987 (NSW Law Reform Commission), February 2018
- Religious Freedom Review (Expert Panel), February 2018
- Review of early release of superannuation benefits (The Treasury), February 2018
- Inquiry into Parklea Correctional Centre (Portfolio Committee No. 4–Legal Affairs), February 2018
- Review of the General Insurance Code of Practice: Interim Report (Insurance Council of Australia), January 2018
- Inquiry into Youth Diversionary Programs in NSW (Committee on Law and Safety), January 2018
- Independent review into Aboriginal and Torres Strait Islander Children and Young People in Out of Home Care in NSW (Professor Megan Davis), December 2017
- Inquiry into the provision of drug rehabilitation services in regional, rural and remote NSW (NSW Legislative Council), December 2017
- Consultation on the Do Not Call Register (Australian Communications and Media Authority), December 2017
- Review of the National Hardship Register (Australian Collectors & Debt Buyers Association), December 2017
- Statutory Review of the Bail Act 2013 (Department of Justice), December 2017
- Victims' involvement in sentencing (Sentencing Council), November 2017
- Statutory review of the Terrorism (Police Powers) Act 2002 (Department of Justice), November 2017
- Statutory review of police counter-terrorism powers (Parliamentary Joint Committee on Intelligence and Security), November 2017
- Shaping a Better Child Protection System (Department of Family and Community Services), November 2017
- Review of Community Legal Centres (CLC) services (Legal Aid NSW), October 2017
- Insurance in Superannuation Code of Practice (Insurance in Superannuation Work Group), October 2017
- The sale of add-on insurance and warranties through caryard intermediaries (ASIC), October 2017
- Inquiry into Prohibiting Items in Immigration Detention Facilities (Senate Legal and Constitutional Affairs Legislative Committee), October 2017
- Strengthening Child Sexual Abuse Laws in NSW (Department of Justice), October 2017
- Incarceration Rates of Aboriginal and Torres Strait Islander Peoples (Australian Law Reform Commission), September 2017
- Visa Simplification: Transforming Australia's Visa System (Department of Immigration), September 2017
- Review of seclusion, restraint and observation of consumers with a mental illness in NSW Health facilities (NSW Health), August 2017
- OPCAT in Australia: Consultation Paper (Australian Human Rights Commission), August 2017
- Towards a transparent public reporting regime for life insurance claims information (APRA), August 2017
- Review of the Standard Guidelines for Corrections in Australia (CSAC Working Group), August 2017
- Draft Practice Standards for men's domestic violence behaviour change programs (Department of Justice), July 2017
- Inquiry into the Australian Citizenship Legislation Amendment Bill 2017 (Senate Legal and Constitutional Affairs Committee), July 2017
- Inquiry into National Disability Insurance Scheme (NDIS) Costs (Productivity Commission Position Paper), July 2017

Appendix 8 Right to Information

Obligations under the *Government Information (Public Access) Act 2009*

1. Review of proactive release program

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 publically available. This review must be undertaken at least once every 12 months.

Our agency's program for the proactive release of information involves providing information on the Legal Aid NSW website. During the reporting period, we uploaded additional documents to the site and will continue to update the site regularly.

* Number of access applications received

During the reporting period, our agency received a total of 18 formal access applications (including withdrawn applications but not invalid applications).

* Number of refused applications for Schedule 1 information

During the reporting period, our agency refused a total of three formal access applications (either wholly or partly) because the information requested was information referred to in Schedule 1 to the GIPA Act.

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	1	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)	6	0	0	2	0	3	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*	7	0	0	1	0	3	0	3
Access applications (other than personal information applications)	1	0	0	1	0	0	0	1
Access applications that are partly personal information applications and partly other	1	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)	1
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	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	2
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	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	1
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
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)	15
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	3
Total	18

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	1	0
Total	0	1	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 Report on multicultural and disability related matters

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) Multicultural Framework and the NSW Family and Community Services Disability Inclusion Action Plan Guidelines.

