

Annual Report 2018–2019

Placing our clients at the centre of everything we do



About Legal Aid NSW

We are the largest legal aid commission in Australia. In this report, we refer to ourselves as Legal Aid NSW.

We provide legal services across NSW through a statewide network of 25 offices, two satellite offices and 243 regular outreach locations, with an emphasis on helping socially and economically disadvantaged people.

We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients. We also work closely with community legal centres, the Aboriginal Legal Service (NSW/ACT) and pro bono legal services. We strive to support clients and improve access to justice through initiatives such as the Cooperative Legal Service Delivery Program and by supporting and administering funding for the state's 29 Women's Domestic Violence Court Advocacy Services and 32 community legal centres. We collaborate with other agencies providing social and support services to disadvantaged and marginalised people, helping us deliver integrated services to address clients' legal and non-legal needs.

Our Board establishes our broad policies and strategic plans. Board members are appointed by the Attorney General of NSW for terms of up to three years.

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 2018–2023. To learn more about our five-year strategic plan, see page 3.

This report incorporates 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 16th Gold Award. This is our 40th annual report. It is available online, along with reports from earlier years, at www.legalaid.nsw.gov.au.

Cover image: This artwork from Brungle artist Luke Penrith, entitled *Lore and Law*, is incorporated in our Aboriginal Employment and Career Development Strategy 2018–2023 and Aboriginal Client Services Strategy 2019–2023. Mr Penrith traces his ancestry through the Wiradjuri, Wotjobaluk, Yuin and Gumbaynggirr nations. His work explores how dual systems of lore and law continue to govern the lives of many Aboriginal people, the vital role that Aboriginal elders play within their communities, the journeys that Aboriginal people take as they make their way through our justice system, and the Aboriginal legal professionals who support them along the way.

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1

Overview

Legal Aid NSW is an independent statutory body, established under the *Legal Aid Commission Act 1979* (NSW), reporting to the Hon. Mark Speakman SC, MP, Attorney General and Minister for the Prevention of Domestic Violence.

Legal Aid NSW lawyer Teela Reid, NSW Supreme Court Justice Lucy McCallum, Legal Aid NSW lawyer Melissa Burgess and Criminal Law Director Annmarie Lumsden at the 2018 Criminal Law Conference



Our vision

To be a leader in a legal system that delivers fair outcomes for disadvantaged and vulnerable people.

We strive to be a leader in ensuring that the NSW legal system is just and equitable. Our vision is that people can access justice in a timely manner, regardless of their level of disadvantage and the complexity of their needs. This vision means that our clients:

- will be empowered to understand their legal issues
- are able to access the assistance they need to address their legal issues when these arise, and
- achieve fair outcomes.

This vision is intentionally bold and ambitious, and we cannot achieve it on our own. By working effectively with our partners, we can and will be a key part of achieving a just, fair and efficient legal system.

Our purpose

We use the law to help people, particularly those who are disadvantaged, know, defend and assert their rights.

The *Legal Aid Commission Act 1979* (NSW) is the foundation from which we work, and clearly outlines why we exist and what we do. We fulfil our obligations by providing accessible, quality legal services to disadvantaged and vulnerable clients. Our services seek to achieve the overall vision of all people having access to justice, and to empower our clients and improve their lives. We do this by providing a range of legal services and education.

Our outcomes

Our strategic outcomes will guide our efforts and energy over the five-year period covered by the Legal Aid NSW Strategic Plan 2018–2023. This report highlights initiatives we pursued during 2018–19 to progress our strategic outcomes.

1 High-quality, targeted services that meet our clients' needs

2 Partnerships that deliver the best possible outcomes for our clients

3 Our work improves the legal and justice systems

4 A highly capable workforce that is flexible, developed and equipped

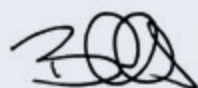
5 Business processes that are responsive to our business needs

The Hon. Mark Speakman SC, MP
Attorney General and Minister for the Prevention of Domestic Violence
52 Martin Place, Sydney NSW 2000

Dear Attorney,

In accordance with section 13 (1) of the *Legal Aid Commission Act 1979* (NSW) and section 10 (1) of the *Annual Reports (Statutory Bodies) Act 1984* (NSW), I am pleased to submit the Legal Aid NSW annual report for the year ended 30 June 2019 to you for presentation to Parliament.

Yours sincerely,



Brendan Thomas
Chief Executive Officer
October 2019

Legal Aid
NEW SOUTH WALES



On behalf of the Board I am pleased to introduce the Annual Report 2018–2019.

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. A summary of the decisions made at each Board meeting is published in this report.

Progressing the Legal Aid NSW Strategic Plan 2018–2023

I would like to congratulate all involved in the successful delivery of the first year of Legal Aid NSW's Strategic Plan 2018–2023. The Board oversaw this implementation and we were particularly impressed with the dedication, effort and commitment of staff who delivered these important initiatives.

Over the year, the organisation refocused its end-to-end service model to ensure it targets the most disadvantaged people throughout NSW. A Strategic Partnerships Framework was developed to improve how we collaborate with our partners across the justice sector. Also, a new framework was formulated to improve the way Legal Aid NSW supports private lawyers so they can continue to deliver quality legal aid services.

The Board also approved a comprehensive strategic law reform

agenda. The agenda will see Legal Aid NSW proactively working with government to influence policies that will reduce systemic disadvantage and improve the operation of the justice system.

Targeting need through our eligibility policies

The first year of the strategic plan involved a wide-ranging review of our eligibility policies, with the newly established Client Eligibility Unit undertaking this work.

Consequently, the Board approved a large number of policy changes over the year. These included changes to our family and criminal law policies to ensure, wherever possible, we assist clients who are at risk of, or experiencing domestic or family violence.

The Board expanded the availability of extended legal assistance for Commonwealth and certain NSW parole proceedings. Extended legal assistance was introduced last year and allows lawyers to assist clients with multiple legal problems in one service rather than through separate services. The Board also approved revisions to the financially associated person test to make it clearer, fairer and more consistent.

Removing barriers so we can assist more clients

The Board approved important changes to Legal Aid NSW's conflict of interest

policy. While continuing to manage the risk of conflict of interest, the revised policy removes unnecessary barriers that previously led to the exclusion of disadvantaged and vulnerable people receiving in-house assistance.

The Board also oversaw the implementation of several strategies aimed at reaching clients who are particularly vulnerable. These included the Domestic and Family Violence Strategy 2016–2018 and Elder Abuse Strategy 2018–2019.

Making processes more efficient

The Board approved a suite of changes to the contributions policy to align better with our Client Service Strategy and support an efficient grants administration process. This involved streamlining the contributions policy so it is clearer, removes inefficient collections and targets those who can afford to contribute.

Reviewing of private lawyer fees

The Board approved an increase in fees for private lawyers undertaking legally aided work under the early appropriate guilty pleas reform as a consequence of additional funding provided for this initiative. However, fee rates for lawyers undertaking other legally aided work remains unchanged and continues to be a significant issue.

In last year's annual report, I advised of a review underway into fees paid to private lawyers representing legally

aided clients. That review is now complete and it is clear that fees need to be increased.

Like all other Australian states and territories, Legal Aid NSW relies on private lawyers to represent the majority of legal aid clients. Payment is generally based on either a daily rate or an hourly rate, depending on the nature of the work. The rates paid in NSW are by far the lowest in Australia. In NSW the fee rates have not increased for 12 years. This situation is not sustainable. The detailed review identified risks to Legal Aid NSW and to the justice system if fees remain at current levels. The issue of providing Legal Aid NSW with additional funding to increase fees is now with the government. In the meantime, we continue to rely on the goodwill of barristers and solicitors who are prepared to undertake legal aid work. I thank those practitioners for their commitment to disadvantaged people.

Managing risk

The Board continued to track our organisation's performance under the National Partnership Agreement on Legal Assistance Services 2015–2020.

The Board approved the revised Audit and Risk Charter and Internal Audit Charter. The Audit and Risk Committee oversaw several internal audits that included assessment of community legal education information collection, protective security risk assessment and staff movements. The Board also

approved the reappointment of Michael Coleman as Chair of the Audit and Risk Committee for the period 23 June 2019 until 23 June 2021.

The Board continued to monitor Legal Aid NSW's operating budget, financial statements and work, health and safety measures. The Board also appointed new members to the Legal Aid Review Committee.

Special thanks

Thank you to all involved in delivering legal aid services across NSW, including our colleagues in the private profession and legal assistance sector. I particularly acknowledge the staff of Legal Aid NSW for continuing to provide exceptional legal services to our clients.

It has been my pleasure to chair the current Board for the past three years and I thank my fellow Board members for their work. On behalf of the Board I thank Brendan Thomas and his staff for the high-quality assistance they provide. I would also like to acknowledge the outstanding work of the Audit and Risk Committee.



Craig Smith
Chair, Legal Aid NSW



I am pleased to present the Legal Aid NSW Annual Report 2018–2019.

The work of our lawyers and other dedicated staff is varied, and often difficult. The number of disadvantaged people who need our help continues to grow. Increasingly, our clients are seeking assistance with multiple complex legal and non-legal problems, and the resources we draw on are finite. So we are finding innovative ways to serve our clients and keep them at the centre of all that we do. We are also working to build a better, fairer justice system in which our clients' voices are heard.

This year we played an important role in implementing criminal justice reforms in NSW. We ensured there was continuity of representation for clients charged with serious criminal matters under the early appropriate guilty pleas reform, and we led training of more than 1,100 lawyers across NSW ahead of major sentencing and parole reforms.

We also heard from 1,400 clients through our largest ever client satisfaction survey, in which three in four clients told us they were highly satisfied with our service. I thank our lawyers and our partners in the private legal profession for their commitment to ensuring our clients receive quality legal services regardless of their means.

What follows is a snapshot of some of our key achievements this year.

Overseeing the Legal Aid NSW Strategic Plan 2018–2023

I proudly oversaw the first year of the Legal Aid NSW Strategic Plan 2018–2023. I congratulate all our staff for their efforts to deliver the important projects that underpin this plan. We met many milestones this year, ranging from the development of a strategic law reform agenda, amendments to our eligibility policies to target those most in need, digital initiatives and updates to internal processes to better support staff.

Above all, we immersed ourselves in the experiences of our clients.

We thoroughly reviewed the way clients access our services. Our clients told us that contacting Legal Aid NSW can be confusing, and some clients contact us multiple times before they reach the right service. We also struggle to answer the 800,000 calls made to more than 40 published phone numbers each year. A significant proportion of these calls involve referrals to and from LawAccess NSW. We know we can improve our clients' experience. That is why LawAccess NSW will join Legal Aid NSW on 1 July 2019. This integration will result in one phone number for legal assistance in NSW. It will also mean our clients tell their story once and receive the right level of assistance at the right time.

To ensure we reach those most in need we also reviewed our end-to-end client service model. Commencing next year, our revised model will clearly differentiate between universal services that are available to everyone, and more individualised and intensive services, which will target those most in need, and where we will direct most of our resources.

Responding to the needs of our clients in northwest NSW, we opened satellite offices in Bourke and Walgett. Each satellite office has a dedicated Aboriginal community liaison officer and in-house lawyers provide criminal, family and civil law services in the region. Due to the small number of private lawyers available to do work in the far west, we expanded our in-house services to that region by establishing an ongoing criminal law presence in Broken Hill.

We also introduced a range of changes to ensure that people who are experiencing, or at risk of, domestic and family violence have access to legal services in line with the Legal Aid NSW Domestic and Family Violence Strategy 2016–2018. We also developed a new Domestic and Family Violence Strategy 2019–2020 to guide our work in the coming year.

Excelling in the delivery of services

We welcomed research by the Bureau of Crime Statistics and Research that

found Legal Aid NSW in-house criminal lawyers were more efficient than private lawyers funded to do the same work. The findings are testament to the commitment of our criminal lawyers and the important role they play in making efficient and effective legal representation available to vulnerable clients.

Recognising our track record of delivering services to older people, the Commonwealth provided us with funding to establish a specialist Elder Abuse Service on the NSW Central Coast. The service will respond to financial, physical and psychological abuse of vulnerable older people by providing legal representation and advice, as well as non-legal support.

We led the design and delivery of a new national website, Family Violence Law Help, to empower victims of domestic and family violence by providing a wealth of reliable information in one accessible resource.

We also launched a national online training program for family lawyers across Australia seeking to work as independent children's lawyers. More than 300 lawyers have already registered for the program.

Investing in our people

A record number of staff participated in the NSW People Matter Employee Survey. We were pleased to hear that staff were highly engaged with their work, and that in every key area measured – engagement with work, senior managers, communication, diversity and inclusion – we outperformed the public sector average. Although the results were generally positive, each office identified areas for improvement and corresponding actions.

We continued to prioritise the health and wellbeing of our staff by launching Being Well, which represents a substantial long-term investment in workplace wellbeing. Through initiatives in four

key areas, the Being Well program will ensure that our environment is physically safe, that we support the mental health and wellbeing of our staff, that we promote flexible work and that we support late-career employees. We also trained mental health first-aid officers to provide informal initial support to employees in the workplace and connect them to formal support.

We continued to invest in our talent. To respond to the increasing number of senior staff being appointed to the judiciary and senior positions in other agencies, we formalised a new approach for identifying, developing and mobilising talent in Legal Aid NSW. Together with this, we congratulated our first round of graduates from the LEAD program, which trains aspiring managers to be our future leaders.

We finalised an Aboriginal Employment and Career Development Strategy that aims to lift the proportion of Aboriginal and Torres Strait Islander employees to 11 percent. The strategy also identifies avenues for mentoring and support for hiring managers, and ensures our recruitment processes are culturally appropriate.

We continued to make our operations more efficient. We automated parts of our grants processes, resulting in faster decision-making and more certainty for our staff, private lawyers and clients. We completed a detailed process review of our administrative functions. And we commenced implementing our new Client and Case Management System, which will centralise information and allow us to transition to a paper-light office.

Working with our partners

We continued to work closely with our partners, including the private legal profession, the health sector, community legal centres, the Aboriginal Legal Service (NSW/ACT) and other service providers.

Each year, private lawyers undertake a significant proportion of our work and our partnership with them is crucial to delivering quality legal services across NSW. We completed several projects to support this partnership. We reviewed our processes for appointing lawyers to our panels, sought funding to increase the fees we pay to private lawyers, started processing grants of aid more efficiently and identified ways to provide more meaningful support to private lawyers.

We created a Strategic Partnerships Framework to influence the legislative, policy and program environment in which we work. We established formal partnerships with NSW Police, Family and Community Services NSW, the Aboriginal Legal Service (NSW/ACT), the NSW Department of Justice, Corrective Services NSW and the Commonwealth Attorney-General's Department.

We continued our collaboration with Victoria Legal Aid, releasing the Cross-Border Justice Report, which outlined how our two commissions will improve access to legal assistance for our clients along the NSW-Victorian border.

Special thanks

I thank our staff, and our partners in the private legal profession and community legal sector, for the work they do every day to address injustice and inequality. Their work is not easy, but it is worthwhile. It improves the lives of our clients and it helps us shape a fairer community. I would also like to acknowledge the work of our Board, particularly our Chair Craig Smith, and members of the Legal Aid NSW executive for guiding and supporting the important work we do.



Brendan Thomas
CEO, Legal Aid NSW

What we did over the past year

This year was the first under our five-year strategic plan. The Legal Aid NSW Strategic Plan 2018–2023 clearly sets our direction and policies, how we will target our resources in the face of growing demand for our services, and how we will develop and support our staff. See page 3.

These are some of the ways we progressed initiatives arising under the plan.

OBJECTIVE: MEETING CLIENTS' NEEDS

Streamlining pathways to and between our services

We launched Streamlining Legal Pathways, a joint initiative with LawAccess NSW. Streamlining Legal Pathways seeks to simplify and improve the way that people in NSW get legal help by creating an integrated entry point to the legal assistance sector, with a single telephone number and digital platform, and supported by proper triaging processes. We also developed a high-level service model to ensure our services to clients are consistent and appropriately targeted. See page 29.

Helping our clients engage with us

We developed an online Grants Tracker to allow clients to track the status of their grant applications. The Grants Tracker tracks a client's application from the time the application is submitted to when a decision is first made. Our aim is to improve our clients' experience of the grant application process and reduce client uncertainty. See page 76.

Increasing access to justice for Aboriginal people

We worked to increase access to justice for Aboriginal people through the development of our Aboriginal Client Services Strategy 2019–2023. See page 32.

In 2018–19, 15.7 percent of all case and in-house duty services were delivered to Aboriginal people, up from 14.2 percent the previous year. Almost half the extended legal assistance services we approved in 2018–19 were delivered to Aboriginal clients. See page 19.

OBJECTIVE: STRONG PARTNERSHIPS

A leader in legal professional development

We delivered training across the sector ahead of significant sentencing and parole reforms that came into effect in

September 2018. Partners who participated in our training sessions included the Aboriginal Legal Service (NSW/ACT), the Law Society of NSW, the Public Defenders Office, the NSW Bar Association, the NSW Police Force, and the NSW Department of Justice. See page 29.

Supporting private lawyers to deliver quality legal aid services

We completed a review into the fees paid to private lawyers representing legally aided clients and prepared a business case in which we advocated for additional funding to increase the fees we pay. We also reviewed the way we appoint, monitor and remove private lawyers from our panels, with a focus on quality assurance. See page 55.

Providing wrap-around assistance for victims of domestic and family violence

We played a key role in finalising the rollout of Safer Pathway, an initiative to reduce domestic and family violence and provide support to victims. There are now 48 Safer Pathway sites across NSW. We administered the Women's Domestic Violence Court Advocacy Program, supporting 29 Women's Domestic Violence Court Advocacy Services to deliver services to 47,902 women. See pages 58–59.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

Giving our clients a voice in law and policy reform

We developed an agenda for strategic law and policy reform to guide our advocacy and improve the legal and justice systems in NSW. This year our strategic advocacy helped create statewide reforms aimed at improving local government responses to unpaid rates owed by people experiencing financial hardship. Our advocacy also led to national law reform to provide a remedy for vulnerable students who were inappropriately enrolled by a vocational education and training provider. See pages 43 and 45.

We produced a report in collaboration with Cancer Council NSW and Cancer Voices NSW, which found that two thirds of people with health conditions who participated in our research had experienced difficulties obtaining insurance. Our report also found that people with health conditions were frequently unaware of their legal rights in relation to insurance claims. See page 42.

Easing delays in the state's busiest courts

We received additional funding as part of NSW Government measures to clear the NSW District Court backlog, which

we used to increase the number of staff at locations where additional District Court sittings were expected to take place. We also continued to refine our own processes following the introduction of the early appropriate guilty pleas reform in 2018, which included significant procedural changes for serious criminal cases in NSW. See page 34.

Participating in the banking royal commission

We supported clients giving evidence before the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, and a Legal Aid NSW lawyer gave expert evidence at a hearing on lending and other financial issues related to small businesses. See page 46.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Supporting our staff to provide quality services

We invested in the long-term wellbeing and safety of our staff through the launch of our Being Well initiative, which focuses on flexible working arrangements, supporting late-career employees, and shaping a physically and mentally healthier workforce and a physically safe work environment. See page 70.

Financial summary

Our net financial result was a deficit of \$25.6 million.

	2017–18 (\$m)	2018–19 (\$m)	Change %
Operating revenue	319.7	349.3	9.2%
Operating expenses	318.9	374.5	17.4%
Total assets	87.3	69.3	(20.6%)
Total liabilities	35.5	43.2	21.7%
Surplus (deficit)	0.3	(25.6)	(8,633%)
Net equity	51.8	26.2	(49.4%)

We made changes to increase consistency, transparency and fairness in recruitment, guided by staff responses in the People Matter Employee Survey 2018, a major survey of government employees. We returned an overall employee engagement score of 75 percent in the survey, which is considerably higher than the public sector-wide score of 65 percent and an improvement on our result the previous year. See page 68.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

Using information technology to deliver legal services more effectively

We implemented the first phase of our Client and Case Management System (CCMS) rollout, making it the single source of truth for all client information. The CCMS is a modern, client-centred platform developed to replace our existing case management system. See page 77.

We also transitioned to a new cloud-based payroll and human resources system that automates many human resources processes and allows more streamlined processes for on-boarding and managing staff. See page 77.

What we did over the past year

ACHIEVEMENTS AGAINST THE LEGAL AID NSW STRATEGIC PLAN 2018–2019

Our Legal Aid NSW Strategic Plan 2018–2019 (Year One Plan) set out the work that we planned to deliver in the first 12 months of the Legal Aid NSW Strategic Plan 2018–2023. We achieved most actions arising under the Year One Plan. Pages 8–9 highlight examples of work we did particularly well.

OBJECTIVE: MEETING CLIENTS' NEEDS	OBJECTIVE: STRONG PARTNERSHIPS	OBJECTIVE: A FAIRER JUSTICE SYSTEM	OBJECTIVE: A HIGHLY CAPABLE WORKFORCE	OBJECTIVE: RESPONSIVE BUSINESS PROCESSES
<p>High-quality, targeted services that meet our clients' needs</p>	<p>Partnerships that deliver the best possible outcomes for our clients</p>	<p>Our work improves the legal and justice systems</p>	<p>A highly capable workforce that is flexible, developed and equipped</p>	<p>Business processes that are responsive to our business needs</p>
<ul style="list-style-type: none"> • We developed a high-level, end-to-end service model to ensure our services are consistent and appropriately targeted. • We worked to determine who our priority client groups should be. • We designed a plan for client pathways, a client triage model and an advice framework. • We developed our Aboriginal Client Services Strategy 2019–2023 to increase access to justice. • We reviewed and amended our contributions policy. • We designed a resource allocation model to help us assess demand for criminal law services and allocate our resources accordingly. • We evaluated specialist services to learn more about what approaches work best for vulnerable clients. • We laid the foundations for a framework to support and promote the delivery of quality legal aid services by private lawyers. • We conducted a review of fees paid to private lawyers acting in legally aided matters. 	<ul style="list-style-type: none"> • We worked with our legal assistance sector partners to develop an agreed framework for collaborative service-planning. • We developed a Strategic Partnerships Framework and formalised inter-agency partnerships. 	<ul style="list-style-type: none"> • We implemented a strategic law reform agenda and identified advocacy initiatives we will pursue in the year to come. • We communicated the value of the work we do, including by requesting that the Bureau of Crime Statistics and Research examine the efficiency of in-house and private lawyers acting in legally aided matters, in what was the first-ever Australian comparison of private versus public lawyers in finalising these cases. 	<ul style="list-style-type: none"> • We implemented a wellbeing program to improve the physical and mental health and safety of our staff. • We designed and implemented streamlined recruitment practices. • We implemented recommendations from a detailed review of administrative functions across our organisation. 	<ul style="list-style-type: none"> • We implemented a new structure for information communications technology. • We developed key performance indicators and a monitoring framework to guide managers and their staff, and implemented quarterly performance reviews. • We developed and implemented a feedback framework to collect, analyse and respond to feedback from staff about their experience with corporate services. • We implemented priority recommendations from a review of grants efficiency. • We completed the initial implementation of our Client and Case Management System.

OUR HISTORY

The provision of legal aid for people experiencing criminal, family and civil law problems in our state enjoys a long history. Over the past century, legal aid has evolved. What was once charity is now a pillar of our justice system.

1918

The *Poor Persons Legal Remedies Act 1918* (NSW) is the first step towards a formal legal aid scheme, and exists for the benefit of any person who can satisfy a judge “that he is not worth fifty pounds”

1941

The Public Defenders Office is established to represent disadvantaged people in serious criminal cases

1943

The *Legal Assistance Act 1943* (NSW) establishes the office of the Public Solicitor and for the first time, lawyers are employed to provide 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, the forerunner of today’s Legal Aid NSW

1987

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

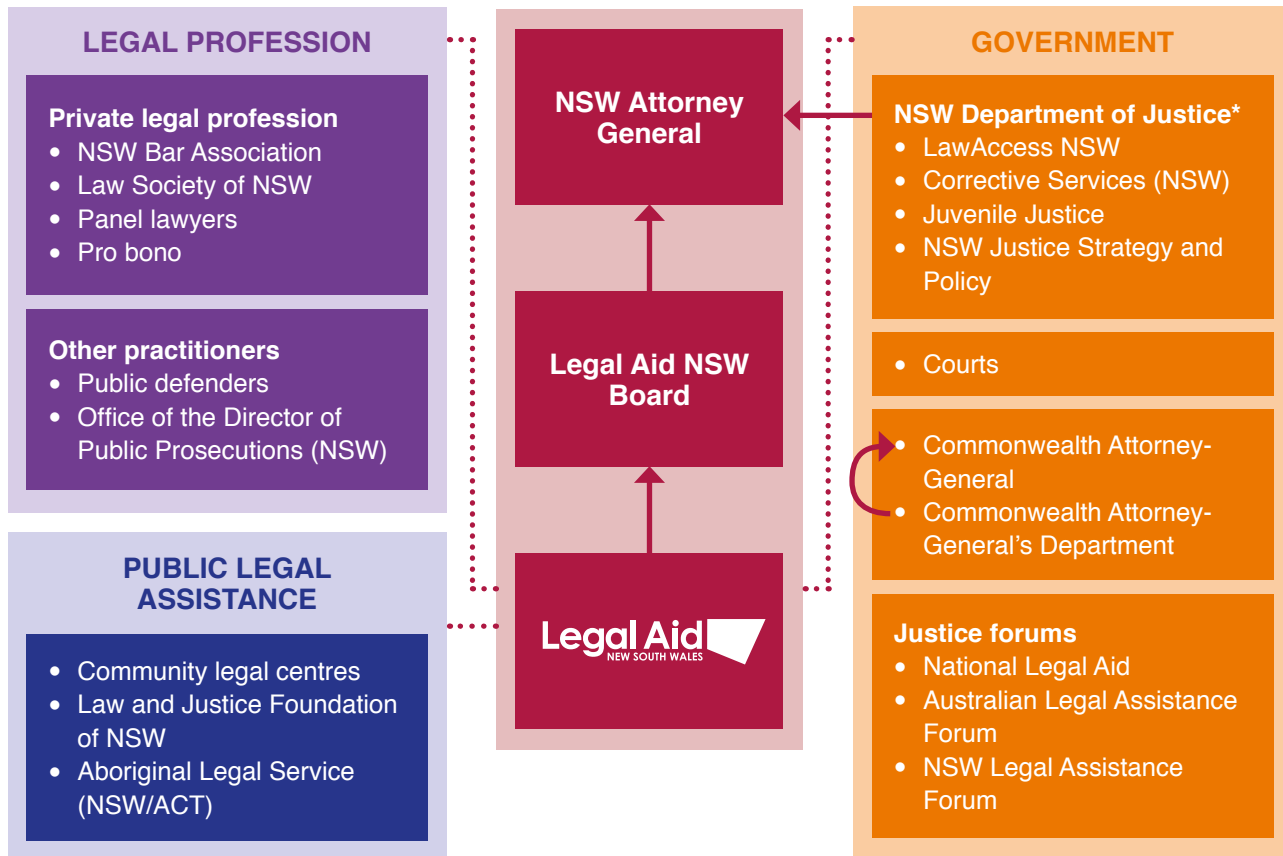
2006

The Legal Aid Commission of NSW becomes known as Legal Aid NSW

2019

Today, Legal Aid NSW is the largest legal aid commission in Australia, providing hundreds of thousands of legal services each year to some of the most disadvantaged and vulnerable people in our community and guided by a five-year plan that clearly sets our direction and priorities in the face of increasing demand for our services

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



* As a result of machinery of government changes that took effect on 1 July 2019, the NSW Department of Justice became part of the larger Department of Communities and Justice and LawAccess NSW joined Legal Aid NSW. In this report, we refer to the Department as it was known during the reporting year.

Key legislation governing our work

Our organisation is established under the *Legal Aid Commission Act 1979* (NSW). This 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 NSW.

The *Government Sector Employment Act 2013* (NSW) provides a framework for employment and workforce

management. We have complied with the Act and introduced a performance planning and staff development system.

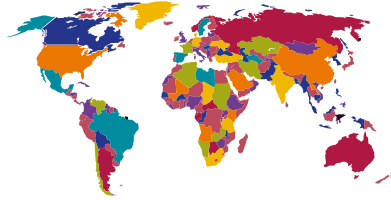
The health and safety of people in our workplace are managed in accordance with section 19 of the *Work Health and Safety Act 2011* (NSW).

Our financial statements are prepared in accordance with the *Public Finance and Audit Act 1983* (NSW) and the *Public Finance and Audit Regulation 2015* (NSW).

OUR CLIENTS



Aboriginal
15.7%



Born in non-English speaking countries
12.1%



Female
28.5%



Under 18
14.2%



Aged 18–60
83.3%



Over 60
2.5%



On Commonwealth benefits
43.1%



With dependants
13.6%



Rural and regional *
49.9%

** Includes Newcastle and Wollongong*

Client profile data is based on total grants of legal aid, extended legal assistance services and in-house duty services.

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

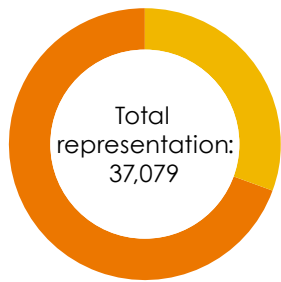
Almost all services delivered by Legal Aid NSW are provided to people from disadvantaged groups. This includes people on low incomes, people from rural and regional areas and people from diverse cultural backgrounds.

Legal Aid NSW is strongly committed to providing services for Aboriginal people in NSW across a range of areas of law. The percentage of services provided to Aboriginal people has increased every year for the last five years.

In 2018–19, 15.7% of all case and in-house duty services were delivered to Aboriginal people, up from 14.2% the previous year. This year:

- 16.2% of all case and in-house duty services in criminal law matters were delivered to Aboriginal people
- 13.2% of all case and in-house duty services in family law matters were delivered to Aboriginal people, and
- 15.0% of all case and in-house duty services in civil law matters were delivered to Aboriginal people.

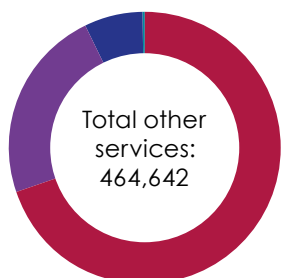
Services to clients



In-house: 11,413
Private lawyers: 25,666



In-house: 133,177
Private lawyers: 79,951



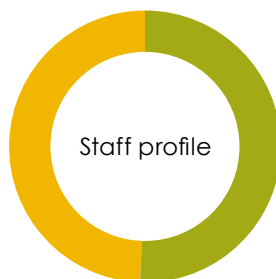
Information services: 325,156
Legal advice: 107,105
Minor assistance: 31,534
Extended legal assistance: 847

Total services: 714,849

Our staff



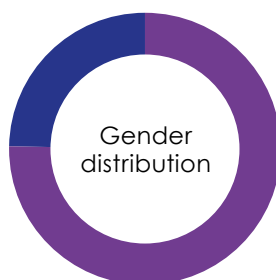
Regional NSW offices: 318
Sydney offices: 1,008



Lawyers: 673
Administrative and corporate services staff: 653



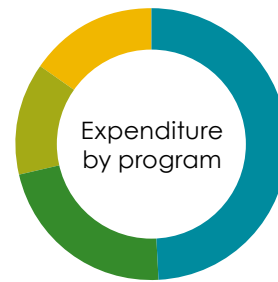
Lawyers: 20
Field officers and other
Aboriginal staff: 48



Women: 999
Men: 327

Total staff: 1,326

Our finances



Criminal law services: 49.2%
Family law services: 22.2%
Civil law services: 13.1%
Community partnerships: 15.5%

Our total income was \$349.3 million and we spent \$374.5 million.

See the financial overview on page 101 for details about where our funding comes from and how we spend it. Details about our community partnership program funding can be found in Appendix 4 and Appendix 5.

BUILDING A STRONG EVIDENCE BASE FOR ALL THAT WE DO

We implemented a range of initiatives to monitor and review our performance and improve the quality of service-planning and delivery.

One of our greatest assets is the wealth of data we have about when, where and why clients need our services. We use our data to build an evidence base for our service design and to help us ensure that we are delivering the right services in the right places. Under our five-year strategic plan, we have committed to working with our partners to provide a richer picture of the legal and non-legal factors that exacerbate disadvantage, and to identify opportunities to achieve meaningful and sustained change.

Our Civil Law Service for Aboriginal Communities was found to be an “informed, warm and compassionate legal service” that engages deeply with the communities it serves.

OBJECTIVE: MEETING CLIENTS’ NEEDS

Reviewing processes to understand what works well and what we can do better

We commissioned reviews for many of our processes and services. Reviews help us recognise what we are getting right for our clients, as well as highlighting areas where improvement is needed.

Key performance indicators	2016–17	2017–18	2018–19
Community awareness of legal rights and responsibilities			
Client satisfaction*	87%	N/A	84%
Information services we provided	517,888	520,479	325,156**
Rate per 100,000 of NSW population accessing our information services	6,644	6,690	4,141**
Advice and minor assistance services we provided	141,000	145,768	138,639
Rate per 100,000 of NSW population accessing our advice and minor assistance services	1,809	1,874	1,766
Number of publications distributed	752,270	681,798	588,536
Rate per 100,000 of NSW population accessing our publications	9,651 per 100,000	8,763 per 100,000	7,496 per 100,000
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	59.5	57.6	55.6
Percentage of Local Court sittings served by duty solicitor schemes	100	100	100
Representation service standards			
Percentage of satisfactory comprehensive in-house file reviews	99.4	97.8	96.8
Number of Legal Aid NSW lawyers with specialist accreditation	77	79	63
Number of Legal Aid NSW lawyer attendances at training sessions	2,781	2,577	2,777
Number of private lawyer attendances at Legal Aid NSW training sessions	511	512	444

* We measure client satisfaction through surveys conducted every two years. This year, 84 percent of our clients reported that they were satisfied, or highly satisfied, with our service. See page 27.

** In September 2018, we changed the way we define information services to align with the agreed national standard. This led to a reduction in the recorded number of information services.

Measuring our performance

An external evaluation of our Civil Law Service for Aboriginal Communities (CLSAC) completed in May 2019 found it was “an informed, warm and compassionate legal service for Aboriginal and Torres Strait Islander people and communities” and that its staff were “skilled and dedicated”. The review recommended CLSAC be expanded to meet demand from communities. For details of other specialist civil law services evaluated this year, see page 42.

Developing more sophisticated forecasting tools

We are developing a framework that will use past service delivery data to forecast future demand for our services, and the cost of providing them.

This year, our Business Reporting Unit used historical service data to build a model that was able to generate aggregate-level service demand forecasts with around 97 percent accuracy. We are now working closely with other organisations, including the Bureau of Crime Statistics and Research, to gather additional data to refine this model and support short-term demand forecasting.

Directing our services to those most in need

We again exceeded the performance benchmark set out in the National Partnership Agreement on Legal Assistance Services 2015–2020, which requires 95 percent or more of our representation services to be delivered to people experiencing financial disadvantage. See table below. This year, 97.9 percent of our representation services in Commonwealth matters were delivered to people experiencing financial disadvantage.

Reporting against the National Partnership Agreement

Legal aid commissions and community legal centres received Commonwealth funding to improve access to justice for disadvantaged people under the National Partnership Agreement on Legal Assistance Services 2015–2020.

The objective of the partnership is a national legal assistance sector that is integrated, efficient and effective. The current National Partnership Agreement commenced on 1 July 2015 and is due to expire on 30 June 2020.

Legal Aid NSW reports to the Commonwealth every six months on our performance against the performance indicators, benchmarks and milestones outlined in the National Partnership Agreement. We also coordinate reporting on behalf of the state for services delivered by community legal centres.

We exceeded the benchmark for representation services to people experiencing financial disadvantage.

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 we deliver to priority clients. Priority clients under the National Partnership Agreement include children and young people aged 24 and younger, Indigenous Australians, and people with a disability or mental illness.

Selected National Partnership Agreement performance indicators and benchmarks, July 2018 to June 2019

Performance indicator	Percentage
Proportion of Legal Aid NSW Commonwealth representation services delivered to people experiencing financial disadvantage	97.9% (exceeding the 95.0% performance benchmark set out in the agreement)
Proportion of facilitated resolution conferences held by Legal Aid NSW that resulted in either partial or full settlement	78.2%*

* Commonwealth conferences only. The combined total for NSW and Commonwealth conferences was 78.6%.

COLLABORATIVE SERVICE-PLANNING

OBJECTIVE: MEETING CLIENTS' NEEDS

In March 2019, Legal Aid NSW provided a report to the Commonwealth on collaborative service-planning in NSW.

The report included the following examples of collaborative service-planning:

- Our Cooperative Legal Service Delivery Program – see page 60.
- A new NSW Legal Assistance Forum working group focused on collaborative service-planning – see page 62.
- An ongoing cross-border project with Victoria Legal Aid – see page 30.
- Our successful health justice partnerships – see page 51.

- A community legal education training day for staff of Legal Aid NSW and community legal centres – see page 44.
- New joint outreach services, including a new civil law advice service for veterans established at the St Mary's Vietnam Veterans' Outpost, in western Sydney, and a multi-disciplinary service to support vulnerable older people living at an inner Sydney social housing estate – see page 41.



The year ahead

- ➔ We will pilot enhanced collaborative service-planning in four regional catchment areas, with a focus on using legal needs analysis and sharing service delivery data to support enhanced collaborative service-planning.

How our key services tracked over the last five years

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

OBJECTIVE: MEETING CLIENTS' NEEDS

Total client services

Since 2014–15 our overall service count has decreased because of a substantial drop in total information services provided. This is partly due to changes we made to the way we deal with telephone calls from prisoners, which increased our efficiency but reduced the volume of telephone services recorded. It is also influenced by a general trend towards clients obtaining information through our website rather than by telephone. Information services are extremely high-volume, representing about half of our total client services, so fluctuations in this service area can have a significant effect on recorded totals.

In September 2018, we changed the way we define information services to align with the agreed national standard. We also introduced a new service type, known as extended legal assistance services, which allowed us to more accurately capture ongoing work outside of ongoing representation in a court or tribunal. In the past, this work was often recorded as multiple, separate minor assistance services. For example, our provision of advice services fell by 3.9% and our provision of high-volume information services fell by 37.5% between 2017–18 and 2018–19, but our provision of more intensive extended legal assistance services rose by 64.5% as we made this service type available across more areas of law.

Duty services

Duty services grew by 22.1% over the five years to 2018–19, with all law types contributing to the increase. A rise in the number of duty services provided in criminal law was the main driver of this overall trend. Criminal duty services increased by 33,674 services, or 22.4%, over this period. Family duty services also increased significantly over these five years, by 4,099 services, or 43.5%. This was mainly due to the increase in duty services designed to meet the needs of families affected by domestic violence.

Legal advice and outreach advice services

Legal advice service delivery has increased in each area of law since 2014–15, with an overall increase in advice services of 11.1% over the five years. The total advice service figure includes outreach advice services, which are delivered outside Legal Aid NSW offices by lawyers who step into community settings. Outreach services have risen significantly over this five-year period, by 36.5%.

Minor assistance

Minor assistance service volumes fell by 41.6% over the five years to 2018–19. The trend of falling provision of minor assistance services has sharpened since last year, largely because of the expansion of a new service type during this period, known as extended legal assistance. In most cases, where a client receives an extended legal assistance service, the same client would have received multiple minor assistance and legal advice services under old service recording conventions. A drop in minor assistance services recorded does not necessarily reflect less of this work being done, but may indicate that this work is being recorded more meaningfully. See page 31 for more information about extended legal assistance services.

Family law mediations

There was a 7.6% increase in the number of family dispute resolution conferences held in 2018–19 compared with 2014–15, reflecting our continued commitment to less adversarial forms of dispute resolution. The success rate of our family dispute resolution conferences remained consistently high over this five-year period, with around 80% of these matters resolved at mediation.

Community legal education

Community legal education sessions have fallen by 8.5% since 2014–15, although 2018–19 marked the reversal of the trend of declining community legal education services seen over the previous four years. Over this period we have focused on delivering community legal education to priority target groups and using technologies including podcasts to deliver community legal education more cost-effectively.

Aboriginal clients

The proportion of Aboriginal clients receiving casework (including extended legal assistance) and duty services rose every year between 2014–15 and 2018–19. Significantly, 44.7% of extended legal assistance services approved in 2018–19 were delivered to Aboriginal clients.

Total client services

2014–15	925,253
2015–16	909,352
2016–17	888,263
2017–18	903,185
2018–19	714,849

Outreach advice services

2014–15	14,769
2015–16	17,771
2016–17	18,185
2017–18	20,623
2018–19	20,163

Minor assistance services

2014–15	53,986
2015–16	42,872
2016–17	34,253
2017–18	34,277
2018–19	31,534

Community legal education sessions

2014–15	2,975
2015–16	2,243
2016–17	2,173
2017–18	1,955
2018–19	2,722

Duty services at courts and tribunals

2014–15	174,562
2015–16	196,004
2016–17	191,501
2017–18	197,038
2018–19	213,128

Legal advice services

2014–15	96,410
2015–16	104,547
2016–17	106,747
2017–18	111,491
2018–19	107,105

Family law mediations

2014–15	2,676
2015–16	2,796
2016–17	2,801
2017–18	2,911
2018–19	2,879

Aboriginal clients*


2014–15	11.3%
2015–16	11.5%
2016–17	12.8%
2017–18	14.2%
2018–19	15.7%

* This graph shows the proportion of casework services (including extended legal assistance services) and in-house duty services provided to Aboriginal clients.

Year-on-year trends – a snapshot

We provided a range of services to help people in NSW to know, defend and assert their rights in 2018–19.

Information about the law and legal services


 We provided **325,156** information services, a 37.5% decrease* on the previous year.


Our information services are free and available to people across NSW. Our staff can help with initial enquiries 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 understand what to do next, and the best place to go if they need more help.


Information is provided over the telephone by LawAccess NSW, a free legal information, advice and referral service. In 2018–19, LawAccess NSW was part of the NSW Department of Justice and received funding from a number of sources, including Legal Aid NSW. In May 2019, the NSW Attorney General agreed to a request by the Department Secretary and the CEO of Legal Aid NSW for LawAccess NSW to join Legal Aid NSW in 2019–20. Integrating LawAccess NSW and Legal Aid NSW will simplify access to legal assistance and ensure people receive the right level of service at the right time.

* In September 2018, we changed the way we define information services to align with the agreed national standard. This led to a reduction in the recorded number of information services.

Resources and community legal education

 We distributed **588,536** factsheets, brochures and other publications, a 13.7% decrease on the previous year.

 Resources were viewed online **784,787** times, a 7.8% decrease on the previous year.

 We provided **2,722** community legal education sessions, a 39.2% increase on the previous year.

Legal advice and assistance

 We provided **138,639** advice and minor assistance services, a 4.9% decrease on the previous year.

We offer free, targeted legal advice across many areas of law. Advice is given at our 25 offices, two satellite offices and 243 regular outreach locations around the state. Lawyers help clients to identify their problem, they inform them of their legal rights and obligations, and they help them understand what their options are. In some circumstances our lawyers will also provide minor assistance by writing a letter, or helping them fill out court documents.

 We provided **847** extended legal assistance services, a 64.5% increase on the previous year.

Extended legal assistance is a new type of service that we introduced in 2017–18 with the aim of achieving early legal resolution for people with multiple legal problems, or vulnerable people who had legal problems in priority areas of law. Following a promising pilot in civil law matters, this service type was expanded across criminal and family law. Extended legal assistance includes legal help provided to a client over a longer period than a one-off legal advice or minor assistance service, but does not generally include appearing on behalf of a client in court or before a tribunal. This new service type allows us to more accurately capture the ongoing work we do for our clients. In the past, this work was often recorded as multiple, separate minor assistance services.

On-the-spot help in courts and tribunals



We provided

213,128 duty services,

an 8.2% increase on the previous year.



Of these services,

133,177 were provided by

Legal Aid NSW lawyers,

and we funded private lawyers to provide the remaining 79,951 services.

Legal Aid NSW makes duty lawyers available in courts and tribunals throughout NSW to provide free legal help and representation to eligible clients.

Duty lawyers advise and represent disadvantaged people who have been charged with a crime and are appearing before the NSW Local Court and Children's Court of NSW. A duty lawyer is made available to all people who are in custody and are applying for bail during a first appearance before the court.

Where a client receives a duty service, and is eligible, a duty lawyer can help them submit an application for a grant of legal aid to finalise their matter. In other cases, eligible clients may be assisted entirely on a duty basis, for example, where they are pleading guilty to a summary offence and the matter is adjourned.

Duty lawyers are available to help children and adults involved in care and protection matters at every specialist Children's Court, and at many regional courts when they sit as Children's Courts. Duty lawyers are also available to help:

- children and young people appearing at Youth Koori Courts who are experiencing civil law problems
- women and children who are experiencing domestic and family violence at some Local Courts
- disadvantaged people who are involved in proceedings under the *Family Law Act 1975* (Cth) and child support legislation
- people detained under the *Mental Health Act 2007* (NSW)
- tenants who are involved in appeals before the NSW Civil and Administrative Tribunal
- parties involved in adoption proceedings in the NSW Supreme Court, and
- people involved in a range of civil law proceedings in the Administrative Appeals Tribunal.

Legal representation



We provided representation in

37,079 matters,

a 5.9% decrease on the previous year.



Legal Aid NSW lawyers acted in

11,413 matters,

and we funded private lawyers to act in 25,666 matters.

Legal Aid NSW represents eligible clients in criminal law, family law and civil law matters.

Clients who require ongoing legal representation can apply for a grant of legal aid online, in person at one of our offices, or through a private lawyer who does legal aid work. In most cases, our legal representation services are means-tested, and most people who receive a grant of legal aid will be required to pay a contribution towards their grant of aid.