The *Diversity Action Plan 2017–2018* 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.

Focus Area	Key outcome areas	Key outcome areas
Service Delivery	Mainstream services deliver for everyone	<p>12.1% of our case grant and in-house duty services were provided to clients born in non-English speaking countries.</p> <hr/> <p>We delivered 1,955 community legal education workshops to clients across NSW. 982 (49%) were presented to multicultural audiences.</p> <hr/> <p>We spent \$42,356 on interpreting and translation services.</p> <hr/> <p>Our key information brochure, <i>'How Legal Aid NSW can help you'</i>, is available in 25 languages.</p>
	Targeted programs fill the gaps	<p>We delivered community legal education for targeted groups. Workshops were provided for:</p> <ul style="list-style-type: none"> • refugees, asylum seekers and newly arrived migrants • older people • young people <hr/> <p>We expanded our community legal education program for asylum seekers and newly arrived migrants .</p>
	People from culturally diverse backgrounds are aware of NSW Government (funded) services, programs and functions	<p>We produced:</p> <ul style="list-style-type: none"> • Three short animated videos that explain what Legal Aid NSW does, how we can help refugees and what a grant of legal aid is, in English, Assyrian, Dari/ Farsi, Chinese Arabic and Auslan. • An Easy English brochure <i>'How can Legal Aid Help Me?'</i> for people with low literacy and language proficiency. • A resource called <i>'My Rights at Work'</i> for people who arrived in Australia less than three years ago. <hr/> <p>We delivered community legal education in areas targeting refugee clients who had settled in regional NSW.</p> <hr/> <p>We introduced an amendment to Legal Aid NSW policy for civil law matters making legal aid available for representation in the Administrative Appeal Tribunal (AAT) for review of a decision made by the National Disability Insurance Agency.</p> <hr/> <p>We participated in community events and festivals such as Refugee Week, where we provided information and raise awareness of our services</p>
Planning	Strong plans to deliver services	<p>Our <i>Legal Aid NSW Plan 2017–2018</i> delivered key initiatives for effective client service targeted to multicultural communities.</p> <hr/> <p>Our <i>Domestic and Family Violence Strategy 2016–2018</i> includes measures targeted to migrant communities.*</p> <hr/> <p>Through the Refugee Working Group we have planned and monitored our service response to the increased intake of refugees into NSW</p>
	Evidence driven planning	<p>Our Refugee Service delivered services to regional NSW based on anticipated refugee arrivals and settlement patterns.</p> <hr/> <p>Our <i>Diversity and Inclusion Plan 2018–2019</i> was approved by the Legal Aid NSW Board on 6 March 2018.</p> <hr/> <p>Our <i>Elder Abuse Strategy 2018–2019</i> was approved by the Legal Aid NSW Board in December 2017.</p>

Focus Area	Key outcome areas	Key outcome areas
Leadership	Demonstrated leadership in culturally inclusive practices	<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>Outcome 2 of the Diversity and Inclusion Plan, approved in March 2018: Managers and staff feel valued and respected in the workplace</p> <hr/> <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>
	Increased recognition of the value of cultural diversity	<p>All staff in our new Refugee Service are from culturally diverse backgrounds.</p> <hr/> <p>We celebrate Harmony Day each year with an internal event and participation in a range of community events.</p> <hr/> <p>We celebrated International Day Against Homophobia, Transphobia and Biphobia.</p> <hr/> <p>We also celebrated International Day of People with Disability in December 2017</p>
Engagement	Collaboration with diverse communities	<p>Legal Aid NSW lawyers provided free advice at ten Migrant Resource Centres under our continuing partnership with Settlement Services International (SSI).</p>
	Understanding the needs of people from diverse backgrounds	<p>The composition of our workforce in our Refugee Service in Western Sydney reflects community diversity</p> <p>Outcome 6 of the Diversity and Inclusion Plan, approved in March 2018: a greater proportion of Legal Aid NSW casework services are reported to meet the personal and cultural needs of ongoing clients in the 2019 client satisfaction survey.</p> <p>Outcome 7 of the Diversity and Inclusion Plan, approved in March 2018: Improve access to justice for diverse groups through legal services</p>

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
Liveable communities	<p>Our Disability Network is a peer support group for legal aid staff that allows for dialogue and exploration of issues in a safe environment. It's a consultative forum to provide a disability perspective to our policies and practices in the organisation.</p>
Employment	<p>We continued implementing our <i>Workforce Strategy for the Recruitment, Employment and Retention of People with Disability 2016–2018</i>.</p> <p>In December 2017 we conducted a staff disability census.</p> <p>Outcome 1 of the Diversity and Inclusion Plan, approved in March 2018, is that Legal Aid NSW employs and retains more people with disabilities, including:</p> <ul style="list-style-type: none"> • By December 2018, Legal Aid NSW will have rolled out reasonable adjustment training to all managers and reviewed its policies regarding reasonable adjustments • By December 2019, 8% of Legal Aid NSW employees have identified as having a disability. <p>The reasonable adjustment training program has been initiated and is ongoing.</p>
Systems and processes	<p>We created <i>'How can Legal Aid can help me?'</i> written in Easy English. This resource was user tested with the Intellectual Disability Rights Service prior to publication.</p> <hr/> <p>We delivered training on how to assist clients with a mental illness.</p> <p>Outcome 4 of the Diversity and Inclusion Plan is enhanced services for clients with disability:</p> <ul style="list-style-type: none"> • By June 2019, Legal Aid NSW will have reviewed its processes for panel lawyer recruitment to ensure that lawyers with skills in working with people with disabilities are identified, and can be assigned to clients with those disabilities.
Community attitudes and behaviours	<p>Six staff volunteered as mentors for students with disability.</p> <p>We participated in the Australian Network on Disability Stepping Into internship program to improve accessibility to jobs for law students with disability</p>

OTHER ACTIONS

These achievements are reported against Legal Aid NSW Plan objectives

Key Outcome areas	What we achieved
To promote access to justice through early intervention and prevention and better targeting of legal assistance to disadvantaged people	<p>We delivered community legal education to elderly clients about the dangers of helping family members with credit contracts and mortgages.</p> <p>We developed an Elder Abuse Strategy for the delivery of high quality, client centred services to people experiencing, or at risk of, elder abuse.</p> <p>During Law Week, we partnered with the Seniors Rights Service to provide CLE to older people. The sessions involved Piano Forte – a film that explores legal issues such as wills, enduring powers of attorney and elder abuse by following one family's story – followed by audience discussion led by a panel of experts.</p>
To support and develop our people and improve our systems to meet organisational goals	We conducted workshops on client journey mapping for frontline staff to understand and improve how clients with complex needs experience our services.
To build strong, effective service partnerships to respond to the legal and non-legal needs of our clients	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