Family dispute resolution



We held

2,879 conferences,

a 1.1% decrease on the previous year.

We helped parties reach an agreement in 78.6%* of conferences.

Legal Aid NSW is the largest provider of legally assisted dispute resolution mediations in Australia. We provide family dispute resolution services to help separating families resolve disputes early on in proceedings and without the need to go to court. Family dispute resolution conferences support parties to reach an agreement, which can then be formalised through the family law courts. Family dispute resolution is available even in cases that have been before the courts for some time.

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

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

Hotline for young people



We answered

16,423 calls to our hotline for young people,

a 2.74% decrease on the previous year.



Through the hotline, we provided a total of

10,359 advice and minor assistance services,

which was consistent with the previous year.



This included

5,797 advice services

and 4,562 minor assistance services.

The Legal Aid NSW Youth Hotline provides legal advice, minor assistance and information to young people aged under 18. Lawyers are available to answer calls until midnight on weekdays and through the night on weekends and public holidays.

The hotline plays an important role in giving effect to the *Young Offenders Act 1997* (NSW). The Act allows for young people, after receiving legal advice where appropriate, to make admissions to police and receive a caution or a warning, or be referred to a youth justice conference, rather than be charged with an offence and face court.

Specialist services



We operated

21 specialist services.

Our specialist services are staffed by lawyers, social workers, financial counsellors and other professionals with expertise in supporting clients in particular circumstances or areas of law.

In 2018–19, our specialist services included the:

- Appeals and Complex Litigation Unit
- Child Support Service
- Children's Civil Law Service
- Children's Legal Service
- Civil Law Service for Aboriginal Communities
- Client Assessment and Referral Service
- Commonwealth Crime Unit
- Coronial Inquest Unit
- Domestic Violence Unit
- Driver Reform Implementation Team
- Drug Court Service
- Early Intervention Unit
- Homeless Outreach Program
- Housing Appeals Service
- Mental Health Advocacy Service
- National Disability Insurance Scheme Service
- Prisoners Legal Service
- Refugee Service
- Sexual Assault Communications Privilege Service
- Veterans' Advocacy Service, and the
- Work and Development Order Service.

Selected actions from the Legal Aid NSW Strategic Plan 2019–2020.

1

High-quality, targeted services that meet our clients' needs

- Integrate LawAccess NSW and Legal Aid NSW and make it easier for people in NSW to get the legal assistance they need
- Implement our Grants Tracker for all clients applying for a grant of aid
- Implement online guided pathways for people with legal problems relating to traffic matters and fines
- Implement a consistent triage process and legal advice framework
- Trial a generalist lawyer model
- Implement a new framework for engaging with private lawyers

2

Partnerships that deliver the best possible outcomes for our clients

- Pilot a new approach to collaborate service-planning
- Trial a new online referral booking system to improve the experience of clients we refer to other service providers
- Further develop our collaboration with other agencies

3

Our work improves the legal and justice systems

- Implement our strategic law reform agenda
- Work with the Commonwealth Attorney-General's Department to implement improvements to the family law system
- Monitor the implementation of major criminal justice reforms in NSW and how they affect our clients
- Develop greater community awareness of the value of the work we do

4

A highly capable workforce that is flexible, developed and equipped

- Implement flexible working practices across the organisation
- Pilot more efficient and effective arrangements for managing regional offices

5

Business processes that are responsive to our business needs

- Complete the initial implementation of the Client and Case Management System (CCMS)
- Rollout digital tools that enable greater collaboration

The Legal Aid NSW Strategic Plan 2019–2020 (Year Two Plan) outlines the work we will do in the coming year to progress our initiatives and aims under the Legal Aid NSW Strategic Plan 2018–2023. See page 3.

2

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.



In this section

- 26 Highlights this year: how we made a difference
- 30 Our policies help narrow the justice gap
- 32 Meeting the needs of diverse clients
- 33 Highlights from our practice areas
- 44 Community legal education
- 45 Contributing to law reform

Legal Aid NSW staff provide legal information at a range of community events

Key achievements

- ★ We undertook our largest client satisfaction survey to date.
- ★ Mediations took place in 2,879 family law matters, and we achieved a successful settlement rate of 78.6 percent.
- ★ We helped more people with disability assert their rights under the National Disability Insurance Scheme.
- ★ We developed a strategic law reform agenda, and made 32 public law reform submissions.
- ★ Our Work and Development Order Scheme partnership with Revenue NSW and the NSW Department of Justice helped vulnerable people clear \$43 million in unpaid fines.
- ★ Our Family Advocacy and Support Service expanded, with 12 percent more duty services than the previous year.

The year ahead

- ➔ We will trial and refine key client service initiatives, including our advice and triage frameworks.
- ➔ We will establish our Elder Abuse Service on the NSW Central Coast and trial a generalist lawyer model.

Key challenge

- ▶ We will ensure our services are consistently targeted across different areas of law and across our state.

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

OBJECTIVE: MEETING CLIENTS' NEEDS

Stepping into communities to resolve legal problems

Legal Aid NSW continues to strengthen and expand outreach services so that more disadvantaged and remote communities have ready access to legal help.

When providing outreach services, lawyers work with clients in their communities – in schools and hospitals, community halls and housing estates – to reach people who might otherwise face barriers accessing legal services. Lawyers help clients identify and resolve legal issues at the earliest opportunity, before they escalate, producing better outcomes for clients, for their communities and for our broader justice system.

To help us plan our outreach activities, ensure best practice, and support the safety and wellbeing of staff who deliver outreach services, we have an Outreach Network. During 2018–19 the Outreach Network updated Legal Aid NSW safe driving guidelines for staff, improved and streamlined our processes for establishing and changing outreach services, and contributed to the revision of outreach risk assessment processes and guidelines.

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

Locations with regular legal outreach services ⁱ	243
Outreach services for Aboriginal communities*	55
Locations with regular outreach services in regional and remote areas	188
Locations based in Centrelink offices	4
Locations where clients can access civil law advice**	181
Locations where clients can access family law advice**	108
Locations where clients can access criminal law advice***	40

ⁱ Does not include outreaches we fund through the Regional Outreach Clinic Program – see page 60

* Includes services provided at certain locations by the Civil Law Service for Aboriginal Communities six to eight times per year

** Services in some locations offer advice in more than one area of law

*** Includes outreach to correctional centres as well as 23 outreach locations where clients can access criminal law advice



Melinda faced a difficult choice

Melinda* was receiving treatment at a residential drug rehabilitation facility where our lawyer provided an outreach service. Melinda was a tenant in social housing, and her mother was caring for her two young children at her property while she was being treated. Melinda's housing provider would allow her to be absent from her property for six months without losing her subsidised lease, but this period was due to expire before Melinda could complete her treatment program. She had been told she either needed to give up the property or return to it immediately – meaning she faced a choice between leaving the rehabilitation facility without completing her treatment for drug addiction, or leaving her family homeless.

As a result of our lawyer's advocacy, the housing provider agreed to allow Melinda's subsidised lease to continue, and she was able to continue receiving the treatment she needed. It is unlikely Melinda would have been able to access legal support were it not for the outreach service we provided.

* Not her real name

Expanding in-house services in remote NSW

We significantly expanded our in-house services in northwest NSW through the establishment of satellite offices in Bourke and Walgett, in response to feedback from legal and non-legal service providers about the high levels of disadvantage experienced by communities in this region.

We created two Aboriginal-identified community liaison officer roles based in Bourke and Walgett. Our community liaison officers have a key role in building relationships with local communities, helping community members understand and access our services, and supporting Legal Aid NSW lawyers providing services in the region. We created two additional criminal lawyer positions to provide in-house criminal law services in seven new communities. These two lawyers appear in most legally aided criminal matters before the Local Court and Children's Court in Bourke, Brewarrina, Cobar, Coonamble, Lightning Ridge, Nyngan and Walgett, and before the District Court in Coonamble and Bourke.

Private lawyers continue to have a role in local criminal law service delivery in the region through back-up duty work. Our new in-house criminal law services complement legal services provided by the Aboriginal Legal Service (NSW/ACT), Thiyama-li Family Violence Prevention Legal Service and civil and family law services provided by Legal Aid

NSW lawyers and supported by our new community liaison officers.

Policy changes mean more clients can be helped by in-house lawyers

Changes to our policy on conflicts of interest this year mean that our in-house lawyers will be able to provide advice and duty services to more people.

The new policy followed extensive consultation with staff and external stakeholders, including the Law Society of NSW and the Office of the Legal Services Commissioner, and a review of developments in the law.

The new policy relies on the use of information barriers around individual lawyers and some specialist practices. When clients first receive a service from Legal Aid NSW, they are given a Client Disclosure Statement, which sets out the way in which we provide services and keep client information confidential. In addition to the English version, the Client Disclosure Statement is available in 23 languages and easy English.

Evaluating our Refugee Service

We engaged the Cultural and Indigenous Research Centre Australia to conduct a process evaluation of the Legal Aid NSW Refugee Service to inform its ongoing implementation and service delivery. We will respond to the recommendations of the evaluation in 2019–20. Our Refugee Service provides free civil and family law assistance to newly arrived refugees, with a focus on improving their legal literacy. The evaluation “found the service has had significant impacts on the lives of refugees, improving the quality of life for both clients and their families”.

Family Advocacy and Support Service

We helped more families experiencing violence navigate our family law system through our Family Advocacy and Support Service (FASS).

Under a national scheme, legal aid commissions across Australia 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 service at family court registries in Parramatta, Sydney, Newcastle and Wollongong. The FASS delivered 2,546 duty services across these four registries in 2018–19 – a 12 percent increase compared with the previous year.

The service 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.

An evaluation carried out on behalf of the Commonwealth Attorney-General's Department and finalised in October 2018 found that the FASS was an effective and important program that filled a gap in legal and social service provision to family law clients who were affected by domestic and family violence. It also found that the FASS had increased

clients' awareness of family violence, and made it more likely that clients affected by violence would seek help. For many clients, family violence had not been identified prior to engagement with the FASS, meaning that a trauma-informed intervention with a focus on risk assessment and safety planning was critical.

The final report of the evaluation recommended that additional funding be made available to improve the provision of these supports to better meet the needs of clients. These recommendations were supported by the Australian Law Reform Commission following its review of the family law system.

Planning our first dedicated Elder Abuse Service on the Central Coast

This year the Australian Government announced funding for Legal Aid NSW to set up a specialist Elder Abuse Service trial on the NSW Central Coast. This specialist unit will be located in our Gosford office. The Central Coast is well placed to host this service, as it has one of the largest populations of disadvantaged older people in NSW.

In our casework experience, elder abuse is frequently perpetrated by family members, which can make it harder for an older person to seek help.

Our Elder Abuse Service will be delivered by a multi-disciplinary team, which will include lawyers and a social worker. The service will respond to financial, physical and psychological abuse by providing legal representation and advice, as well as non-legal support.



From the courtroom to the classroom

In a first for Legal Aid NSW, we embedded a lawyer in Fairfield High School. Our school lawyer program aims to address challenges faced by students and their families in accessing legal assistance in southwest Sydney.

Our lawyer provides legal advice, information and community legal education that is tailored to the school community. More than half the students at this school are from refugee backgrounds, and 94 percent have a language background other than English. Students may be the first members of their family to learn English, and so become advocates for their families. Providing a flexible, accessible legal service in this setting allows us to reach families early, before legal issues escalate. This pilot program also acknowledges the impact of unresolved legal problems on students' ability to fully engage with their education.

Learning from our clients – our largest client satisfaction survey yet

We undertook our largest client satisfaction survey to date to understand how clients think and feel about the legal help provided by Legal Aid NSW. Surveys give us the information

we need to ensure our services match clients' needs. We use the results to plan our services, develop the skills and capacity of our staff, and make our processes and systems more efficient for our clients and for the private lawyers who do work on our behalf.

In previous years, our biennial client satisfaction surveys canvassed satisfaction with legal advice and minor assistance services. Since 2017 we have instead concentrated on casework, which is the most complex and time-consuming work we do.

In 2019 we surveyed 1,400 clients – more than double the number of survey respondents in 2017. And for the first time, we heard from legally aided clients of both in-house lawyers and private lawyers. The overall client satisfaction rating was 84 percent.

What our clients said

- 1,400 clients* were interviewed between March and June 2019
- Three in four told us they were highly satisfied with our service
- Overall, 84% were satisfied with our service
- 86% of clients who were helped by an in-house lawyer told us they were satisfied
- 83% of clients who were helped by a private lawyer told us they were satisfied

Help from Legal Aid NSW made a difference for our clients

- 71% told us they felt more confident dealing with their problem
- 63% felt safer or more secure as a result of the legal assistance they received
- 62% felt more able to deal with their financial situation as a result of the legal assistance they received

** Clients in custody, children under 16 years of age and clients in mental health facilities were not interviewed*

Our service model for priority client groups is taking shape

This year we developed a high-level service model to help us ensure our services to clients are consistent. An overarching client service model is essential if we are to meet the growing demand for legal assistance.

Our new client service model has been designed around the principles of:

- putting our clients at the centre of everything we do
- graduating service responses to align client support to need
- streamlining entry points and triage
- taking advantage of digital innovation and good design to meet the needs of our clients, and

- supporting staff wellbeing.

We consulted closely with nine regional offices, 16 specialist units and senior leadership groups across all practice areas to develop our client service model, which we refined through a client service summit in which 50 staff from across NSW participated.

Our new service model will set out structured referral pathways inside Legal Aid NSW, and between Legal Aid NSW and other organisations. It will differentiate between universal services that are available to the public regardless of disadvantage or capability, individualised services that are available to more disadvantaged or vulnerable clients, including targeted advice, minor assistance and mediation services, and intensive services that we deliver over a longer period of time. These intensive services are also available to more disadvantaged or vulnerable clients and include representation through a grant of aid.

Rethinking the way we target and deliver legal advice

A 2017 review of our legal advice services revealed inconsistencies in the way staff in different practice areas and different offices delivered advice to clients. To address this, we worked with the Law and Justice Foundation of NSW to better define the purpose of advice and its place within the other legal services we provide.

This year, we built on this work to develop a strategic advice framework. The goal of the framework is to ensure that Legal Aid NSW advice services are consistent and tailored to clients. It guides lawyers to assess the impact of a client's legal problem and the client's vulnerability to decide how much time to spend with the client, what steps to take during the advice service and whether the client would benefit from referral to other legal or non-legal services.

A new legal triage system to help us identify those most in need

We developed a consistent approach to triaging clients according to their needs, with the aim of allowing more disadvantaged clients to see lawyers for face-to-face legal advice about problems we can help with.

We drew on research by the Law and Justice Foundation of NSW into existing triage practices across our organisation. This research told us that clients who are more legally literate and less disadvantaged find it easier to access our face-to-face advice services, whereas some clients who are experiencing significant disadvantage may miss out on these services or wait longer to see a lawyer. The research also told us that there were inconsistent triage practices across our organisation. While some tailoring to local needs is appropriate, inconsistent practices may be confusing for staff and clients, and do not allow a clear understanding of the resources we need in each location.

The triage framework we developed sorts clients at their point of entry to our service based on their legal problem, level of disadvantage or vulnerability, their ability to self-help and the urgency of their legal problem. Our triage framework will be trialled and refined in 2019–20.

Laying the groundwork for an integrated entry point for clients

This year we launched Streamlining Legal Pathways, a joint initiative with LawAccess NSW. Streamlining Legal Pathways seeks to simplify and improve the way that people in NSW get legal help by creating an integrated entry point to the legal assistance sector, with a single telephone number and digital platform, and supported by proper triaging processes.

We engaged Deloitte to help us understand how clients are currently reaching our services. We also worked closely with LawAccess NSW. Our research showed that accessing our services can be confusing for clients, and many clients experience double-handling. Legal Aid NSW currently advertises more than 40 public phone numbers and we answer around 800,000 calls from the public each year. Fifteen percent of calls to LawAccess NSW are from people who have been referred from Legal Aid NSW, and of these, 40 percent are referred back to Legal Aid NSW.

As a result of machinery of government changes that took effect on 1 July 2019, LawAccess NSW joined Legal Aid NSW. In 2019–20, we will focus on integrating LawAccess NSW within Legal Aid NSW and establishing it as the first point of contact for the legal assistance sector in NSW.

We also recognised a need for:

- consistent and appropriate triage, so that people receive the right level of service at the right time (see page 28)
- intuitive digital pathways that can assist clients with less complex legal issues, such as issues relating to fines
- more integration of forms and customer management systems, so that people only have to tell their stories once, and
- a single portal that gives clients access to documents and information about their case.

Our clients have told us they want to interact with us online, including clients who experience higher levels of disadvantage.



I don't understand people over the telephone. I want to type or chat online so I can read.

—Legal Aid NSW client, Central Sydney



I don't want to have to keep calling the office to see if there are updates ... I want to know I'm looking in the right place.

—Legal Aid NSW client, Liverpool

OBJECTIVE: STRONG PARTNERSHIPS

Training the criminal justice sector ahead of major reforms

We delivered training to more than 1,100 lawyers at more than 30 face-to-face sessions across NSW, to prepare them for significant sentencing and parole reforms that came into effect in September 2018.

The amendments significantly altered the sentencing options available in NSW through a new regime of orders and Community Corrections protocols. To support these amendments, we designed a range of training resources and updated our systems to reflect the range of sentencing and parole options now available.

Partners who participated in our training sessions included the Aboriginal Legal Service (NSW/ACT), the Law Society of NSW, the Public Defenders Office, the NSW Bar Association, the NSW Police Force, and the NSW Department of Justice.

National website is a first port of call for victims of family violence

We led the design and delivery of a new national website, Family Violence Law Help, to empower victims of domestic and family violence by providing a wealth of reliable information in one accessible resource.

Our Domestic Violence Unit developed the new website on behalf of National Legal Aid to establish a single starting point for anyone seeking to understand how domestic and family violence intersects with family law, child protection and apprehended domestic violence orders, as well as where to get help Australia-wide.

The website uses illustrations to make complex legal concepts easier to understand. Written in plain English, the website can also be translated into 23 languages. Since its launch it has proven to be a valuable resource for clients, community workers and legal practitioners alike.

The website was developed with input from people who have experienced domestic and family violence, as well as experts from each Family Advocacy and Support Service in Australia. With built-in safety features and advice, the website has the capacity to reach those affected by family violence who cannot readily access legal aid services, particularly those clients in regional and remote areas.



The year ahead

- ➔ We will establish LawAccess NSW as the first point of contact for the legal assistance sector in NSW.
- ➔ We will create online guided pathways to support members of the public with questions about fines and simple traffic law matters to self-help.
- ➔ We will progress our work towards creating an online portal for our clients.

OUR POLICIES HELP NARROW THE JUSTICE GAP

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

Our eligibility policies help us ensure that our limited resources are directed to areas of most legal need. We make changes to our policies in response to emerging demand in certain areas of law, and to ensure high-quality legal assistance remains available to disadvantaged and vulnerable people in NSW. In particular, this year, we made changes to ensure that people experiencing or at risk of domestic and family violence are able to access our services.

OBJECTIVE: MEETING CLIENTS' NEEDS

Improving access to legal aid for victims of violence

In September 2018 we introduced a range of changes to ensure that people who are experiencing, or at risk of, domestic and family violence have access to legal services in line with the Legal Aid NSW Domestic and Family Violence Strategy 2016–2018.

The changes apply to most family law matters, including parenting, divorce, child support and property settlement matters. Importantly, we made changes so that people who are experiencing domestic and family violence will not be ineligible for legal aid for parenting and property matters on the basis that they are likely to receive a cash settlement. Where these clients do receive a cash settlement, they will not be required to pay any contribution on a specified protected amount. This protected amount recognises the difficulty people who have experienced domestic and family violence will often face in re-establishing a home following separation.

In criminal law matters, we introduced policy changes so that victims of domestic violence who have themselves been charged with domestic violence-related offences can be represented in defended hearings, even if there is no real possibility that they will be sentenced to a term of imprisonment. This change ensures these vulnerable clients can have access to a lawyer.

We undertook a comprehensive review of all Legal Aid NSW eligibility policies, drawing on evidence-based research to ensure our policies reflect the objectives of the Legal Aid NSW Elder Abuse Strategy 2018–2019. The review identified areas where we need to ensure our policies meet and clearly articulate the availability of legal aid to applicants who are experiencing, or at risk of, elder abuse, ensuring those who are most vulnerable can access legal assistance in family, civil and criminal law matters.

We also developed a new Domestic and Family Violence Strategy 2019–2020, which was approved by the Board in February 2019.

More flexibility for clients living on the NSW-Victorian border

We worked with Victoria Legal Aid to identify the legal issues faced by clients in cross-border communities and the barriers they experience when seeking timely legal assistance. The result was the Cross-Border Justice Report, which outlined how our two commissions would improve access to legal assistance along the NSW–Victorian border.

One of the recommendations made in the report was the development of a clear procedure for referring cross-border clients between the two legal aid commissions. Victoria Legal Aid and Legal Aid NSW have expanded our forum test guidelines so that applicants for a grant of legal aid who live within a defined cross-border “buffer zone” will be:

- assessed under the broader nationwide forum test to determine which legal aid commission is responsible for their grant of legal assistance, and therefore, which lawyers would be able to assist them, or
- able to instruct a lawyer to assist them, provided the lawyer’s principal place of practice is also within the buffer zone and the lawyer is appointed to the Victoria Legal Aid Family Law Panel if the application is made to Victoria Legal Aid or the Legal Aid NSW Family Law Panel if the application is made to Legal Aid NSW.

Removing the means test for children in all criminal law proceedings

Under changes commencing in July 2018, we removed the means test for children’s criminal law matters. This means all children charged with serious indictable offences can be represented in court under a grant of legal aid.

Legal aid where prisoners face detention beyond their sentence

In response to the introduction of the *Terrorism (High Risk Offenders) Act 2017* (NSW), the Board approved making grants of legal aid available in relation to applications under that Act. The new laws mean an offender can be detained beyond the term of their original sentence, or subject to ongoing strict supervision and monitoring in the community. These are complex matters determined in the Supreme Court that can have significant ongoing consequences for people who have already served their sentence. Importantly, the legislation can apply to offenders who have never been convicted of a terrorism offence. Legal Aid NSW records indicate that so far, these applications have had a disproportionate impact on Aboriginal offenders, and offenders with mental health issues or cognitive impairment.

Helping protect the privacy of sexual assault survivors

Our specialist Sexual Assault Communications Privilege Service is a legal service that helps protect the confidential

counselling notes and other confidential records of people who are victims of sexual assault. We expanded the range of circumstances in which legal aid is available for sexual assault communications privilege matters to include all criminal trials and apprehended violence order hearings, as well as civil proceedings. The changes mean that victims of sexual assault can be represented in these matters in a wider range of proceedings.

A clearer financially associated person test

This year we amended our financially associated person test. When we assess the assets and income of a person applying for legal aid as part of our means test, we also take into account the means of any financially associated person. A financially associated person is someone who could reasonably be expected to contribute to the applicant's legal fees. Under the changes, we assess whether an applicant is financially associated with another person based on household type. The new definition is clear and removes any ambiguity as to who will be considered financially associated with an applicant. For example, an adult child who may have had to return to live with a parent because of domestic violence, will not be considered to be financially associated with their parent when applying for legal aid.