Based on payments made for case and duty services during 2017–2018

Top 20 earning firms					
Firm Name	Case payments \$	Number of case files on which payments made	Duty payments \$	Number of duty services provided	Total amount paid* \$
1 MALLINSON RAKE LAWYERS PTY LIMITED	\$898,407	203			\$888,835
2 ROSS HILL & ASSOCIATE SOLICITORS	\$869,531	109			\$862,874
3 GEORGE STEN & CO	\$663,415	87			\$842,357
4 NYMAN GIBSON MIRALIS (SYDNEY)	\$642,647	85			\$697,520
5 O'BRIEN SOLICITORS	\$662,391	212	\$54,000	442	\$691,044
6 OXFORD LAWYERS PTY LTD	\$627,100	137			\$666,428
7 ZAHR & ZAHR LAWYERS	\$623,514	43			\$620,623
8 MATOUK JOYNER LAWYERS	\$542,791	65			\$617,048
9 RAMSLAND LAIDLER	\$501,401	181	\$34,163	339	\$614,685
10 TIM MARA SOLICITOR WITH RAFTON FAMILY LAWYERS PARRAMATTA	\$577,285	339	\$31,250	113	\$613,465
11 SCOTT MACKENZIE LAWYERS	\$575,686	212	\$42,584	450	\$582,111
12 ARCHBOLD LEGAL SOLUTIONS	\$572,951	123			\$581,748
13 BANNISTERS LAWYERS	\$543,845	113			\$572,808
14 BLAIR CRIMINAL LAWYERS PTY LIMITED	\$562,962	155			\$558,224
15 GREGORY J GOOLD	\$420,998	19			\$552,270
16 DOUGLASS & FORD CRIMINAL LAW	\$513,435	245	\$70,525	506	\$527,558
17 RICE MORE & GIBSON	\$480,707	143	\$15,775	70	\$526,935
18 KATSOOLIS & CO	\$487,797	54			\$526,815
19 VOROS LAWYERS	\$476,913	126	\$34,713	247	\$522,699
20 MORRISONS LAW GROUP	\$367,086	191	\$13,925	139	\$514,283

A

Aboriginal Legal Service (ALS) 60
 Aboriginal people
 partnerships 60
 services to 26, 39, 56
 staff 64
 Aboriginal Services Branch 60
 appeals 91–92
Audit and Risk Committee 89
 audits 88
 awards 70–71

B

Board 78–81
 committees 79
 fees 785
 meetings 79
 members 80–81
 roles and responsibilities 78
 breaches of agreements 52
 Business Continuity Management Plan 90
business hours 164

C

case management 65, 73
 cash flows
 Legal Aid NSW 109
 Legal Aid Staff Agency 135
 CEO's report 6–7
 Chair's report 4–5
 children *see also* young people
 court representation 35
 Children's Legal Service 32
 civil law 37–40
 in-house lawyers 67
 reform 39
 Civil Law Service for Aboriginal Communities 2, 26, 39
 client entry 27
client kiosks 28
 client case management system 73
 client profile 12
Client Service Strategy 2016–2020 27
 Client Service Unit 28
 client services 11, 15, 22–43
 Code of Conduct 65
 Community Legal Centres (CLCs) 53, 151
 Community Legal Education (CLE) 30, 31, 39, 41

complaints
 public 93
 staff 65
Consultancies 145
 contributions policy 78
 Cooperative Legal Service Delivery Program (CLSD) 56
 Corruption and Fraud Prevention Plan 90
 criminal law
 appeals 29
 practice 31–34
 reform 25–26

D

directors 84–85
 disability
 clients 38,43,48
 staff 67
 disaster response service 38
 dispute resolution, family 17
diversity 30,
Domestic and Family Violence Strategy 2016–2018 24
 domestic violence
 safety for victims 24–25
 Women's Domestic Violence Court Advocacy Program 25, 54
 Domestic Violence Panel 50
 Domestic Violence Unit (DVU) 24–25
 Driver disqualification reforms 26
 duty services 19

E

Early Appropriate Guilty Pleas reform 25
 education programs *see also* training 25, 26, 42, 50,55, 60, 68
 elder abuse 25,27
 environment 74
 equity
 Legal Aid NSW 98, 105
 Legal Aid Staff Agency 121
 expenses 97
 Extended Legal Assistance 28,29

F

families 35, 79
 violence *see* domestic violence
 Family and Advocacy Support Services (FASS) 25

family dispute resolution (FDR) 20
 Family Dispute Resolution Service 30
 family law
 mediation 17, 20
 practice 34–39
 reform 43
 financial overview 97
 financial performance 99
 financial position
 Legal Aid NSW 116
 Legal Aid Staff Agency 124
financial statements
 Legal Aid NSW 104
 Legal Aid Staff Agency 124
 financial summary 132–145
 fines debt 38
 fraud 90
 function of Legal Aid NSW 3
 funding 15, 24,30,49
 Community Legal Centres (CLCs) 53
 WDV CAP 55