A new service type: extended legal assistance

Following a successful trial in civil law matters in 2017–18, we expanded our use of a new service type, known as extended legal assistance. The new service is provided by in-house lawyers and allows us to better assist clients to resolve their legal disputes early on, reducing the need for court or tribunal proceedings. It also ensures that we can assist clients with complex needs and multiple legal issues that substantially affect their ability to meet basic needs, such as housing and income support.

Forensic patients at the NSW Supreme Court

Where a person has been charged with an indictable offence but is deemed unfit to be tried by reason of a disability, such as an intellectual disability or mental illness, they will face a special hearing. Where the person is found, on the limited evidence available, to have committed the offence or an alternative offence, and where the court would have imposed a sentence of imprisonment if that matter had gone to trial, the court will nominate a "limiting term". A limiting

term is equivalent to a sentence. Under an amendment to the *Mental Health (Forensic Provisions) Act 1990* (NSW), either the Minister for Mental Health or the Attorney General, or both, can apply to the NSW Supreme Court prior to the end of a forensic patient's limiting term to extend the term for a period of up to five years. These applications are complex matters that have the potential to significantly impinge on the right to personal liberty of a particularly vulnerable group of people. In April 2019, the Board approved making legal aid available to ensure these clients are represented in these proceedings.

Changes in Commonwealth parole matters

Recent changes to the Commonwealth parole scheme mean that all parole decisions for federal offenders are discretionary. Previously, most federal offenders were sentenced to terms of imprisonment of less than 10 years and were eligible for automatic release under a recognisance release order, or on parole.

The Commonwealth Attorney-General, or their departmental delegate, is required to either make or refuse to make a parole order before the end of a federal offender's non-parole period.

Since the changes, a number of prisoners have remained in custody at the end of their non-parole period. The Board has approved policy changes so we can assist our clients through extended legal assistance services to make submissions in relation to parole. The Board also approved the provision of grants of legal aid for representation in the NSW Local Court for parole order breach matters.



The year ahead

- ➔ We will consider any necessary changes to our eligibility policies to ensure older people experiencing or at risk of elder abuse can access legal services.
- ➔ We will implement changes to our contributions policy, and undertake a review of how those changes are working in practice to ensure they align with our Client Service Strategy and Grants Efficiency Review.

MEETING THE NEEDS OF DIVERSE CLIENTS

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

Fact file

- Proportion of grants and in-house duty services we delivered to clients born in non-English speaking countries: 12.1%
- Amount spent on interpreters and translators: \$828,309
- Number of languages other than English spoken by private lawyers on our panels: 54

The Legal Aid NSW Diversity and Inclusion Plan 2018–2019 outlines key objectives to ensure our services recognise and respond to the legal and support needs of diverse clients. Guided by the plan, this year we:

- developed a tip sheet for our staff that aimed to improve the way diverse clients receive Legal Aid NSW services, and
- reviewed our processes for panel lawyer recruitment so that lawyers with skills relevant to working with clients with particular disabilities can be more readily identified.

OBJECTIVE: MEETING CLIENTS' NEEDS

Using the law to protect vulnerable older Australians

We developed a comprehensive plan to expand our services for people experiencing or at risk of elder abuse. It can take many forms – financial, physical, psychological and sexual – but at its core, elder abuse is an abuse of trust.

Research confirms there are barriers to delivering legal services to people experiencing or at risk of elder abuse. This year, Legal Aid NSW sought to respond to these barriers with the Legal Aid NSW Elder Abuse Strategy 2018–2019, which we delivered in collaboration with organisations already working on elder abuse, including the Seniors Rights Service and the NSW Elder Abuse and Resource Unit.

Highlights delivered under the strategy this year include:

- 80,000 copies of the *Legal Topics for Older People Diary 2019* distributed

- more than 200 community legal education sessions delivered to or aimed at people aged over 65, including 46 sessions focused on elder abuse
- expanded outreach services for vulnerable older people, and
- a comprehensive review of all Legal Aid NSW eligibility policies to identify barriers to legal assistance for victims of, or those at risk of, elder abuse.

Increasing access to justice for Aboriginal people

We are working to increase access to justice for Aboriginal people and foster strong partnerships with other organisations that serve Aboriginal clients. We developed our Aboriginal Client Services Strategy 2019–2023 to help us ensure that we provide high-quality services to Aboriginal clients and that we can work to effect systemic change that will benefit Aboriginal people and communities.

We also plan to review our eligibility policies with a view to improving access to legal aid for Aboriginal people. In 2018–19 15.7 percent of our casework and in-house duty services were delivered to Aboriginal clients, up from 14.2 percent the previous year.

Community legal education on elder abuse – *Piano Forte*

This community legal education project is a filmed performance of the play *Piano Forte*, which highlights the subtle way elder abuse can take hold, and explores the role and responsibilities of a person appointed under an enduring power of attorney. With permission from Suncoast Community Legal Service, which first developed this engaging resource, we adapted it for NSW audiences. Since its first screening in 2018, the film has been well received and is now available on request. *Piano Forte* was screened more than 30 times in 2018–19, including during Law Week 2019.



The year ahead

- ➔ We will review the Legal Aid NSW interpreting and translation guidelines.
- ➔ We will begin implementing our Aboriginal Client Services Strategy.
- ➔ We will strive to learn more about how clients from diverse groups access legal services through panel lawyers.

HIGHLIGHTS FROM OUR PRACTICE AREAS

We have three areas of legal practice: criminal law, family law and civil law. Each practice includes specialist services. Although each practice is distinct, staff from different practice areas regularly collaborate to better serve clients with multiple legal needs and to apply a wide lens to law reform initiatives. Increasingly, our specialist services follow a multidisciplinary model.

Criminal law

Our criminal law practice is the largest criminal law practice in Australia. It provides legal information, advice and minor assistance, extended legal assistance, duty services and representation in criminal courts at each jurisdictional level across the state. These services are available at our offices and at 40 outreach locations.

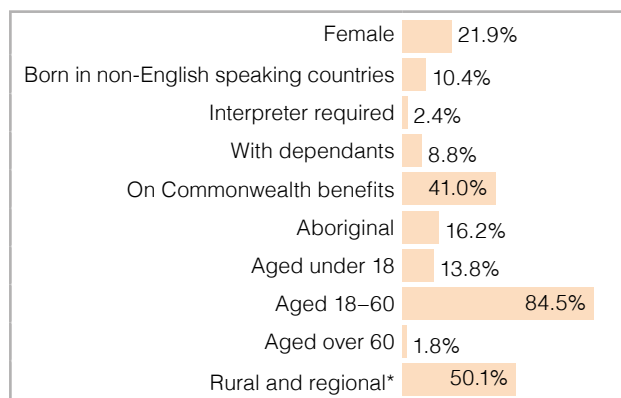
The Children's Legal Service, Prisoners Legal Service, the Drug Court Service, the Driver Reform Implementation Team and the Commonwealth Crime Unit provide specialist services. The practice offers community legal education throughout NSW and contributes to law reform initiatives.

Fact file

- Total staff: 422
- Total expenditure on criminal law services: \$184.3M
- Proportion of overall expenditure on criminal law services: 49.2%

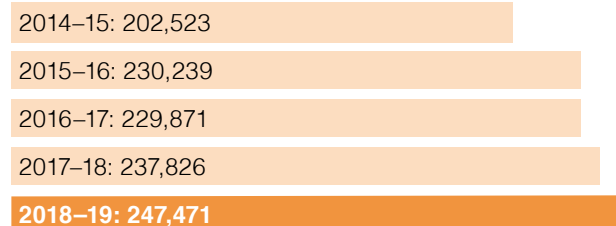
Criminal law client profile

Based on total case grants and in-house duty services



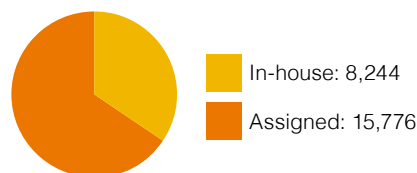
* Includes Newcastle and Wollongong

Criminal law services over five years

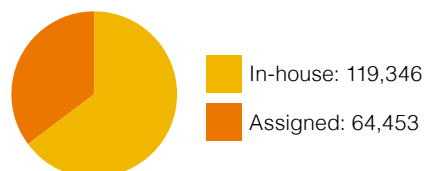


We provided 247,471 criminal law services to clients in 2018–19

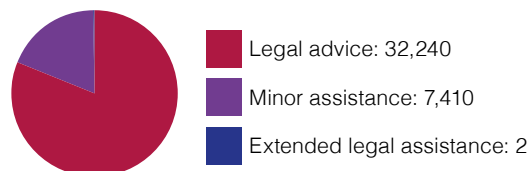
Total legal representation: 24,020



Total duty services: 183,799



Total other services: 39,652



Information services are not included in service counts in this section. See pages 18–20.

OBJECTIVE: MEETING CLIENTS' NEEDS

Supporting vulnerable clients in parole matters

This year the Legal Aid NSW Board approved the availability of extended legal assistance for both NSW and Commonwealth parole matters, allowing our staff to provide a higher level of service to clients in these matters, particularly where expenditure for medical or other reports is required as part of the assistance.

Prior to the expansion of this service type, the inability to access disbursement costs such as psychological or other medical reports in complex parole matters was a barrier to the provision of services to some clients.

Expanding criminal law services in far-west NSW

This year, we based a Legal Aid NSW criminal lawyer in Broken Hill full-time. Previously, we provided a fly in, fly out service for committal and indictable proceedings in

Broken Hill. By expanding our presence in Broken Hill we were able to improve continuity of service for clients, and complement other legal services in the region. We also significantly expanded our provision of in-house criminal law services in northwest NSW – see page 26.

Developing a resource allocation model for criminal law

Senior criminal law staff worked closely with consultants to develop a resource allocation model and framework. This model will help us objectively assess current demand for criminal law services across the state and help us allocate our resources accordingly. We will pilot the new resource allocation model in select locations in 2019–20.

OBJECTIVE: STRONG PARTNERSHIPS

Inter-agency partnership leads to greater protections for people with an intellectual disability

Legal Aid NSW collaborated with Diversity Services, at the NSW Department of Justice, and the Intellectual Disability Rights Service to develop policy and processes to support the new Justice Advocacy Service.

The Justice Advocacy Service is a support service that will help protect vulnerable people who are in contact with the NSW criminal justice system. It will provide support to victims, witnesses, suspects and defendants with cognitive impairment to exercise their rights and fully participate in the process. The service will be available to adults and young people.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

Additional staff to help ease District Court delays

We received additional funding as part of NSW Government measures to clear the NSW District Court backlog and address the anticipated increase in the number of court proceedings flowing from the Royal Commission into Institutional Responses to Child Sexual Abuse. These efforts included the appointment of additional District Court judges and extra sitting days.

We used this funding to increase the number of staff at locations where additional District Court sittings were expected to take place. We created 24 additional temporary roles, including a range of solicitor and administrative support roles. We will continue to roll out this funding in 2019–20.

Early appropriate guilty pleas reform: one year on

April 2019 marked 12 months since the introduction of the NSW early appropriate guilty pleas reform. The reforms included significant procedural changes for serious criminal cases in NSW aimed at enabling earlier decisions about the appropriate charges in a given case, and encouraging earlier negotiation between prosecutors and defence lawyers.

Before and since the introduction of the reform, we overhauled our own processes to provide better continuity of



Relief for our client after a first overseas visit turns sour

Peter* is a Fijian national who travelled to Australia from Fiji for a two-month visit. It was the first time he had ever left Fiji. Some hours after Peter passed through Sydney International Airport, a suitcase weighing 30 kg and bearing his identification details was found abandoned in the baggage carousel area. Concealed in the suitcase was more than 15 kg of pure cocaine.

When Peter returned to the airport to fly home, he was arrested and charged with importing a commercial quantity of a border-controlled drug. This offence carries a maximum penalty of life imprisonment. Peter was refused bail and remanded into custody.

Peter had travelled to Australia with another man from his community. Peter had told this man he wanted to travel to Australia to see if it was somewhere he could one day live. The man made all Peter's travel arrangements and obtained his visa for him, and they travelled to Australia on the same flight. Although Peter was questioned by immigration officials on his arrival in Sydney, he was allowed entry into Australia. The other man was refused entry and he was returned to Fiji.

During pre-trial disclosure, it was revealed that the man he had travelled to Australia with had made many trips to Sydney in the months prior to Peter's arrest, all for short stays of only a few days. It was also revealed that this man had transferred large amounts of money within Australia and within Fiji, although he had told immigration officials that his salary was \$3,000 a year.

During the trial the prosecution provided copies of screenshots from the man's telephone which showed communications with others about the trip to Australia that culminated in Peter's arrest, including one communication with a third man that included references to arrangements for "the excess baggage". It was revealed that this third man was on the same flight as Peter and his travelling companion, and had previously been the subject of investigation by the Australian Federal Police.

Peter's instructions were that he did not take the 30 kg suitcase through check-in and did not know how it came to have his details on it. His time in custody in a foreign country with no family support was difficult, and he also suffered from health problems during this time. He waited 16 months for his matter to get to trial.

The defence case was that he was used as a pawn by a criminal syndicate seeking to import a large amount of cocaine into Australia. He gave evidence at his trial and was cross-examined. A jury found Peter not guilty and he was able to return home to Fiji.

** Not his real name*



Our casework clarifies a changing area of law

R v Pullen [2018] NSWCCA 264

Our appeal work resulted in a judgment that clarifies the new regime of intensive correction orders, which were overhauled under major NSW sentencing reforms that commenced in September 2018.

Our client had been convicted of driving offences and sentenced prior to the introduction of the reforms. He was originally sentenced to an intensive correction order for an aggregate period of 15 months. An intensive correction order is a custodial sentence that the court decides can be served in the community. The Crown appealed this sentence.

On appeal, our client was resentenced to an aggregate term of imprisonment of three years. The court then considered whether, in light of the recent changes to sentencing laws, an intensive corrections order or a sentence of full-time imprisonment was appropriate.

In its judgment, the court clarified that the key principle of community safety should prevail. The court articulated that where an offender's prospects of rehabilitation are high and where their risk of re-offending will be better managed in the community, an intensive correction order may be available, and that community protection may be best served by ensuring that the offender avoids jail.

The court considered our client's risk of re-offending and the steps he had taken towards rehabilitation and imposed an intensive correction order, subject to conditions, rather than a sentence of full-time imprisonment.

representation to clients charged with serious criminal offences. We received funding to employ additional staff and to brief counsel in a larger proportion of matters. Legal Aid NSW is represented on departmental committees that will play a role in monitoring and evaluating the implementation of the reform.

Reviewing cases in light of changes to the law

We established a review of sentences for prisoners who are currently serving a term of imprisonment after pleading guilty to federal offences. This review is informed by the decision of the NSW Court of Criminal Appeal in the matter of *Xiao v R* [2018] NSWCCA 4. In that decision, the full court determined that the sentence discount available for the utilitarian benefit of a guilty plea should extend to Commonwealth matters.

In light of *Xiao v R*, some prisoners may be entitled to a sentence reduction on appeal. Our review will identify and assess cases in which an appeal may be appropriate, before seeking advice from counsel as to the merit of pursuing an appeal in identified cases.

Monitoring access to justice for bail applicants

A new NSW Supreme Court practice note commenced on 3 June 2019 that introduces new procedural requirements for bail applications in the Supreme Court.

Legal Aid NSW has concerns that some elements of this practice note may have an impact on the ability of vulnerable clients in custody to apply for Supreme Court bail. We will continue to monitor the effects of the practice note.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Research finds in-house criminal lawyers are more efficient

Research by the Bureau of Crime Statistics and Research this year found that Legal Aid NSW lawyers were more efficient than private lawyers funded to do the same work.

The research, which was the first of its kind undertaken in Australia, analysed 34,218 criminal law grants of legal aid from 2012 to the end of 2016. It revealed that the type of representation provided to a defendant in legally aided indictable matters – that is, whether representation was provided by an in-house lawyer or assigned to a private lawyer – substantially affects the way a matter proceeds through the criminal courts. The research showed that clients whose grants were assigned to private lawyers were less likely to plead guilty, and where they did plead guilty, were more likely to enter guilty pleas later in proceedings.

The findings are testament to the commitment of our criminal lawyers and the important role they play in making efficient and effective legal representation available to vulnerable clients.

Podcast proves a popular resource for lawyers

A podcast series first produced by Legal Aid NSW in 2017 with a focus on criminal law has now been listened to more than 13,000 times, and has proven to be a highly valued resource for criminal lawyers and non-lawyers alike.

This year, we collaborated with a range of experts to produce new podcast episodes on topics including foetal alcohol spectrum disorder, Section 32 applications, social media evidence and prosecution disclosure. The podcast continues to be a popular mode of delivering innovative professional development to our staff and private lawyers.



The year ahead

- ➔ We will pilot a resource allocation model for our criminal law matters to better support staff and target our resources.
- ➔ We will put more lawyers where they are needed to support additional sittings of the NSW District Court.
- ➔ We will monitor the impact of the new NSW Supreme Court bail practice note on vulnerable clients.
- ➔ We will monitor the implementation of the criminal justice reforms.

Family law

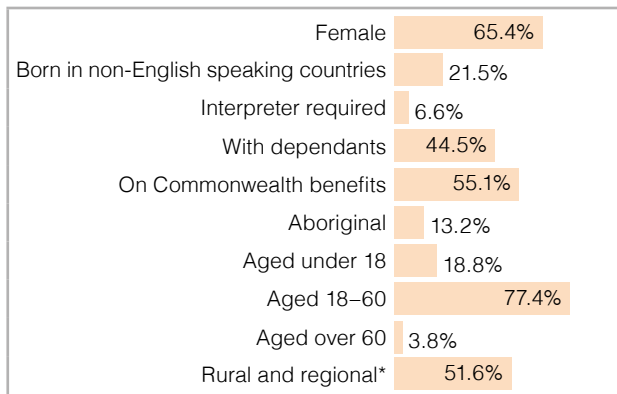
Ours is the largest family law practice in Australia. It provides legal information, advice and minor assistance, extended legal assistance, duty services, dispute resolution and case representation in family law matters. Its work includes child support, care and protection and domestic violence-related matters. These services are available at our offices and at 108 outreach locations.

Fact file

- Total staff: 304
- Total expenditure on family law services: \$83.2M
- Proportion of overall expenditure on family law services: 22.2%

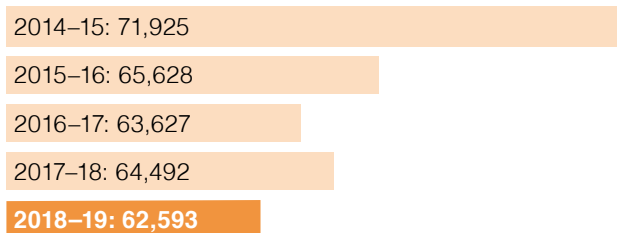
Family law client profile

Based on total casework, including extended legal advice services, and in-house duty services.



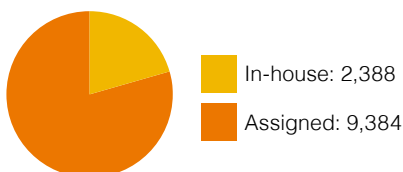
* Includes Newcastle and Wollongong

Family law services over five years

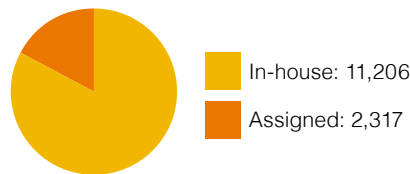


We provided 62,593 family law services to clients in 2018–19

Total legal representation: 11,772



Total duty services: 13,523



Total other services: 37,298



Information services are not included in service counts in this section. See pages 18–20.

OBJECTIVE: MEETING CLIENTS' NEEDS

Providing services to disadvantaged groups

We provided services for vulnerable people experiencing family breakdown:

- We increased the number of duty services we provided in family law and care and protection matters by 7.0% from 12,636 in 2017–18 to 13,515 in 2018–19 – our highest number of duty services ever in this area of law.
- We provided 5,118 duty services to victims of domestic and family violence through our specialist Domestic Violence Unit, a 13% increase on the previous year.
- Legal Aid NSW strengthened its presence in Griffith, partnering with private practitioners through the Regional Outreach Clinic Program to increase the frequency of family law advice clinics from fortnightly to weekly.
- Newcastle-based family and civil lawyers worked with the Public Interest Advocacy Centre's Homeless Persons' Legal Service to offer a new weekly advice clinic and community lunch in Raymond Terrace.
- Our Early Intervention Unit established a new outreach service at Berkeley, in the Illawarra region, to improve access to legal advice for people unable to travel to Wollongong.
- We established a new outreach service in Grafton, delivered by an Indigenous family lawyer, to provide legal support to Aboriginal clients in a more flexible and culturally appropriate way, and to ensure more Aboriginal children in out-of-home care remain on country.
- We expanded the family law services we provide in Moree in response to strong local demand.

Supporting our clients' non-legal needs

Many of our family law clients have complex non-legal needs, and legal needs that span a range of areas of law, and we aim to reflect this in the services we provide.

Our specialist Domestic Violence Unit lawyers work side by side with social workers. Our Domestic Violence Unit also works closely with other specialist services across Legal Aid NSW, including services that provide specialist immigration

law and tenancy support. In 2019, the Australian Government allocated new funding to bring financial support workers into our Domestic Violence Unit. Financial stress can be a significant barrier for victims of family and domestic violence when they are attempting to leave a violent relationship. Addressing the immediate financial problems that may arise when relationships end supports victims to leave abusive partners, live independently, provide for their children and recover financially.

The most vulnerable clients targeted for in-house casework

We developed the Vulnerable Family Law Client Guidelines to allow us to consistently prioritise and target in-house services to our most vulnerable clients. During a seven-month pilot, there were 264 clients who were identified as vulnerable clients under the guidelines and received a grant of aid.

We learned that of our vulnerable clients:

- 24.6% had low literacy levels
- 85.9% were unable to identify and understand the details of the legal issues they faced, or were unable to navigate systems and processes to resolve the issues, and
- 20.1% had difficulty participating in systems and processes to resolve their legal issues because of where they lived.

Our vulnerable clients also had complex needs:

- 61.4% had matters involving a child at risk of harm or abuse.
- 65.5% had multiple legal issues.
- 26.5% had legal issues relating to the care and protection of children.
- Two clients had legal issues relating to forced marriage.

Of the 264 clients, 70.9% were assisted by in-house lawyers.

Following the pilot, an evaluation by the Legal Aid NSW Planning and Review Unit found that the Vulnerable Family Law Client Guidelines complemented existing matter allocation processes. The evaluation also confirmed the importance of meeting clients' non-legal needs as well as their legal needs.

In 2019–20 we will clarify our definition of 'vulnerable' under the guidelines, and trial a new approach to workload, benchmarking and teamwork to keep more vulnerable family law client casework files in-house.

Settling family law matters outside court

Our family dispute resolution services help people to resolve their disputes earlier in proceedings, and without going to court. Where disputes relate to the care of children, mediations focus on the children's best interests.

In 2018–19, we held 2,879 lawyer-assisted mediations, making Legal Aid NSW the largest provider of legally assisted dispute resolution mediations in Australia. This included 100 lawyer-assisted alternative dispute resolution conferences in child protection matters, a 34 percent increase compared

with the previous year. Our mediations remained an effective means of resolving legal disputes, with a settlement rate of almost 80 percent.

This year, specialist Legal Aid NSW staff, family dispute resolution practitioners and child consultants developed a model aimed at supporting children to better participate in mediations. A pilot of the child-inclusive practice model has begun and will continue in 2019–20.

In September 2018, Mercer Australia reviewed and made recommendations about the future of family dispute resolution services at Legal Aid NSW. Following a period of consultation, we will make changes to the way we operate family dispute resolution services in 2019–20. Over the next five years, we will make changes in relation to technology and systems, and will consider new areas of alternative dispute resolution.

Protecting the rights of people affected by adoption

We began offering an Adoptions Duty Service at the NSW Supreme Court, and now represent an increasing number of birth parents and other relatives who wish to contest the making of an adoption order. We have also provided resources, training and support to lawyers in legally aided matters and are building competence among our own staff in this area of law. Cases in which we acted this year have contributed to the development of law in this area. Adoption law is an area of law we expect to continue to grow, and will be a focus for our family law practice in 2019–20.



Mediation gives a mother a voice and keeps children connected to culture

We held a mediation session for Caroline*, an Aboriginal woman from western NSW, under section 86 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW). Her children had been removed from her almost a decade earlier. Representatives of the non-government organisation that managed the children's out-of-home care attended the mediation.

In the years since her children were removed, Caroline had made significant changes in her life, but had not had recent contact with her children due to difficulties with the children's carers.

At the time of mediation, her eldest child had returned to live with her and her younger children had been placed with alternative carers.

Caroline was concerned that her children's connection with their Aboriginal culture and identity was at risk of being lost.

At the mediation, we supported her to speak about the importance of her children growing up knowing their family, opening a dialogue about cultural planning that had not previously been prioritised.

* Not her real name



High Court considers whether a sperm donor may be a legal parent

Masson v Parsons [2019] HCA 21

In a case that illustrates the complex nature of casework we undertake, Legal Aid NSW appeared as the independent children's lawyer in an appeal to the High Court from a judgment of the full court of the Family Court of Australia concerning parenting orders under the *Family Law Act 1975* (Cth).

In 2006, Robert Masson* provided his semen to a friend, Susan Parsons*, so that she could conceive a child through artificial insemination. At trial it was found that Mr Masson intended to father the child and provide her with ongoing care and support, and his name appeared on her birth certificate. Although the child had always lived with Ms Parsons and Ms Parsons' partner, Mr Masson remained involved in the child's support and upbringing and enjoyed a close relationship with her. The primary judge concluded that he was a parent of the child for the purposes of the *Family Law Act*.

Under the *Status of Children Act 1996* (NSW) Mr Masson was presumed not to be the child's parent because she was conceived through artificial insemination. According to that Act, this presumption could not be rebutted. Although there are specific provisions in the *Family Law Act* relating to who are the parents of children born through artificial insemination, the father did not fall within those provisions. The full court of the Family Court held that the NSW legislation was applicable in family law proceedings, and that for this reason, the father was not the legal parent of the child.

By grant of special leave the father appealed to the High Court. Legal Aid NSW represented the children in both the special leave application and the appeal. Our position was that the NSW legislation did not apply, and that unless expressly modified, "parent" has its ordinary meaning in the *Family Law Act* and that, in the circumstances of this case, the father was the child's parent. The High Court agreed with this position.

This is a landmark decision that clarifies the meaning of "parent" under the *Family Law Act* in cases involving artificial conception. It highlights the changing nature of the modern family and the extent to which this is recognised and accommodated under legislation.

Since the judgment was delivered, our Child Support Service has adapted its practices to clarify policy about the application of child support legislation to children conceived as a result of an artificial conception procedure.

* Court-assigned pseudonyms

OBJECTIVE: STRONG PARTNERSHIPS

Facilitating mediations between birth parents and adoptive parents

We worked with Family and Community Services NSW to develop a model for pre-adoption mediation, and have now facilitated six mediations for adoption matters before the courts. These are matters in which the relationship between birth parents and prospective adoptive parents is crucial. Mediation provides an avenue for facilitated resolution that protects and develops relationships.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

Protecting victims of family violence from direct cross-examination

This year we prepared to administer a scheme on behalf of the Australian Government to protect victims of family violence from being cross-examined directly by perpetrators, in light of amendments to the *Family Law Act 1975* (Cth).

From September 2019, in certain family law proceedings in which allegations of family violence have been raised, a court may determine that personal cross-examination should be prohibited. Personal cross-examination refers to a party asking questions of another party or witness directly, rather than having a lawyer ask the questions.

Direct cross-examination by an alleged perpetrator can re-traumatise victims of domestic violence and affect their ability to give clear evidence. The fear of being directly cross-examined by a perpetrator may also influence victims' willingness to pursue their legal entitlements.

Legal aid commissions have received specific funding to provide legal representation to parties in these matters through the Commonwealth Family Violence and Cross-Examination of Parties Scheme. Where a ban applies, Legal Aid NSW will arrange for funding to be provided to a lawyer from our panel of lawyers who have agreed to undertake this work. These lawyers have received specific training on domestic and family violence, trauma-informed practice, risk assessment and evidence gathering.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Setting the bar for independent children's lawyers in family law courts

We designed and launched a national online training program for family lawyers across Australia seeking to work as independent children's lawyers.

The first phase of the program is a package of online training modules, including lecture-style videos and papers delivered by leading subject matter experts on legal and social science topics relevant to the work of independent children's lawyers. More than 120 lawyers had already completed the first phase of the program by 30 June 2019.

In phase two, trainees have the opportunity to participate in face-to-face workshops run by legal aid commissions across Australia. The first workshop under phase two took place in Canberra in March 2019.



Victim of domestic violence reunited with her baby

Mariana* attended a Legal Aid NSW advice clinic asking for help reuniting with her baby, who had been taken from her by a middle-aged Australian man to his home in regional NSW. The man had arranged for Mariana and her baby to travel to Australia on a tourist visa, before abandoning her at Sydney airport and taking the baby with him. The baby was still breastfeeding. Mariana was a victim of domestic violence and had no telephone, accommodation, money or means of support in Australia, and her visa was due to expire in a matter of days.

Within hours of her arrival at our advice clinic, our lawyer had secured temporary accommodation for Mariana and an order from a family law court for the return of her child. Legal Aid NSW staff offered practical and logistical support to ensure Mariana was reunited with her baby as soon as possible, before connecting her with a specialist lawyer from the Legal Aid NSW Domestic Violence Unit for further support.

* Not her real name



The year ahead

- We will contribute to the Legal Aid NSW priority client framework by co-designing a more multidisciplinary approach to working on complex family law files and caseload benchmarks.
- We will clarify our vulnerable client definition, and begin a two-year trial aimed at keeping more vulnerable client matters in-house.
- We will provide high-quality services to clients in adoption matters with a focus on ensuring appropriate arrangements and support for children post-adoption.
- We will collaborate with the Commonwealth Attorney-General's Department to implement improvements to the family law system by responding to the report and recommendations of the Australian Law Reform Commission following its review of the family law system, and by trialling new approaches, such as a new mediation program for small asset property disputes.
- We will administer the Family Violence and Cross-Examination of Parties Scheme in NSW.
- We will expand the capacity of our dedicated Domestic Violence Unit to offer financial counselling, to better support victims of domestic violence and improve their financial security.

Civil law

Ours is the largest publicly funded civil law practice in Australia. The work of our lawyers is wide-ranging. We focus on civil legal problems that can trigger contact with the criminal justice system, homelessness, family breakdown or acute financial hardship. We practise in 12 areas of law including housing, fines, social security, consumer protection, mental health, employment and human rights.

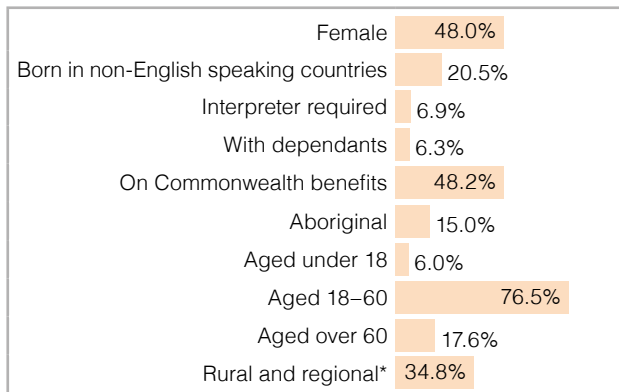
We provide civil law advice in our offices and at 181 outreach locations. We also provide duty services at the Administrative Appeals Tribunal, the NSW Civil and Administrative Tribunal, the Mental Health Review Tribunal and the Youth Koori Court.

Fact file

- Total staff: 285
- Total expenditure on civil law services: \$49.0M
- Proportion of overall expenditure on civil law services: 13.1%

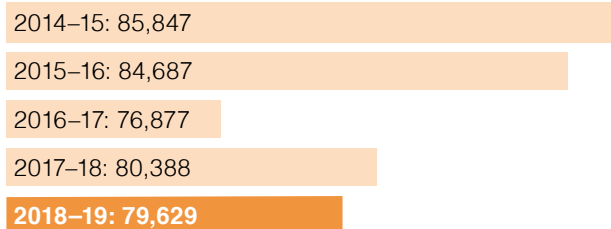
Civil law client profile

Based on total casework, including extended legal advice services, and in-house duty services.



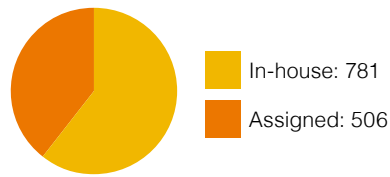
* Includes Newcastle and Wollongong

Civil law services over five years

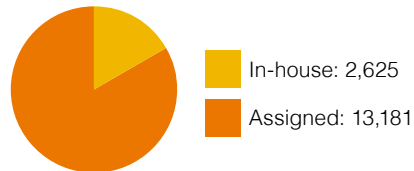


We provided 79,629 civil law services to clients in 2018–19

Total legal representation: 1,287



Total duty services: 15,806



Total other services: 62,536



Information services are not included in service counts in this section. See pages 18–20.

OBJECTIVE: MEETING CLIENTS' NEEDS

Protecting our clients' rights at work

Lawyers specialising in employment law were able to help almost 60 clients recover more than \$650,000 in lost wages and compensation during 2018–19. We assisted clients with claims relating to unfair dismissal, underpayment of wages and entitlements, and workplace discrimination.

Helping more people with disability access the National Disability Insurance Scheme

We receive funding from the Department of Human Services to provide legal representation to clients with National Disability Insurance Scheme (NDIS) cases before the Administrative Appeals Tribunal in some circumstances. This year, we granted aid in 88 of these cases. Our advocacy resulted in decisions that clarify the responsibility of the National Disability Insurance Agency to fund a person's health support where the need for that support is directly linked to the person's disability.

We amended our policies to allow legal aid to be granted where a client is experiencing disadvantage and would likely realise a substantial benefit from legal representation, even if the case does not raise a complex or novel legal issue. This change ensures that Legal Aid NSW can continue to target services to priority clients and is expected to lead to an increase in demand for representation services in 2019–20.

We established a specialist National Disability Insurance Scheme Service to support people with disability whose cases fall outside our guidelines for representation. We

will expand this service in 2019–20 with additional staff in Penrith and Coffs Harbour.



Life-changing intervention for client on brink of homelessness

Susan* had been diagnosed with post-traumatic stress disorder. She successfully applied for a credit card with a \$5,000 limit, even though at the time of her application, she was unable to work and was reliant on the Disability Support Pension. Over the next three years, Susan's bank sent her successive invitations to increase her credit to \$16,500. When Susan approached us for help, she was facing severe financial hardship as a result of a large credit card debt, and was at risk of becoming homeless. Our advocacy led Susan's bank to waive the credit card debt. Our civil lawyer also identified that Susan could claim a total and permanent disability benefit through her superannuation fund, and assisted her in making an application. The fund agreed to pay the client \$121,000 – a life-changing result for our client.

* Not her real name

Serving those who have served our country

The Veterans' Advocacy Service is a statewide specialist service providing targeted legal advice, assistance and representation to current and former members of the Australian Defence Force and their dependants, about their entitlements. The service has the largest practice in veterans' entitlements claims in Australia. In 2018–19 the service helped clients access a combined \$1.4 million in compensation for diseases or injuries suffered in connection with their service.

In December 2018, Robert Cornall AO provided his *Veterans' Advocacy and Support Services Scoping Study Report* to the Australian Government. It recommended that legal aid commissions provide free legal advice and assistance through a Veterans' National Legal Service and a Veterans' National Legal Helpline, with Legal Aid NSW as the lead agency with responsibility for the overall development and management of the national service. This would mean all veterans in Australia, regardless of means, would be eligible for free legal assistance and representation at the Administrative Appeals Tribunal and Federal Court in matters under the *Veterans' Entitlements Act 1986* (Cth) and the *Military Rehabilitation and Compensation Act 2004* (Cth). At the time of writing, the Australian Government had not yet released its response to the Cornall report.

Preventing vulnerable tenants from becoming homeless

The Legal Aid NSW Housing Appeals Service gives legal help to clients who have received final orders from the NSW Civil and Administrative Tribunal. Between 2017–18 and 2018–19, the level of legal advice delivered by the service increased by 25 percent.

We represented social housing tenants in four out of every five appeals we lodged this year. Most appeals involved eviction orders. Legal Aid NSW was successful in, or settled, all 20 appeals in which we represented the appellant at hearing.

OBJECTIVE: STRONG PARTNERSHIPS

Vulnerable clients cleared \$43 million in fines

Our Work and Development Order Service grew in 2018–19. Work and development orders are made by Revenue NSW to allow vulnerable people who cannot pay their fines to clear their debts by participating in approved activities, including drug and alcohol or mental health treatment, vocational courses, counselling, mentoring programs or volunteering. Legal Aid NSW has helped pioneer the Work and Development Order Scheme, which was first piloted in 2011. One in five participants in the program is Aboriginal, and it is of particular value to people in regional NSW, who are disproportionately affected by driver licence suspension due to unpaid fines.

In 2018–19, clients cleared more than \$43 million in debt through the Work and Development Order Scheme. Our Work and Development Order Service continued to support sponsors to participate in the program. The service delivered 288 community legal education events and 10 sponsor forums across NSW, reaching more than 2,000 people. In 2019, Family and Community Services NSW became a work and development order sponsor in seven districts across NSW. This will allow all young people and vulnerable families who are engaged with Family and Community Services caseworkers to have access to the Work and Development Order Scheme.

We also established a dedicated referral pathway between the Work and Development Order Service and Revenue NSW.

Reaching vulnerable older people living in social housing

We partnered with health, legal and community services including the Seniors Rights Service and the Australian Centre for Disability Law to launch a civil law outreach service at Surry Hills Community Connect, a multidisciplinary service hub at the Northcott housing estate in Surry Hills, in inner Sydney. More than 60 percent of the legal advice services we provided through this outreach were delivered to vulnerable older residents.

Delivering civil law training to partners around NSW

Civil lawyers specialising in human rights delivered workshops around regional NSW to in-house civil lawyers as well as staff from community legal centres and the Aboriginal Legal Service (NSW/ACT). This training focused on police torts. The training was very well received as regional staff are often unable to access training in Sydney. Regional training across other civil practices areas will be expanded in 2019–20.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

Evaluating specialist civil law services

Legal Aid NSW is the largest provider of mental health legal advocacy services in Australia for involuntary mental health patients, their family members and advocates, and people detained in the civil and forensic jurisdictions. This year we began a review of our specialist Mental Health Advocacy Service, led by former mental health commissioner John Feneley, to ensure we have a robust, relevant and sustainable model for providing mental health legal services that meet client needs. The final report of the review will be delivered in 2019–20.

We evaluated our Children’s Civil Law Service (CCLS) and Civil Law Service for Aboriginal Communities (CLSAC). The CCLS works to address the civil law needs of young people aged 10 to 18 who have complex needs and contact with the criminal justice system. CLSAC is dedicated to the legal needs of Aboriginal clients, particularly those living in regional and remote NSW and Aboriginal women in custody.

The evaluations found that these services were extremely effective in delivering legal and social outcomes for clients with complex needs. The recommendations will inform service delivery to vulnerable groups across Legal Aid NSW, and forms part of our commitment to a model of continuous service improvement.

The CCLS evaluation identified five protective factors that “appear to be enhanced by the support young people receive from the CCLS, contributing to their wellbeing and positive long-term outcomes”. The CLSAC evaluation resulted in 27 recommendations relating to areas including service growth, community engagement and leadership.

Trauma-informed help for Stolen Generations survivors

Our specialist Civil Law Service for Aboriginal Communities continued to lead service delivery to Stolen Generations survivors with applications to the NSW Stolen Generations Reparations Scheme. Their advocacy has resulted in a new approach to assessing applications, which has allowed more Stolen Generations survivors to access reparations, with many more awaiting review of initial refusals. As at 30 June 2019, our civil lawyers had assisted 186 clients with their claims under the scheme.

A call to action on unfair insurance hurdles

We produced a report in collaboration with Cancer Council NSW and Cancer Voices NSW capturing the experiences of Australian cancer survivors and other people living with health conditions who had struggled to access insurance products.

The Health Conditions and Insurance Project was funded by Legal Aid NSW to better understand the experience of people living with health conditions when accessing general and life insurance products. It included a survey of people with health conditions, including cancer, multiple sclerosis,



Landmark decision in favour of client with disability

Burchell and National Disability Insurance Agency [2019] AATA 1256

Civil lawyers specialising in National Disability Insurance Scheme matters acted in an important case that could affect the lives of thousands of Australians living with dysphagia, a life-threatening swallowing condition.

In June 2019, the Administrative Appeals Tribunal ruled that the National Disability Insurance Agency (NDIA) was wrong to deny our client – a 34-year-old man who had cerebral palsy resulting in dysphagia – funding for thickening fluids requested by his speech pathologist which helped him swallow safely.

The decision means the NDIA must fund vital swallowing supports for people living with dysphagia, which had argued these supports should be provided by the states. The ruling has the potential to impact on people with disabilities more broadly by overturning the tribunal’s previous interpretation of the law regarding which responsibilities belong to the NDIS and which to the states.

Although the exact number of people who may be affected by the decision is unknown, there are approximately 100,000 people living with dysphagia in Australia.

cardiovascular disease and lung disease, who had experience with insurance. It also included a literature review, consultation with consumer and industry representatives, and analysis of case law, legislation and codes of practice.

The resulting report, entitled *What’s the risk? Access to insurance for people living with health conditions*, found that two thirds of those surveyed reported difficulties obtaining insurance. It also found that people with health conditions were frequently unaware of their legal rights in relation to insurance claims.

Keeping vulnerable ratepayers out of court

Our strategic advocacy helped create statewide reform, with the introduction of new hardship guidelines for local councils. Research by the Law and Justice Foundation of NSW found that local councils suing for unpaid rates is one of the highest volume matters in the NSW Local Court. Many councils have no hardship policies, while others have hardship policies but do not apply them.

Legal Aid NSW lawyers worked with the NSW Department of Justice and the Office of Local Government to develop a consistent, best-practice approach to council rates collection that would encourage early referral of vulnerable clients with rates debts to appropriate support services. The project resulted in the publication of new Debt Management and Hardship Guidelines by the Office of Local Government. Councils are now formally required to work with people



Help for vulnerable family at risk of homelessness

Roseanne*, an Aboriginal woman with a learning disability, was living in social housing with her elderly mother and six of her children, two of whom have special needs. Roseanne is a single mother who has experienced family violence. When her landlord sought to terminate her lease because of damage her children had caused at the property, this vulnerable family faced homelessness.

The NSW Civil and Administrative Tribunal agreed to terminate Roseanne’s tenancy pursuant to the *Residential Tenancies Act 2010* (NSW). Under this law, where a social housing tenant is found to have seriously breached a tenancy agreement by causing property damage, the tribunal has no discretion not to terminate the tenancy unless an exception applies.

We helped Roseanne appeal the termination decision, arguing that the tribunal had failed to properly consider the undue hardship that would be suffered by the children in the household if the tenancy were terminated.

We were able to provide evidence that Roseanne was working with support services to help her care for her children and to keep her home safe, clean and free from further damage. These services were committed to providing ongoing support to the family and had helped to repair the damage to the property.

The appeal panel found that the tribunal had made an error of law, in that it had not provided adequate reasons for a finding that the children would not suffer undue hardship. The termination order was set aside and when the matter was remitted, the tribunal found an exception did apply, and it did have discretion to refuse to terminate the tenancy. Roseanne and her family have remained in their home and are receiving ongoing social support.

* Not her real name

experiencing financial hardship who have unpaid rates to get on payment plans or access other hardship support, instead of taking vulnerable ratepayers to court.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Creating a western Sydney hub for civil law

Civil lawyers based in Penrith, Blacktown and Parramatta combined to operate as a single western Sydney civil unit. This allowed for more effective service-planning across western Sydney and resource-sharing to support the high demand for services in this region.

Among the key achievements of this newly formed unit were:

- an increase in the proportion of Aboriginal civil law clients

in the region from 4.9 percent in 2017–18 to 7.5 percent in 2018–19

- the expansion of an existing health justice partnership at Blacktown Hospital, which previously provided family law advice only
- the establishment of an advice clinic at the Dillwynia Correctional Centre High Intensity Program Unit (see page 53 for more information about our work in High Intensity Program Units)
- the creation of two places for two students undergoing professional legal training, and
- the establishment of a direct referral pathway for community workers who work with priority client groups.



Vulnerable domestic worker compensated after “morally repugnant” dismissal

Buenaobra v Anwar Alesi [2018] FWC 4311

Our employment law specialists acted for a domestic worker employed in the private Sydney home of a consul of the Republic of Iraq. The worker had been recruited on a temporary work visa and was sending money to the Philippines to support her family. She was summarily dismissed after she asked for payslips and for her pay to be deposited into her bank account, and her employer withdrew sponsorship of her visa. We filed an application for unfair dismissal at the Fair Work Commission on her behalf. The employer defended the application and raised a jurisdictional objection on the basis that they had consular immunity. The Fair Work Commission found that our client was unfairly dismissed in “morally repugnant” circumstances, and awarded the maximum compensation remedy of 26 weeks of pay under the *Fair Work Act 2009* (Cth).

In its decision, the Fair Work Commission commented that domestic workers brought into Australia from countries like the Philippines were “peculiarly unempowered, marginalised and potentially ripe for exploitative employment practices if employed by diplomatic personnel who do not have a proper appreciation of the application of Australian employment laws or who flout Australian employment laws”.