G

gender equity 67
 Good Practice Guide for Independent Children's Lawyers 35
governance 76–95 *see also* Board Grants Division 65, 71, 91

H

health and wellbeing 71
 health justice partnerships 35, 39, 47
 history of Legal Aid NSW 10
 homelessness 38
 hotline for young people 20
human resources *see* staff

I

income
 Legal Aid NSW 98
 Legal Aid Staff Agency 134
 Individual Planning 65
 information services 13
 information technology 73
It Stops Here 55

J

justice forums 59

K

key performance indicators 14

L

law reform 42–43
LEAD program 68
learning and development 68–69
legal advice 15, 17
Legal Aid NSW Client Service Strategy 2016–2020 27
Legal Aid NSW Strategic Plan 2018–2023 87
Legal Aid NSW Plan 2018–2019 87
Legal Aid NSW Plan 2017–2018 9
Legal Aid NSW Diversity Action Plan 2018–2019 159
Legal Aid NSW Elder Abuse Strategy 2018–2020 26
Legal Aid NSW Reconciliation Action Plan 2015–2018 6
legal representation 13
legislation 10
legislative compliance 91–92

M

Magistracy 70
management 59–72 *see also* governance
Means Test 28
mediation 35
minor assistance services 18

N

National Disability Insurance Scheme (NDIS) 38, 40, 43, 48
National Legal Aid (NLA) 59
National Partnership Agreement on Legal Assistance Services 2018–2020 (NPA) 15, 53
New Leaders Program (NLP) 68
North West NSW 24, 32, 61, 71,
NSW Civil and Administrative Tribunal (NCAT) 34
NSW Legal Assistance Forum (NLAF) 40

O

objectives of Legal Aid NSW 3
offices 164
operational statistics 152–155
organisational structure 83
outreach advice services 17, 18, 24

P

panel lawyer audits 50–51
partnerships 44–61
 Aboriginal communities 60
 community programs 53–57
 justice forums 59
 private lawyers 49–52
performance 14, 73, 88
 staff 65
policy changes 3
prisoners 40
privacy 91
private lawyers 46–48, 173
professional development
 lawyers 66
 staff 161
Program Management Office 87
Public Interest Disclosures policy 91
publications 18

R

Reconciliation Action Plan 26
records management 91
recruitment 64
refugees
 services to 30, 57
regional areas 56–57
Regional Office Project 65, 71
Regional Outreach Clinic Program (ROCP) 5, 58
Regional Service Delivery Planning 72
right to information 91, 157–158
risk management 88
Royal Commission into Institutional Responses to Child Sexual Abuse 42
Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry 25

S

Safer Pathway 25, 55
sentencing and parole reforms 26
specialist services 20
staff
 awards 70
 diversity and equity 67
 health and safety 66
 overview 147
 recruitment 64
 support 65

training 68
workers compensation 66
workforce diversity groups 67, 148
Stolen Generation claims 26, 39
sustainable service delivery 74

T

training
 lawyers 70
 staff 68
triage model 28
tribunals 27, 29, 38, 40

V

values 3
violence *see* domestic violence
vulnerable clients
 access to help 24, 25
 family law 35

W

wellbeing programs 66
women
 in the legal profession 67
 violence against *see* domestic violence
 Women's Domestic Violence Court Advocacy Program and Services (WDVCAP/WDVCASs) 25, 54–55
 Work and Development Order (WDO) Service 38
workers compensation 66
workforce *see* staff
 Workforce Strategy for the Recruitment, Employment and Retention of People with Disability 2016–2018 160

Y

young people *see also* children
 Aboriginal 28
 criminal law services 32
CLE 30
hotline 20

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