The year ahead

- ➔ We will establish the Elder Abuse Service and trial a generalist lawyer model.
- ➔ We will respond to the evaluations and reviews of specialist services.
- ➔ We will launch a major consumer law initiative involving superannuation insurance.
- ➔ We will expand our National Disability Insurance Scheme Service to regional NSW.

COMMUNITY LEGAL EDUCATION

The Legal Aid NSW Community Legal Education Program provides targeted education for priority client groups and community professionals working with our priority client groups. In 2018–19 we focused on children and young people, new arrivals and culturally and linguistically diverse people, and women and people experiencing domestic violence.

We provided a significantly higher number of community legal education services in 2018–19 compared with the previous year, and we continued to reach community workers in innovative ways, including through podcasts and live and on-demand webinars. Through strong partnerships and resource-sharing, we developed new resources without duplication.

We delivered 2,722 community legal education services, a 39.2 percent increase on the previous year.

Area of law	2016–17	2017–18	2018–19	Change from previous year
Criminal law	757	514	715	39.1%
Family law	535	571	739	29.4%
Civil law	881	870	1,268	45.7%
Total	2,173	1,955	2,722	39.2%

OBJECTIVE: MEETING CLIENTS' NEEDS

Developing new resources

We created a multilingual video series providing information about renting. The videos feature a female character who explores a range of tenancy-related topics including leases, property repairs, rental bonds and condition reports. The videos were adapted from resources created by Consumer Affairs Victoria and translated into Arabic, Assyrian, Dari and Kurmanji.

We developed factsheets about the Working With Children Check to help people understand when they might need to apply for it, how to apply, and what happens after applying. The factsheets were developed in consultation with clients, the NSW Civil and Administrative Tribunal, the NSW Office of the Children's Guardian, as well as Legal Aid NSW lawyers with expertise in human rights and family law. The resources include a factsheet developed for Aboriginal and Torres Strait Islander people.

Legal Aid NSW and the Seniors Rights Service partnered

to continue delivering our successful Borrowers Beware community radio project, which is targeted at older people from culturally and linguistically diverse communities. This year, Borrowers Beware broadcasts in English, Mandarin and Arabic focused on the risks of entering into a financial arrangement, like taking out a loan or becoming a guarantor, for the benefit of a loved one.

Helping young people understand their legal rights and responsibilities

We developed a workshop to be delivered in schools, called *Let's Talk about Consent*, to help young people understand the law relating to sex and consent, including ethical consent. Based on a Victorian resource, this interactive workshop uses case studies, videos and quizzes to engage and educate students.

During Youth Week 2019, we launched *When Can I?*, a resource to help young people learn the age at which they can legally do things like opening a bank account, leaving school or getting a tattoo. Teachers, librarians and youth workers can download a poster from the Legal Aid NSW website to display in their school, library or youth centre. The website also contains information for young people about how a lawyer can help them and where to get free legal help.

A new way to access our most popular publication

We published and distributed 80,000 copies of the *Legal Topics for Older People Diary 2019*. The diary is our most-requested resource, and this year we made it available online. Now in its eighth year, the diary provides practical information about seniors' rights, consumer law, aged care, as well as community services, and is an important plank in our Elder Abuse Strategy 2018–19.

OBJECTIVE: STRONG PARTNERSHIPS

Educating the educators

We joined the peak body Community Legal Centres NSW to deliver a masterclass on providing community legal education. The event was attended by almost 50 practitioners from Legal Aid NSW and community legal centres. Topics focused on developing the attendees' skills in facilitation, evaluation and working with client groups such as young people, older people, people with disability, migrants and Aboriginal and Torres Strait Islander people.

Bringing the law into NSW communities

Legal Aid NSW worked with the State Library of NSW's Find Legal Answers service to bring 45 community legal education sessions to libraries across NSW for Law Week 2019. Lawyers from Legal Aid NSW and four community legal centres were joined by service providers and Fair Trading NSW representatives to present four free workshops

exploring scams and how to avoid them, planning ahead, elder abuse, and how the law can help people who access the National Disability Insurance Scheme. The workshops reached more than 600 people around the state.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

In April 2019, Deloitte completed a review of the way we collect information about, classify, and report on, our community legal education activities. The resulting report identified that the platform we used for collecting data, the Community Legal Education Management System, was not consistently used and that there was a need for a more robust data management solution. These findings echoed those of a recent Law and Justice Foundation of NSW report on Legal Aid NSW community legal education. In 2019–20, we will redesign existing processes and train

staff across the organisation to ensure the new processes are well understood, effectively utilised and reliable.



The year ahead

- ➔ We will work with community legal centres and legal aid commissions across Australia to develop a training program for community legal education practitioners.
- ➔ We will launch a community legal education campaign to help vulnerable people in NSW understand their rights in the face of vilification and discrimination, and educate the broader community about recent legislative changes relating to hate speech.
- ➔ We will develop a new community legal education data capture tool and train staff to use it confidently.

CONTRIBUTING TO LAW REFORM

Our experience working with clients and communities across NSW gives us insight into the way in which the law affects vulnerable and disadvantaged people, and informs our advocacy on legal and policy issues.

In 2018–19 we developed and began implementing our two-year strategic law reform agenda, identifying issues that commonly affect our clients and opportunities to work collaboratively with other agencies to achieve systemic change. The Board has approved the agenda and the Strategic Law Reform Unit is overseeing its implementation.

Our Strategic Law Reform Unit made 32 public submissions in 2018–19 and helped shape a range of draft bills and other government proposals. For details of all public submissions finalised this year, see Appendix 7.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

A respected voice in inquiries and legislative reform processes

We made submissions to the NSW Law Reform Commission in relation to consent for sexual offences, and to the NSW Sentencing Council in relation to sentencing of recidivist traffic offenders.

We successfully advocated for amendments to the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) for child defendants. These amendments recognise the power dynamic that may exist between paid carers and dependants,

and provides police with greater discretion to deal with disputes arising in the context of these relationships.

We advocated for fairer outcomes for veterans through our submission to a Productivity Commission inquiry into the system of compensation and rehabilitation for veterans. We argued that veterans should have access to legal representation at the Veterans' Review Board where the matter is complex or the veteran is particularly vulnerable. We also called for greater transparency in Veterans' Review Board decision-making processes and determinations.

We continued to review the impact of the transition to the National Disability Insurance Scheme (NDIS) on people with disability in NSW and their loved ones. We made submissions to the NDIS Thin Markets Project, and to the NSW Legislative Council inquiry into the implementation of the NDIS and the provision of disability services in NSW.

Our lawyers gave evidence at the NSW Legislative Council inquiry into Parklea Correctional Centre and other operational issues before the Legal Affairs Committee, focusing on systemic health care issues faced by people in custody, including cases in which prisoners have faced unreasonable waits for basic medical care, lack of access to mental health treatment, and lack of continuity of care between prisons or on return to the wider community. The final report of the inquiry recommended that the NSW Government provide sufficient additional resources to the Justice Health and Forensic Mental Health Network to enable it to meet the health needs of the NSW prisoner population, with particular emphasis on their mental health needs.

A remedy for students targeted by private training colleges

Our advocacy helped prompt national law reform to provide a remedy for vulnerable students who were inappropriately enrolled by a vocational education and training (VET) provider.

In many cases of “inappropriate enrolment”, students were never told they would incur a debt if they signed up to a course, or only discovered once they lodged their tax return that a study loan had been taken out in their name without their consent. Others were promised they would have a qualification and a job if they completed a course. Many of those exploited came from the country’s most vulnerable communities, including new migrants or people leaving a Centrelink office. Clients we have assisted in relation to these matters include elderly Vietnamese migrants who spoke limited English and received Centrelink benefits, and one client with schizophrenia and depression who was receiving the Disability Support Pension.

Under new laws that came into effect in January 2019, students will be able to have their fee balance re-credited by the Department of Education, so that their debt to the Australian Taxation Office (ATO) no longer exists. Legal Aid NSW has assisted a number of clients with complaints about VET providers to obtain enrolment reversals, debt waivers, and transfers to more suitable course providers.

Shining a light on unfair banking and insurance practices

Legal Aid NSW represented or supported clients giving evidence before the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, allowing them to highlight experiences in which the actions of banks, insurers and others fell short of community expectations.

One of our civil lawyers gave expert evidence at a hearing focused on issues relating to small businesses about her experience advising and representing older people who enter into financial agreements for the benefit of a relative. We also provided written submissions to the royal commission before and after each relevant round of hearings, and in respect of its interim report.

We also made submissions, and provided evidence to a range of reviews aimed at improving the financial services sector, including:

- a Treasury review of the early release of superannuation benefits
- a Treasury consultation on disclosure in general insurance
- the Senate Legal and Constitutional Affairs Committee’s inquiry into the resolution of disputes with financial service providers
- an Australian Securities and Investment Commission

consultation on responsible lending conduct

- a consultation on changes to Australian Financial Complaints Authority rules, and
- the Financial Services Council’s Life Insurance Draft Code of Practice 2.0.



Our lawyers support witnesses to tell their story through the banking royal commission

We supported three Legal Aid NSW clients to give evidence at the banking royal commission, sharing their experiences and highlighting systemic issues in the financial services sector.

One former client was Bernadette Heald, a NSW woman with special needs children whose family home was badly damaged in the Hunter Valley floods of 2015. She came to Legal Aid NSW for help after struggling to resolve a months-long dispute with her insurer over necessary repairs to the property.

The insurer initially offered the family just \$30,000 to cover repairs to the badly damaged house. Following intervention by a Legal Aid NSW lawyer, the insurer was required to pay for the house to be knocked down and rebuilt, at a cost of more than \$700,000, and for temporary accommodation for the family.

“I decided to give evidence to warn others not to take the first offer from an insurance company after a natural disaster,” Ms Heald told the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

“I was made to feel that I was doing something wrong, even though we were claiming something that we were entitled to, and had been paying for, for years.”

The final report of the royal commission noted Ms Heald’s evidence that she would not have been able to resolve her insurance issue without the help of a lawyer. Legal Aid NSW has provided specialist advice to people affected by natural disasters since 2008.

Improving the family law system

Legal Aid NSW joined with other legal aid commissions to contribute to the Australian Law Reform Commission’s family law inquiry, the first comprehensive review into the family law system since the commencement of the *Family Law Act 1975* (Cth). The review was designed to ensure our family law system suited the contemporary needs of families and could effectively address family violence and child abuse. National Legal Aid provided comprehensive submissions, to which Legal Aid NSW contributed. These submissions were reflected in the Australian Law Reform Commission’s final report and recommendations, released in March 2019.

If implemented, some of these recommendations will have far-reaching implications for the family law system and for Legal Aid NSW. They included:

- the establishment of state and territory family courts to exercise jurisdiction concurrently under the *Family Law Act 1975* (Cth), as well as state and territory child protection and family violence jurisdictions
- the redrafting, restructuring and simplification of the Act
- the expansion of family dispute resolution to financial disputes and a move to require parties to show that they have taken “genuine steps” to resolve disputes before commencing court proceedings, and
- the expansion of the Family Advocacy and Support Service, which in NSW is delivered and coordinated by Legal Aid NSW.

We also made submissions or provided expert feedback in relation to domestic and family violence, family law court structures, forced marriage, elder abuse and apprehended domestic violence orders.

The year ahead

- ➔ We will continue to comment on legislative and other policy proposals to address the particular circumstances of our clients.
- ➔ We will continue to implement our strategic law reform agenda.
- ➔ We will monitor NDIS access issues for our clients, and identify potential improvements.
- ➔ We will continue to advocate for legislative, policy and operational reforms to ensure that children and young people are appropriately diverted from the criminal justice system.
- ➔ Our Domestic Violence Unit and Women’s Domestic Violence Court Advocacy Program will contribute to legal and policy reform in relation to the use of warrants to bring victims of domestic violence to court as witnesses.



▲ Legal Aid NSW Gosford office staff are pictured in front of Gosford Court House. Back row: civil lawyer Susan Grey and criminal lawyer Ian Le Breton; second row: civil lawyers Tanya Chapman and Mary Lovelock; third row: criminal lawyer Hayley Dean, Office Manager Kim Chandler and criminal lawyer David Gibbons; front row: Solicitor in Charge Gabrielle Cantrall, civil lawyer Jessica Urquhart and criminal lawyer Danielle Captain-Webb

3 Collaborating with our partners

Partnerships and collaboration are essential to achieving our goal of delivering client-centred services and ensuring the most efficient use of resources.



In this section

- 50 Key partners at a glance
- 51 Effective partnerships benefit the community
- 53 Private lawyers
- 57 Programs
- 60 Regional partnerships
- 62 Justice forums
- 63 Aboriginal community partnerships

Aboriginal Legal Service (NSW/ACT) lawyer James Clifford (left) and volunteer Shahad Al Majed (second from right) join Legal Aid NSW Children's Civil Law Service lawyers Lindsay Craig (second from left) and Andrea Hadaway at Surry Hills Children's Court, where a new Youth Koori Court opened this year



Key achievements

- ★ We established formal inter-agency partnerships under a new Strategic Partnerships Framework to deliver better outcomes for clients.
- ★ The NSW Legal Assistance Forum established a working group, chaired by Legal Aid NSW, that aims to develop a more comprehensive approach to collaborative service-planning in NSW.



The year ahead

- ➔ We will develop formal partnerships with key agencies under our Strategic Partnerships Framework.
- ➔ We will integrate LawAccess NSW within Legal Aid NSW and establish it as the first point of contact for legal assistance in NSW.
- ➔ We will contribute to a pilot of enhanced collaborative service-planning in four regional catchment areas through our involvement in a NSW Legal Assistance Forum working group on collaborative service-planning.



Key challenge

- ▶ We will ensure the seamless delivery of services to our clients while undertaking a major review of service delivery by private lawyers.

KEY PARTNERS AT A GLANCE

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

<p>Page 53</p>	<p>PRIVATE LAWYERS We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.</p>	<p>Private lawyers provided 105,617 case and duty services on our behalf, representing 42.2% of all Legal Aid NSW case and duty services in 2018–19.</p>
<p>Page 57</p>	<p>COMMUNITY LEGAL CENTRES Legal Aid NSW administers funding to 32 generalist and specialist community legal centres, as well as the peak body, Community Legal Centres NSW, through its Community Legal Centre Program.</p>	<p>The Legal Aid NSW Community Legal Centre Program implemented a new application-based process for allocating funds to community legal centres, after the NSW Attorney General announced record NSW Government funding of more than \$40 million for the community legal sector over three years</p>
<p>Page 58</p>	<p>WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY SERVICES Women's Domestic Violence Court Advocacy Services work with the NSW Police Force, Victims Services, NSW Local Courts and legal, health, welfare and accommodation services in the community. They provide integrated support to women and children affected by domestic and family violence.</p>	<p>The services completed the rollout of Safer Pathway and supported 47,902 women.</p>
<p>Page 60</p>	<p>COOPERATIVE LEGAL SERVICE DELIVERY PROGRAM AND REGIONAL OUTREACH CLINIC PROGRAM The Cooperative Legal Service Delivery Program is a regionally-based approach to legal service delivery. It develops partnerships between regional legal, community and government agencies to increase collaboration between legal assistance services and related services. Under the Regional Outreach Clinic Program, Legal Aid NSW funds private and community legal centre legal practitioners to provide legal services to communities that have limited access to public legal services, and where it would not be efficient for Legal Aid NSW to provide an outreach service.</p>	<p>The number of advice services delivered in regional locations where communities may struggle to access legal services more than doubled this year under the Regional Outreach Clinic Program.</p>
<p>Page 62</p>	<p>NATIONAL LEGAL AID National Legal Aid is a single voice for the eight independent legal aid commissions in Australia. It is a forum for national engagement with governments, stakeholders and the community, and supports legal aid commissions to collaborate and follow best practice in relation to the provision of legal aid.</p>	<p>Legal Aid NSW launched a national website on behalf of National Legal Aid to help people escaping domestic violence access reliable information about the law.</p>
<p>Page 62</p>	<p>NSW LEGAL ASSISTANCE FORUM This forum brings together agencies and organisations responsible for legal assistance services in NSW to collaborate and improve legal services for disadvantaged people.</p>	<p>The NSW Legal Assistance Forum established a working group to develop a more comprehensive approach to collaborative service-planning in NSW that focuses on the delivery of legal assistance to priority clients and ensures services are provided in areas of greatest need.</p>

Page 63	ABORIGINAL LEGAL SERVICE (NSW/ACT) Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) are parties to a statement of commitment designed to ensure our agencies work together to address the legal needs of Aboriginal people in NSW.	We continued rolling out our Aboriginal cultural competency workshops, which we developed in partnership with the Aboriginal Legal Service, to regional NSW.
	LAWACCESS NSW LawAccess NSW is a free helpline that helps people in NSW manage their legal problems by providing legal information, managed referrals and, in some circumstances, legal advice over the telephone. LawAccess NSW was previously part of the NSW Department of Justice and received funding from a range of sources, including Legal Aid NSW. In May 2019, the NSW Attorney General agreed to a request by the Secretary of the Department of Justice and the CEO of Legal Aid NSW for LawAccess NSW to join Legal Aid NSW in 2019–20. Integrating LawAccess NSW and Legal Aid NSW will help simplify access to legal assistance and ensure people receive the right level of service at the right time. In the year to come, we will work to ensure LawAccess NSW is the first point of contact for legal assistance in NSW.	LawAccess NSW made 60,275 referrals to Legal Aid NSW in 2018–19, compared with 64,649 referrals the previous year. The main areas in which people sought help from LawAccess NSW in 2018–19 were debt, family law parenting matters, disputes with neighbours, wills, fines and car accidents.

EFFECTIVE PARTNERSHIPS BENEFIT THE COMMUNITY

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

OBJECTIVE: MEETING CLIENTS' NEEDS

Achieving better health and legal outcomes for clients

Legal Aid NSW has been a leader in establishing health justice partnerships in NSW. We now provide services through 25 health justice initiatives in hospitals, mental health and drug and alcohol facilities, community centres and service hubs in housing and residential estates.

There is evidence that medical and legal issues are often intertwined. Many of our clients experience health issues that have been caused or exacerbated by their legal problems, or legal problems that stem from their health issues. The evidence also tells us that people are more likely to open up to a doctor or other trusted health professional about problems they are experiencing than to a lawyer, particularly if they have not identified that their problems involve a legal component.

Health justice partnerships establish collaborative ways of working to enhance the ability of clients engaged in health services to interact, seek out and engage with legal services.

This model can lead to timely identification of legal needs and resolve legal problems before they escalate.

In 2018–19 we deepened our commitment to health justice initiatives:

- Legal Aid NSW Wollongong, in partnership with the Illawarra Shoalhaven Local Health District, organised a Connecting Health and Justice forum attended by more than 200 health, justice and community sector professionals.
- We helped establish the NSW Health Justice Partnerships Network to strengthen and consolidate collaboration between organisations operating or involved with health justice initiatives. The network is chaired by Legal Aid NSW and its membership includes government and non-government organisations.
- Our staff attended training to build our capacity to work with our health and human services partners towards better client outcomes.
- Our health justice partnership with Blacktown Hospital was expanded to include civil law services in addition to family law services.
- The health justice partnership between Legal Aid NSW, the Northern Sydney Local Health District and the Bungee Bidgel Aboriginal Health Clinic was expanded to provide information, advice and minor assistance to general inpatients, outpatients and staff at Hornsby Hospital.

- Legal Aid NSW and We Help Ourselves Rozelle agreed to an evaluation of our partnership. This process-based evaluation will take place in 2019–20 and will consider the appropriateness, effectiveness and efficiency of the legal assistance investment by Legal Aid NSW in this health justice partnership, with a focus on whether the partnership reduces barriers to legal assistance for residents.



A safe start to life, with kin close by

During an outreach service in a health clinic, a family lawyer from the Legal Aid NSW Early Intervention Unit met Maureen*, an Aboriginal woman. Maureen told our lawyer that she was the aunt of an unborn baby. The baby's parents were both using the drug ice and their older children had all been removed. Since discovering she was pregnant, the mother had been avoiding any contact with authorities. The parents agreed that Maureen was the best person to take care of their baby.

Our lawyer drafted an urgent application for the child to live with Maureen. The application was filed in the Indigenous List in the Federal Circuit Court at Sydney, a specialised list that focuses on supportive, less adversarial processes in appropriate cases.

Our lawyer appeared on Maureen's behalf and the parents appeared by telephone to confirm that they agreed to the proposed arrangement. Family and Community Services NSW was advised, and agreed with the plan.

Consent orders for the child to live with Maureen were made by the court within hours of the birth.

Our involvement meant there was no need for care and protection proceedings to be commenced in the Children's Court of NSW, and that the baby went directly from hospital to the home of an Aboriginal relative.

* Not her real name

OBJECTIVE: STRONG PARTNERSHIPS

Justice without borders for communities living along the NSW–Victoria divide

We worked with Victoria Legal Aid to identify the legal issues faced by clients in cross-border communities and the barriers they experience when seeking timely legal assistance. Our investigation culminated in the Cross-Border Justice Report, which outlined our plans to improve access to legal assistance along the NSW–Victorian border. The report followed extensive consultation with legal aid staff, private practitioners, Aboriginal legal services, community legal centres and other social and justice professionals along the border.

Many border communities experience complex and unique challenges in accessing justice and have a proportionally higher demand for legal services than other parts of NSW and Victoria. Living at the intersection of two sets of rules makes understanding legal obligations more difficult. Residents may also be ineligible for services that are physically closer to them because of jurisdictional boundaries.

Our report highlighted some of the issues faced by border communities:

- Bail, parole and community corrections orders generally treat interstate travel as exceptional. These orders may be unduly restrictive when applied to people who live in border communities, who may need to cross the border regularly to work, access support services or visit family.
- Clients seeking legal assistance in border communities are at risk of missing out on the help they need because of inconsistent approaches to client referrals.
- Border community residents may not be able to access interstate legal services, even when they live closer to these services than to services located in their own state.
- In many border communities, only a small number of private lawyers act in legally aided matters.
- Family law matters are not always heard at the court closest to where separating family members live.

The report made 14 recommendations to address these issues and create opportunities for Legal Aid NSW and Victoria Legal Aid to take a more deliberate approach to the way we work together. We hope to improve outcomes for clients and private lawyers in border communities by:

- advocating for bail, parole and community corrections orders that consider the need for regular interstate travel in border communities
- developing a clear procedure for referring cross-border clients between commissions
- trialling a more flexible approach to applying the legal aid forum test for those living in cross-border communities, to enable clients to access legal assistance at a location that suits the clients, regardless of whether they reside in NSW or Victoria, and
- working with the NSW and Victorian Cross-Border Commissioners to continue to improve border justice issues.

The report and its recommendations are the first step to ensuring that the barriers NSW and Victorian border communities face in accessing legal assistance are recognised and addressed collaboratively by Legal Aid NSW and Victoria Legal Aid.

Collaborating with other agencies helps us tackle systemic issues

This year we created a Strategic Partnerships Framework to build on our positive relationships with agencies in the community and justice sectors.

The framework aims to:

- influence the legislative, policy and program environment in which we work
- manage the competing demands in the justice system, and
- improve access to and the quality of legal aid, legal assistance and client support services.

The framework has guided us to establish formal partnerships with key agencies in the legal and justice sector. We now have a relationship coordinator for each agency so that urgent issues can be escalated quickly. In addition, we established an executive sub-committee that oversees these partnerships.

In 2018–19 we focused on partnerships with the NSW Police Force, Family and Community Services NSW, the Aboriginal Legal Service (NSW/ACT), the NSW Department of Justice, Corrective Services NSW and the Commonwealth Attorney-General's Department.

Partnership helps prepare prisoners to reintegrate with the community

This year, civil lawyers worked intensively with prisoners serving short sentences to resolve legal problems ahead of their release. Prisoners transitioning back into the community can face a range of legal issues that may contribute to reoffending, including housing issues, unpaid fines and debt.

Working with Corrective Services NSW, civil lawyers began providing legal services at High Intensity Program Units (HIPUs) across the state. These units target inmates serving short sentences, who may otherwise have limited access to rehabilitation programs due to the length of their sentences. HIPU programs aim to address the issues associated with prisoners' offending and support them to successfully reintegrate with the community on release.

Civil lawyers provide regular advice clinics, community legal education and casework assistance in complex legal matters. This early intervention model aims to prevent the escalation of legal issues whilst a client is in custody, and our assistance continues post-release.

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 the *Legal Aid Commission Act 1979* (NSW). In 2018–19, private lawyers provided 69.0 percent of all Legal Aid NSW casework services, and 37.5 percent of all Legal Aid NSW duty lawyer services. Further details appear in Appendix 10.

The Grants division of Legal Aid NSW receives, determines and manages legal aid applications from private lawyers and from the Legal Aid NSW in-house practice. Applications are submitted and managed electronically. Grants staff have regular telephone contact with lawyers and clients.

Fact file

Total staff: 94

Total applications* for legal aid: 45,442

- In criminal law matters: 28,172
- In family law matters: 15,099
- In civil law matters: 2,171

Number of individual lawyers appointed to Legal Aid NSW panels: 2,184**

Percentage of legally aided case and duty services provided by private lawyers: 42.2%

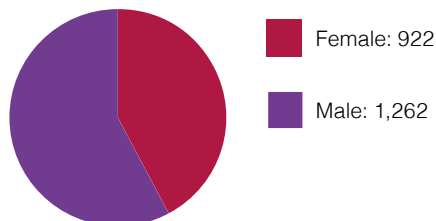
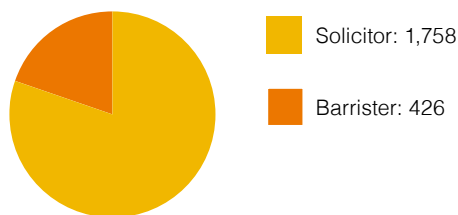
* Applications received during 2018–19

** This includes lawyers appointed to more than one panel

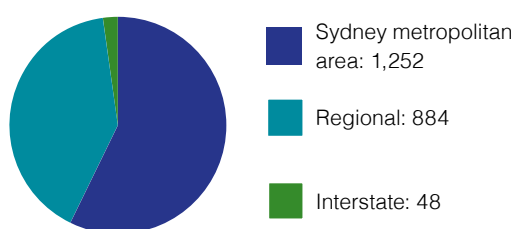
Total individual panel members

2016–17	1,980
2017–18	2,146
2018–19	2,184

The lawyers who sit on our panels

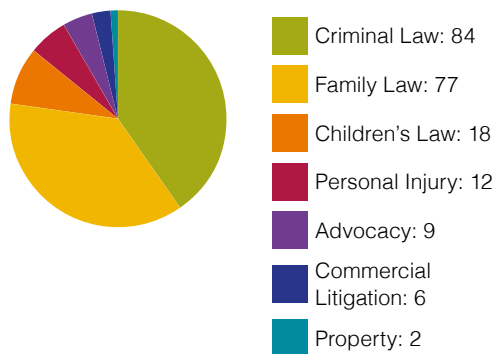


Where our panel lawyers are located*



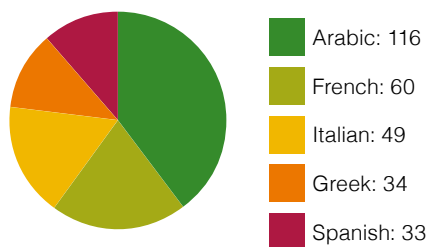
* Based on the panel member's primary office location

Specialist accreditations held by our panellists



Most common languages other than English spoken by panel lawyers

Our panel lawyers speak 54 languages other than English. Here are the five most common languages spoken.



Number of private lawyers on Legal Aid NSW panels 2018–19*

General panels

General Civil Law Panel	154
General Family Law Panel	840
Summary Criminal Law Panel	1,498

Specialist panels

Appellate Criminal Law Barrister Panel	81
Care and Protection Panel**	236
Children's Criminal Law Panel	187
Complex Criminal Law Barrister Panel	105
Complex Criminal Law Solicitor Panel	222
Domestic Violence Panel	98
Independent Children's Lawyer Panel	131
Indictable Criminal Law Panel	446
Indictable Criminal Law Barrister Panel	234
Mental Health Advocacy Panel	191
Veterans' Law Panel	4

* Some lawyers are active members of more than one panel

** Of the 236 Care and Protection Panel members, 150 are appointed to act for children as well as adults

Figures include current active panel members whose appointment start dates were before 30 June 2019.

OBJECTIVE: MEETING CLIENTS' NEEDS

Private lawyers represented legally aided clients in a range of areas of law

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 summary criminal law, family law and civil law, and specialist panels across the three practice areas. There are also specialist barrister briefing panels in complex criminal law, appellate criminal law and indictable criminal law.

There are 2,184 individual lawyers who make up Legal Aid NSW panels, from 1,690 registered firms*. Panel lawyers are located throughout NSW, with 1,252 panel lawyers based in the Sydney metropolitan area and 884 panel lawyers located in regional NSW. There are also 48 panel lawyers located in the ACT or interstate.

In 2018–19, there were 677 appointments made to Legal Aid NSW panels. There were also 268 reappointments of current panel members whose five-year panel appointments expired throughout the year.

* Individual barristers are registered as firms.

Reopening the Appellate Criminal Law Barrister Panel

We conducted an extensive review of our policies and procedures in relation to legally aided higher court criminal appeals in 2017, which gave rise to a number of recommendations aimed at enabling a more rigorous selection process for applicants to the Appellate Criminal Law Barrister Panel.

Following consultation with the NSW Bar Association, the Law Society of NSW and the Public Defenders Office, the panel opened for applications in August 2018. A selection committee recommended the reappointment of 30 existing members and the appointment of 29 new applicants to the panel.

Establishing an Indictable Criminal Law Barrister Panel

In response to the introduction of the early appropriate guilty pleas reform in April 2018, Legal Aid NSW established an Indictable Criminal Law Barrister Panel to include suitably experienced barristers who could be briefed in non-complex indictable criminal law matters.

This new panel promotes continuity of representation. Panel barristers briefed at committal are expected to retain carriage of a matter through to trial or sentence.

The Indictable Criminal Law Barrister Panel opened for applications in September 2018. We received 284 applications from private barristers, some of whom were already appointed to our Complex or Appellate Criminal Law Barrister panels. Two hundred and twenty-one applicants were recommended for appointment to the new panel, which began operating on 18 March 2019.

OBJECTIVE: STRONG PARTNERSHIPS

Improving our engagement with private lawyers

We reviewed the way we appoint, monitor and remove private lawyers from our panels, with a focus on quality assurance and making the process more streamlined and user-friendly. To do this, we consulted our staff and researched how other jurisdictions assign work to private lawyers. We finalised a set of recommendations that we intend to implement over the coming year. These recommendations will involve shifting to law firm membership, reducing the number of panels, streamlining the selection process and creating a quality assurance framework.

We also consulted with private lawyers to understand how we can improve our day-to-day relationship with the private profession. Key concerns raised by private lawyers included low fees, delays in having grants of aid processed, fees for travel being inadequate and a cumbersome panels process. We have addressed these concerns by improving our grant processing times, advocating for additional funding to increase the fees we pay and reviewing our private lawyer panels.

Review of fees paid to private lawyers

We conducted a review of the fees we pay to private lawyers who undertake legal aid work. We recommended several options for increasing the fees we pay in legally aided matters. These options propose an increase to the base hourly rate for solicitors, an equivalent increase for barristers, and structural changes to remunerate private lawyers more fairly, particularly for preparation and travel. We prepared and submitted a business case to the NSW Government seeking additional funding to enable us to reform our fee scale. The business case is currently being considered by the NSW Government.

Best practice for our panel lawyers

Panel lawyers are required to comply with panel practice standards. We amend the standards from time to time to reflect best practice, changes in our policies and procedures, and developments in the law.

In 2018–19 we made a number of updates to our Criminal Law Panel Practice Standards in response to recommendations made in our 2017 review of our policies and procedures in relation to legally aided higher court criminal appeals, and the introduction of the early appropriate guilty pleas reform in 2018.

Key changes included:

- new procedures for indictable appeal matters concerning the briefing of counsel for merit advice, the requirement to submit advice or, where applicable, advice and grounds of appeal, and the requirement to submit file outcomes at the conclusion of legally aided matters
- new requirements to reflect changes to Legal Aid NSW policies and guidelines in relation to grants of legal aid to respond to interlocutory appeals, or to respond to Crown sentence appeals, under the *Criminal Appeal Act 1912* (NSW)
- new requirements arising from the early appropriate guilty pleas reform, in particular, responsibilities regarding the briefing of counsel at committal, including case conferencing, and ensuring that counsel briefed at committal will continue to be briefed for the trial and sentence, if applicable
- changes to the definition of complex criminal law matters, and
- requirements for panel lawyers in relation to attendance at training.

Audits help us maintain the quality of the services provided on our behalf

We continued to conduct audits of panel lawyers to assess their compliance with our practice standards, policies and guidelines. We use the outcome of audits to inform reviews of our policies and guidelines. Audit results consistently demonstrate that the vast majority of panel lawyers provide excellent legal aid services to clients. This year we audited 457 panel lawyers, with a particular focus on quality issues.

One area of quality we focused on was the requirement under the Independent Children’s Lawyer Panel Practice Standards for independent children’s lawyers to meet with the children for whom they act in legally aided matters. We asked approximately 65 percent of the independent children’s lawyer panel members to provide documents to show they met with children in matters that were finalised in the 2017 calendar year.

We audited 457 panel lawyers to ensure the quality of the services our clients receive.

Of panel lawyers audited, 85 percent were found to comply with this practice standard requirement. Non-compliant lawyers were reminded that, where a child is capable of verbal expression, it will be appropriate for an independent children’s lawyer to meet with the child except in very limited circumstances. They were also reminded of the availability of resources including the Independent Children’s Lawyer Good Practice Guide and independent children’s lawyer-specific training. We will conduct additional audits of these lawyers in future to ensure improved compliance with these important practice standards.

Other areas we focused on included:

- means verification, specifically for those applicants who did not indicate that they were in receipt of a maximum Centrelink benefit in their application for legal aid
- claims submitted by panel lawyers for the commercial agent or conduct money work items
- complaints made against panel lawyers in legally aided matters, and
- panel lawyers who were non-compliant in previous audits.

Where an audit identifies a breach of our practice standards, service agreement or Legal Aid NSW policies, guidelines or fee scale, a range of sanctions may be considered depending on the seriousness of the non-compliance. This year, we:

- sent warning letters to 189 lawyers
- notified 58 lawyers that further audits will be conducted
- asked 57 lawyers to refund a total of \$28,240 in claims
- referred three lawyers to the Monitoring Committee, and
- referred one lawyer to the Panel Selection Committee.

Year	Lawyers audited	File audits or spot-check audits	Refunds requested
2014–15	116	602	\$11,713
2015–16	503	2,046	\$84,076
2016–17	705	3,448	\$142,770
2017–18	587	2,213	\$163,382
2018–19	457	1,516	\$28,240

Some lawyers failed to cooperate with audit processes

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* (NSW), including removal of the lawyer from panels to which the lawyer is appointed. In 2018–19, two panel lawyers were removed from the panels to which they were appointed because they failed to cooperate with an audit.

Supporting panel lawyers to provide quality legal aid services

We identified five good practice themes from the panel lawyer audits we conducted during 2018, which we shared with panel lawyers. Adopting these good practices enables panel lawyers to confidently meet Legal Aid NSW audit requirements.

We developed an online tool to assist private lawyers in submitting accurate claims to Legal Aid NSW. The tool consists of a list of questions a private lawyer should ask themselves before submitting a claim. Answering these questions helps to ensure that the private lawyer submits an accurate claim each time.

Monitoring breaches of service agreements

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

During 2018–19, we received 60 serious complaints about panel lawyers, down from 66 the previous year. Some complaints related to the personal conduct of panel lawyers, such as inappropriate remarks made to or about a client, or misrepresentations made to courts about Legal Aid NSW, for example, citing a lack of legal aid approval as a reason for seeking an adjournment, in circumstances where approval had been provided or had not been sought.

Legal Aid NSW takes these issues very seriously and they can impact on lawyers’ panel memberships.

The year ahead

- ➔ We will review the Complex Criminal Law Barrister Panel.
- ➔ We will develop a clear and consistent approach to managing and supporting the quality of services provided by private lawyers.
- ➔ We will design a client service strategy for our Grants division.

PROGRAMS

Community legal centres

Legal Aid NSW administers the Community Legal Centre Program for 32 community legal centres in NSW and the state peak body, Community Legal Centres NSW.

Community legal centres 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 NSW Children's Court registries under the auspice of four community legal centres.

In 2018–19, the Community Legal Centre Program Unit at Legal Aid NSW continued to work closely with community legal centres to improve access to justice for disadvantaged and vulnerable people across NSW. Community legal centres funded through the program delivered legal services to more than 35,000 people.

Fact file

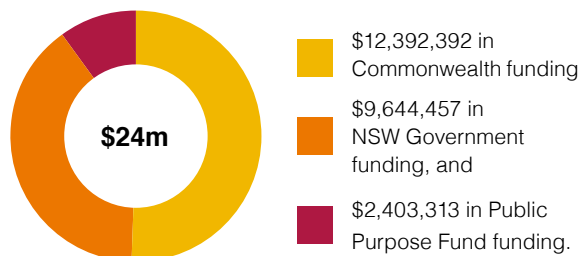
Thirty-two community legal centres funded through the Community Legal Centre Program:

- assisted 35,887 people
- provided 42,537 advice services to clients
- opened 4,829 representation services and closed 4,051 representation services, including 994 services provided for court and tribunal proceedings
- delivered 699 community legal education activities and created 173 resources, and
- made 51,063 referrals.

In all, 97.5% of representation services were directed to financially disadvantaged clients, exceeding the benchmark of 90% set out under the National Partnership Agreement on Legal Assistance Services 2015–2020.

Funding in 2018–19

A total of \$24,440,163 was paid to community legal centres and Community Legal Centres NSW through the program. This included:



The Public Purpose Fund also provides funding directly to community legal centres. More details about funding can be found in Appendix 5.

OBJECTIVE: STRONG PARTNERSHIPS

Acting on the review of NSW community legal centre services

Legal Aid NSW implemented a new application-based process for allocating NSW Government and Public Purpose Fund funding to community legal centres following the NSW Attorney General's record NSW Government funding announcement of more than \$40 million for the sector from 1 July 2019 to 30 June 2022. This included an additional \$5.2 million each year to support community legal centres.

Community legal centres will benefit from a record investment in community justice.

The new process was informed by key recommendations of a review of NSW community legal centre services led by Alan Cameron AO, which aimed to ensure that legal assistance is directed to people most in need, and to improve service delivery by community legal centres. The Attorney General appointed an independent panel to assess applications from 41 organisations and make recommendations about funding allocations. The Attorney General accepted most of the panel's recommendations, but granted some community legal centres additional funding to ensure that from 2019–20, no community legal centre that provided services to vulnerable clients would receive less in combined NSW Government and Public Purpose Fund funding than in 2016–17.

Legal Aid NSW provided secretariat support to the panel and supported the community legal centre sector to participate in the new application-based process. We also worked closely with the peak body, Community Legal Centres NSW, and the Law and Justice Foundation of NSW, to provide information and support to community legal centres through

the application process, including information sessions, a guide to applications developed by Community Legal Centres NSW, and a legal needs analysis developed by the Law and Justice Foundation of NSW.

Improving financial certainty for the sector

Community legal centres are key partners in helping us achieve our goal of improving access to justice. The new three-year funding cycle provides greater financial certainty for the sector and improves community legal centres' ability to plan ahead. This will help thousands of vulnerable people to solve complex legal problems and support critical gaps in services, including to people in remote and rural areas, women experiencing domestic and family violence, seniors, disadvantaged people with health-related legal issues, and migrant workers experiencing exploitation.

A clearer reporting framework

Legal Aid NSW consulted with the sector in developing a new, streamlined framework for community legal centre reporting under their service agreements. The new reporting framework has been adopted and will be subject to continuous review.

Exceeding a key performance benchmark

Community legal centres continued to exceed the National Partnership Agreement on Legal Assistance Services 2015–2020 benchmark for provision of representation services to clients who are defined as financially disadvantaged. In 2018–19, 97.5 percent of representation services delivered by community legal centres were provided to clients experiencing financial disadvantage, exceeding the benchmark of 90 percent.

Higher-quality data about the work of community legal centres

To address ongoing challenges with community legal centre data consistency and reliability, Legal Aid NSW provided funding to the National Association of Community Legal Centres (NACLC) for a project to improve data consistency. NACLC prepared a National Data Consistency Guide and supported community legal centres by providing training, webinars and other resources. This will help to ensure that community legal centres adopt a consistent approach to recording data in the Community Legal Assistance Services System.



The year ahead

- ➔ We will support the community legal centre sector in preparing for the next National Partnership Agreement on Legal Assistance Services.
- ➔ Service visits to community legal centres will support them in their work.
- ➔ We intend to finalise a new service agreement with community legal centres.

Women's Domestic Violence Court Advocacy Program

Legal Aid NSW administers NSW Government funding for 29 Women's Domestic Violence Court Advocacy Services and their peak body, the Women's Domestic Violence Court Advocacy Service NSW Inc, through the Women's Domestic Violence Court Advocacy Program.

Women's Domestic Violence Court Advocacy Services (WDVCASs) cover 117 NSW Local Courts and every police area across NSW. They provide information, advocacy, safety planning and referrals to women experiencing domestic violence and their children. The services also play a key role in the Safer Pathway program, including by providing support for Safety Action Meetings across the state. Safety Action Meetings are interagency meetings in local areas that aim to assist victims at serious threat of injury or death due to domestic and family violence.

The number of women supported annually by Women's Domestic Violence Court Advocacy Services has more than doubled in five years.

The Women's Domestic Violence Court Advocacy Program (WDVCAP) is responsible for coordinating the social support services component of the Family Advocacy and Support Service (FASS) that operates in four family law court registries. WDVCASs in Sydney, Parramatta, Wollongong and Newcastle provide social support for women through the FASS, while Relationships Australia provides social support for men through the FASS.

** In August 2019, the Women's Domestic Violence Court Advocacy Service NSW Inc became Women's Safety NSW. In this report, we refer to it as it was known during the reporting year.*

Fact file

- A 9.0% increase in the number of clients supported compared with the previous year
- A 20.5% increase in the number of service events provided from the previous year
- 12.8% of WDVCAS clients identified as being Aboriginal or Torres Strait Islander
- 18.5% of WDVCAS clients identified as being from culturally diverse backgrounds
- 8% of WDVCAS clients identified as having a disability

Funding in 2018–19

In 2018–19, \$28,262,777 was paid in grants through the Women's Domestic Violence Court Advocacy Program (WDVCAP) to incorporated, not-for-profit, non-government

service providers under a funding agreement with Legal Aid NSW. These services host WDVCSs in 29 locations across the state.

This amount included \$15,407,768 to support a statewide network of 48 Local Coordination Points. Local Coordination Points are hosted by WDVCSs as part of Safer Pathway, a NSW Government initiative to reduce domestic and family violence and provide support to victims.

For further details regarding WDVCS funding, see Appendix 4.

Number of women supported by WDVCSs

2014–15	22,275
2015–16	39,434
2016–17	43,006
2017–18	43,947
2018–19	47,902

OBJECTIVE: MEETING CLIENTS' NEEDS

Supporting consistent, quality services for women in NSW

An independent evaluation of the WDVCS, finalised in July 2018, found that the program's management model was achieving excellent results. The evaluation found that the Legal Aid NSW approach to reporting, training, mentoring, communication and resources was central to the program's success, and also to the consistent, quality service delivery provided by WDVCSs across NSW.

More than 90 percent of the 47 clients who participated in the evaluation stated that they felt safer after engaging with a WDVCS.

More support for people affected by domestic and family violence

In 2018–19, WDVCSs supported 47,902 clients across the state, a 9.0 percent increase from the previous year. 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 ranging from family law, debt, immigration, victims' compensation and tenancy.

Safety Action Meetings held at 48 Safer Pathway sites provided a targeted, multi-agency response to those affected by domestic and family violence who are assessed as being at serious risk of injury or death. In 2018–19 there were 1,194 Safety Action Meetings held. Of the referrals to Safety Action Meetings in 2018–19, 90.7 percent were for women and 9.3 percent for men.

OBJECTIVE: STRONG PARTNERSHIPS

Putting NSW on a Safer Pathway

This year, the WDVCS, in cooperation with our partners including the NSW Police Force, Victims Services NSW and WDVCSs around the state, finalised the rollout of the NSW Government's Safer Pathway initiative.

Safer Pathway represents a fundamental shift in the way government agencies and non-government organisations support victims' safety in NSW. Through Safer Pathway, the right services are provided to victims when they need them, in a coordinated way. Local Coordination Points, which are hosted by WDVCSs, receive referrals from police, government agencies and non-government sources about people experiencing domestic and family violence in their local area. They then conduct risk assessments and provide victims with case coordination and support.

We worked alongside our partners to finalise the Safer Pathway rollout across NSW.

The final five Safer Pathway sites came into operation in November 2018, bringing the total number of Safer Pathway sites across the state to 48. The most recent sites are Central Sydney, Fairfield, North Sydney, Parkes, and an expansion of the Parramatta site to include Auburn.

An independent evaluation of Safer Pathway released in February 2019 found that a comprehensive training program implemented by the WDVCS Unit had been positively received by Local Coordination Point workers and Safety Action Meeting members, who have requested ongoing annual training.

Culturally safe services for Aboriginal clients

In April 2019, the WDVCS Unit began providing Aboriginal cultural competency training to WDVCS workers and their service providers. The highly-evaluated training program addresses differing social and world views, how these differences may affect Aboriginal people in education, justice and other systems, the impact of forced assimilation and separation of families on individuals and communities, and how to identify trauma-related behaviours.

The training supports WDVCS workers and service providers to provide trauma-informed and culturally safe services to Aboriginal clients and their communities.

The year ahead

- We will progress the recommendations of the independent evaluation of the WDVCS.
- We will provide ongoing support for Safer Pathway sites in partnership with the NSW Police Force and Victims Services.

REGIONAL PARTNERSHIPS

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

The Legal Aid NSW Collaborative Legal Service Delivery Unit manages the Cooperative Legal Service Delivery (CLSD) Program and the Regional Outreach Clinic Program (ROCP).

Fact file

- 48 CLSD Program regional partnership meetings including two planning workshops
- 72 CLSD Program projects commenced or completed
- 46% of CLSD projects were targeted towards Aboriginal people
- 1,076 advice services delivered in 12 locations through the ROCP
- Advice delivered under the ROCP increased by 110.6% compared to 2017–18

OBJECTIVE: MEETING CLIENTS' NEEDS

Increasing access to justice for clients in regional NSW

Under the ROCP, Legal Aid NSW funds private and community legal centre lawyers to provide legal advice to communities that have limited access to legal assistance 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 grants of legal aid for representation in regional NSW. ROCP clinics operate from community services such as local neighbourhood centres, courts and public libraries.

This year, 1,076 legal advice services were delivered through ROCP clinics, up from 511 legal advice services delivered in 2017–18.

The ROCP was reviewed this year to ensure that services are targeted and that ROCP lawyers received appropriate support. Each year, ROCP solicitors attend training sessions on new and emerging areas of law provided by our in-house experts.

OBJECTIVE: STRONG PARTNERSHIPS

Local community partnerships help us understand local needs

The CLSD Program supports 12 partnerships across regional and remote NSW to meet the needs of vulnerable and disadvantaged people, improve coordination of legal services and extend regional capacity through cooperation.

Typically, CLSD Program partnerships include representatives from Legal Aid NSW, community legal centres, the Aboriginal Legal Service (NSW/ACT), courts and community service providers, as well as private lawyers.

CLSD partners work together to develop projects and strategies to assist disadvantaged people with complex legal and related needs and low legal capability. Each CLSD Program partnership determines service priorities by drawing on local data and demographics as well as the knowledge of partners.

This year, Legal Aid NSW worked with the Aboriginal Legal Service (NSW/ACT) to address the low rate of diversion of young people under the *Young Offenders Act 1997* (NSW) in some regions. The Moree partnership has begun work with a number of local partners, including the NSW Police Force, to develop regional strategies to increase access to diversion. The Central West partnership has worked with partners to raise awareness about the need for drug and rehabilitation services in Dubbo and the expansion of the Youth Koori Court to the region.

The CLSD Program also funds collaborative projects. This year, funded projects included:

- the development of Sorry Business, a culturally relevant resource for Aboriginal people providing information about what needs to be done when someone dies
- embedding a lawyer from the Elizabeth Evatt Community Legal Centre at Lithgow High School one day a week to provide advice, casework and community legal education for students
- community legal education for older people in the Hunter region, and
- a community legal education project aimed at helping older people safeguard their finances, in a collaboration involving Legal Aid NSW, the Seniors Rights Service, Centrelink and NSW Fair Trading in Batemans Bay, Narooma, Bega and Eden.

Cooperative Legal Service Delivery Program regions



How to stick to your order: a pocket-sized guide

The rate of breach of apprehended domestic violence orders in Albury is almost twice the state average. Local service providers were concerned that many people who have an apprehended domestic violence order made against them leave court without a good understanding of what the order means and how to comply with it.

This pocket-sized guide includes information about apprehended domestic violence orders, tips for complying with different types of orders, and local and statewide services available for people who are subject to an apprehended domestic violence order. The content of the pocket guide was developed locally by CLSD Program partners in Albury including the Hume Riverina Community Legal Service, the Albury Local Court and the Murray River Police District.



The year ahead

- ➔ We will support partnerships to pursue key systemic issues, including the high rate of breaches of apprehended domestic violence orders in some regional areas.
- ➔ We will seek to ensure that ROCP clinics are located in areas of highest need and are hosted by appropriate organisations.

JUSTICE FORUMS

Legal Aid NSW is a member of state and national forums that work collectively to build a fairer justice system and break down barriers to accessing legal services.

OBJECTIVE: STRONG PARTNERSHIPS

National Legal Aid: legal aid commissions speak with one voice

National Legal Aid 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.

National Legal Aid comprises the CEOs and directors of the eight legal aid commissions in each of the states and territories in Australia. It 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.

National Legal Aid met three times in 2018–19 to discuss issues of national strategic importance.

National Legal Aid initiatives during 2018–19 included:

- extending the Family Advocacy and Support Service (FASS) to include dedicated men's support workers in all FASS locations, providing appropriate support services including parenting programs and behavioural change programs for both alleged perpetrators and male victims of family violence
- a proposal to establish a National Legal Advisory Service to support people with disability, their families and advocates to share their experiences with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- a new national website, Family Violence Law Help, to empower victims of domestic and family violence (see page 29)
- the development of a proposal to establish a Veterans' National Legal Service and a Veterans' National Legal Helpline as recommended by the Cornall report (see page 41)
- trialling lawyer-assisted mediation for family law property matters over two years, and
- developing the Commonwealth Family Violence and Cross-Examination of Parties Scheme (see page 38).

National Legal Aid also provided submissions to the Australian Government and to the Australian Law Reform Commission on:

- draft terms of reference for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- a Department of Social Services review of the coordination and funding of financial counselling services across Australia
- a better family law system to support and protect those affected by family violence and legislation relating to bans on personal cross-examination in certain family law proceedings
- the Commonwealth Attorney-General's Department's reviews of the Indigenous Legal Assistance Program and the National Partnership Agreement on Legal Assistance Services 2015–2020, and
- the Law Council of Australia's review of the Australian Solicitors' Conduct Rules.

Legal Aid NSW CEO Brendan Thomas was appointed Chair of National Legal Aid in March 2019 for one year. Legal aid commission directors rotate through the position of Chair of National Legal Aid and act as its primary spokesperson during their terms.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

NSW Legal Assistance Forum: cross-sector collaboration promotes access to justice

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

This year the NSW Legal Assistance Forum established a working group to develop a more comprehensive approach to collaborative service-planning in NSW that focuses on the delivery of legal assistance to priority clients and ensures services are provided in areas of greatest need. Legal Aid NSW chairs the working group and is providing secretariat support for the project. The working group meets monthly and includes representatives from the Aboriginal Legal Service (NSW/ACT), the Law and Justice Foundation of NSW and the NSW Department of Justice. During 2018–19, the working group developed agreed regional catchment areas for legal service-planning across NSW. Its next focus will be finalising catchment areas for metropolitan Sydney.

A working group was also established to address the over-representation of Aboriginal people in adult prisons in NSW. The Aboriginal incarceration working group is exploring options to address concerns that a significant number of Aboriginal people are being refused bail for breaches of bail conditions such as curfews or residence

restrictions, even though they do not ultimately receive a custodial sentence. This means that many Aboriginal people are in custody for breaches of bail conditions, even where they would be unlikely to face a prison sentence for the offence for which they were on bail.

The NSW Legal Assistance Forum fines and traffic law working group and its prisoners forum jointly established a prisoners and identification documents sub-committee, with the aim of identifying and resolving issues that prevent prisoners leaving custody without a suitable identification document.

Legal Aid NSW CEO Brendan Thomas was chair of the NSW Legal Assistance Forum during this year.

NSW Legal Assistance Forum members in 2018–19

- | | |
|---|---|
| <ul style="list-style-type: none"> • Aboriginal Legal Service (NSW/ACT) • Community Legal Centres NSW • NSW Department of Justice • Justice Connect • LawAccess NSW • Law and Justice Foundation of NSW | <ul style="list-style-type: none"> • Law Society of NSW • Legal Aid NSW • Legal Information Access Centre • NSW Bar Association • NSW Family Violence Prevention Legal Services • Public Interest Advocacy Centre |
|---|---|



The year ahead

- ➔ We will pilot enhanced collaborative service-planning in four regional catchment areas. The pilots will be led by Cooperative Legal Service Delivery Program regional coordinators and are an initiative of the NSW Legal Assistance Forum working group on collaborative service-planning.
- ➔ We will contribute to negotiating the terms of the next National Partnership Agreement through National Legal Aid.
- ➔ We will play a key role in establishing and coordinating a new National Legal Advisory Service for people participating in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

ABORIGINAL COMMUNITY PARTNERSHIPS

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

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 joint Statement of Commitment, which sets out our roles and responsibilities.

This year, we increased our regular communication with the ALS through the establishment of quarterly liaison meetings between practice executives.

OBJECTIVE: STRONG PARTNERSHIPS

Turning young Aboriginal lives around

In February 2019, a second Youth Koori Court opened at Surry Hills Children's Court. The success of this innovative

court depends on wider collaboration between all parts of the legal and justice fraternity and respected Elders in the Aboriginal community.

Since the opening of the first Youth Koori Court in Parramatta, Legal Aid NSW has partnered with the ALS to provide legal and social support to young Aboriginal people who come before the court. Typically, these young people have complex needs and multiple civil law issues which, if left unresolved, could affect their path to rehabilitation and contribute to further offending.

Cultural competency sessions help lawyers deliver culturally safe services

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 ALS 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. This year we continued implementing our locally-oriented Aboriginal cultural awareness program in regional areas including Coffs Harbour and Wagga Wagga.

We also provided comprehensive training on legal issues affecting the representation of Aboriginal people to colleagues from across the legal profession at the 2018 Legal Aid NSW Criminal Law Conference. This training helps ensure that Legal Aid NSW and our partners are delivering high-quality and culturally responsive legal representation services to Aboriginal people across the state.

Funding to deliver justice reforms to Aboriginal people

Legal Aid NSW provided funding for the ALS to employ six additional lawyers and three administrative support staff to support the delivery of high-quality, culturally appropriate legal services to Aboriginal people in matters under the 2018 early appropriate guilty pleas reform. This reform was designed to encourage more criminal cases to be resolved earlier in proceedings, and to reduce court time for those matters that do proceed to trial. Legal Aid NSW also provided funding to ALS to brief barristers to appear in serious criminal matters pursuant to the reform.

Legal Aid NSW provided funding to the ALS to employ a dedicated lawyer to deliver legal services to Aboriginal people in applications made under the Driver Disqualification Scheme. Under recent amendments to the *Road Transport Act 2013* (NSW), disqualified drivers may apply to the local court for an order removing current driver disqualifications. Aboriginal people have been shown to be disproportionately affected by driver disqualification.

Marking a decade of mutual commitment with the ALS

Legal Aid NSW and the ALS first entered into a Statement of Cooperation in 2008. Under a memorandum of understanding between our organisations, we strive to work together in true partnership to deliver high-quality, culturally appropriate and coordinated services to Aboriginal people and communities in NSW. The memorandum outlines our responsibilities in achieving this and acknowledges the unique position of the ALS as an Aboriginal community-managed organisation.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

Diverting young people from our criminal justice system

We worked with the ALS and the NSW Police Force to identify reasons for the low use of youth diversionary measures, which aim to steer young offenders away from our criminal courts and reduce the risk of re-offending, and set targets to increase diversion from the criminal justice system. Our youth diversion project has an initial focus on diversion rates and the outcomes of matters that do go to court in Mount Druitt, in western Sydney.



The year ahead

- ➔ We will continue to deliver Aboriginal cultural competency and service delivery training at practice-specific conferences and in regional NSW.
- ➔ We will maintain and establish strategic partnerships with Aboriginal community non-government organisations to ensure we meet the legal representation needs of Aboriginal communities across the state.



▲ Paulette Whitton from Kinchela Boys Home Aboriginal Corporation and Legal Aid NSW Civil Law Service for Aboriginal Communities lawyer Merinda Dutton at the 2018 Civil Law Conference

4

Managing our organisation

We are best placed to meet the needs of our clients when our workforce is highly capable and adequately resourced.



In this section

- 68 Supporting our staff to provide outstanding customer service
- 70 Programs aim to keep staff healthy and safe at work
- 71 Workforce diversity and equity
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- 74 Professional and personal achievements
- 75 An efficient and capable Legal Aid NSW
- 76 Information technology
- 78 Environmental responsibility

Women's Domestic Violence Court Advocacy Program Manager Michelle Jones and Project Officer Sidnei Pettitt, Planning and Review Manager Chelly Milliken, barrister Kate Eastman SC, Legal Aid NSW CEO Brendan Thomas and Planning and Review Senior Project Officer Amelia Jenner celebrate International Women's Day



Key achievements

- ★ Staff rated our performance highly in a major survey of government employees.
- ★ We laid the foundations for more efficient, consistent work practices.
- ★ We implemented a new system that automated human resources processes and improved our management reporting and operational efficiency.
- ★ We drew on insights from our service data to help us monitor and plan our work.
- ★ We ran three pilots to help us increase workforce flexibility.



The year ahead

- ➔ We will streamline and modernise our administrative functions.
- ➔ We will complete the rollout of our Client and Case Management System.
- ➔ We will implement our strategy to attract more Aboriginal staff and support their career development.



Key challenge

- ▶ We will support our staff through organisational change.

SUPPORTING OUR STAFF TO PROVIDE OUTSTANDING CUSTOMER SERVICE

We continued to invest in our people, acknowledging that staff work in a challenging context and need to be highly skilled and well supported to deliver the best results for clients and for our community.

Fact file

- 1,326 staff statewide
- 666 based in our Central Sydney office and 660 staff based in other offices around Sydney and NSW
- 673 lawyers and 653 administrative and corporate services staff
- 68 Aboriginal staff
- 327 men and 999 women
- 63 lawyers whose expertise is acknowledged through specialist accreditation

Staff numbers over five years

Year	Full-time equivalent* staff as at the end of financial year	Actual staff as at the end of financial year
2014–15	945.85	1,046
2015–16	1,028.95	1,116
2016–17	1,058.79	1,163
2017–18	1,098.94	1,203
2018–19	1,178.48	1,326

* Under the Government Sector Employment Act 2013 (NSW)

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

People Matter Employee Survey 2018 – listening to our staff and responding

The NSW People Matter Employee Survey was open to all employees across the NSW Government sector during June 2018. The survey represents a regular, important opportunity for our staff to have a say about their workplace and to help make Legal Aid NSW a better place to work.

The results show that our staff rate our performance highly. In every key area measured in the survey – engagement with work, senior managers, communication, high performance, public sector values, diversity and inclusion, flexible working satisfaction and action on results – we outperformed the public sector average, and importantly, we experienced year-on-year improvements across the board. This is a testament to the seriousness with which we take staff views and our commitment to continuous improvement.

Our employee engagement score was 75 percent, which was an increase on our 2017 score of 73 percent and the sector-wide score of 65 percent.

Survey response rates among Legal Aid NSW staff rose considerably this year, from 52 percent in 2017–18 to 84 percent. We returned an overall employee engagement score of 75 percent, up from 73 percent the previous year. The employee engagement score for the public sector as a whole was 65 percent.

The survey results showed us that we needed to take steps to increase staff confidence in recruitment, management of grievances and the way we inform staff about organisational changes. We heard and responded to staff views in these key areas.

Following consultation with staff through focus groups and workshops, we made changes to increase consistency, transparency and fairness in recruitment. We introduced assessment centres for bulk recruitment actions and began automating processes relating to our talent pool and new staff, and expanded our recruitment team to deliver improved recruitment advice and support.

We implemented a number of initiatives to improve our communication about organisational changes, including biannual CEO visits to all offices. We also held planning workshops in each of our offices around metropolitan Sydney and regional NSW to tailor action plans to local needs.

Shaping a more flexible workforce

Between March and June 2019, we ran a flexible work pilot in our Grants division, in our Newcastle offices, and in our Civil Law Service for Aboriginal Communities to support our staff to work in ways that help our staff balance their personal and professional responsibilities, while maintaining or improving service delivery.

The pilot incorporated a range of flexible work practices, from condensed hours, to remote working and altered core hours. Two of the pilots were 'team-led', while the third was

'manager-led'. With project-specific funding from the NSW Public Service Commission, external consultants reviewed the three pilots to provide Legal Aid NSW with insights we will draw on as we prepare as to make all roles in our organisation more flexible.

Transforming administrative functions across our organisation

We completed a detailed process review of administrative functions. This foundational piece of work will help us streamline work practices throughout Legal Aid NSW. The review was supported by the implementation of trials designed to support administrative staff facing high volumes of work and showcase new ways of working.

By making our business processes more consistent, we can deliver more efficient, consistent services for clients and support the wellbeing of our staff. Through this review, we examined in detail what administrative staff do and how they do it, and identified areas for improvement.

We established a Best Practice Working Group to develop solutions to those issues identified. The Best Practice Working Group includes administrative staff from across our organisation who workshop, develop and implement best practice solutions, with an emphasis on processes that make better use of information technology, and are aligned to platforms including our new Client and Case Management System.

Encouraging a 'speak-up' culture

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.

We increased our investment in this important area of our work with the appointment of an ongoing manager with responsibility for industrial relations and workplace standards, and of an industrial relations and investigation officer.

We received 40 workplace complaints about alleged misconduct, which was consistent with the previous year. A lack of respect and bullying continue to be the most common allegations raised, accounting for 27 percent and 23 percent respectively of complaints received.

Following a process of assessment and enquiry, most complaints (82 percent) were able to be resolved informally, or were determined not to involve misconduct. The remaining 18 percent were subject to formal investigation, down from 40 percent in 2017–18.

As a consequence of substantiated findings of serious misconduct in 2018–19, three ongoing employees had their employment terminated. One temporary employee had their employment contract terminated early due to unsatisfactory performance.

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

Consulting and collaborating with staff on major changes

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

- our Peak Consultative Committee, which is composed of the CEO, representatives of People and Organisational Development and the Public Service Association, and met every two months
- the Human Resources Sub-Committee, which is composed of the Director of People and Organisational Development and representatives of the Public Service Association, and met every two months, and
- our Equity and Diversity Committee, which is chaired by the CEO, and met quarterly.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

Using data to manage our organisation

Increasingly, we draw on insights from our service data to help us monitor and plan where and how we work. This year:

- We used quarterly performance scorecards to monitor performance across all parts of our organisation and keep us on track in 26 key areas of performance.
- We developed office-level scorecards that will help us compare activity across our regional offices.
- Monthly service reports across our practice areas helped us identify operational trends.
- We developed a new demand forecasting model to predict the future cost of delivering our services. See page 16.



The year ahead

- ➔ We will review and learn from our flexible work pilots as we prepare to make all roles in our organisation more flexible.

PROGRAMS AIM TO KEEP STAFF HEALTHY AND SAFE AT WORK

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Supporting our staff to stay safe and be well

We are committed to the wellbeing of our staff. In early 2019 we launched our new work, health and safety management initiative, Being Well, to support our long-term vision of a healthy workplace that supports staff.

Being Well represents a substantial investment in workplace wellbeing across Legal Aid NSW and has four key components.

- *Health and safety:* We create sustainable practices that support a physically safe work environment.
- *Wellbeing:* We recognise the need to create a physically and mentally healthy workplace.
- *Flexibility:* We rethink where, when and how work should be done in a way that maintains or improves service delivery.
- *engAge:* We engage and connect with late-career employees in the workplace and after retirement.

Other key health, safety and wellbeing achievements for 2018–19 included:

- developing a Workforce Management Practices program to identify reasonably foreseeable risks
- increasing the frequency of office inspections to twice-annually
- promoting a positive and proactive approach to mental health through our employee assistance provider (EAP), Benestar – Legal Aid NSW staff have taken advantage of the EAP program at twice the rate of the broader NSW Government sector
- promoting our Fitness Passport program – almost 400 Legal Aid NSW staff now use this service to stay fit
- providing reasonable workplace adjustments to 149 employees
- coordinating support for 44 employees with non-work-related health matters
- reviewing the Legal Aid NSW policy on the allocation and viewing of disturbing material, and
- reviewing the Legal Aid NSW work, health and safety consultation policy.

Addressing the potential for harm through training

Through a series of workshops with lawyers and support staff, we identified risks to staff wellbeing, and engaged specialists to deliver training aimed at minimising those risks.

We developed, and asked all frontline staff to participate in, training in:

- suicide prevention and unreasonable client conduct, and

- working with clients affected by drugs, alcohol or mental health issues.

We also identified that staff could benefit from additional, optional training in ways to manage vicarious trauma, becoming an 'accidental counsellor', and managing mental health in the legal sector. We identified that managers could benefit from specific training in debriefing.

The first round of mandatory training has been delivered and we are committed to training staff in relation to client interactions in 2019–20.

Mental health first aiders support colleagues across our organisation

We established a mental health peer support program, training 26 mental health first-aid officers to provide informal initial support to employees in the workplace and connect them to formal support. We will continue to roll out this initiative in 2019–20.

Helping staff prepare for retirement

The engAge program, which helps late-career employees prepare for retirement, continues to be adopted by staff. We have engaged RiseSmart, a Randstad company, to facilitate workshops to identify the needs of employees in this stage of their careers and connect them to appropriate support. As flexible work practices are rolled out across the organisation, the engAge program will help staff make more informed decisions about how they work for the remainder of their time with Legal Aid NSW.

Workers compensation claims and associated costs

Nine workers compensation claims were accepted in 2018–19. The total net incurred cost of these claims was \$225,046.

- 84% of accepted claims related to physical injuries, accounting for 27% of claim costs, and
- 16% of accepted claims related to psychological injuries, accounting for 73% of claim costs.

Workers compensation claims accepted, 2016 to 2019

Type of claim	Claims for 2016–17	Claims for 2017–18	Claims for 2018–19
Workplace	8	11	8
On duty (for example, at court)	2	1	1
Recess (authorised break)	0	1	0
Journey	0	0	0
Total claims accepted	10	13	9

Work-related illness or injury notifications, 2016 to 2019

Type of injury or incident	Reports for 2016–17	Reports for 2017–18	Reports for 2018–19
Workplace	13	19	8
On duty (for example, at court)	2	4	10
Recess (authorised break)	1	2	0
Journey	2	6	1
Total	18	31	19



The year ahead

- ➔ We will consult with staff to identify psychological risks that may arise from areas of their work that are not related to client interactions, and will develop training to address the identified risks for these staff.
- ➔ Being Well will be expanded to include a fifth component, Recover at Work, a holistic safety, health, wellbeing and injury management model.

WORKFORCE DIVERSITY AND EQUITY

Of 1,326 staff, 227 told us that they were from a multicultural background and 73 told us that they had a disability.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Recognition as a disability-confident recruiter

Legal Aid NSW achieved Disability Confident Recruitment status. This is an accreditation that is awarded to leading Australian organisations who understand the benefits of a diverse workforce and are committed to ensuring their recruitment and selection processes are accessible to people with disability. Under our Diversity and Inclusion Plan 2018–19, we aim to lift the proportion of employees identified as having disability to eight percent by December 2019. This year the proportion of staff with disability was 5.5 percent.

Specific adjustments have been made to our recruitment process to ensure our accreditation as a Disability Confident Recruiter. These include:

- web content accessibility for people with disability
- encouragement of candidates with disability to apply
- reasonable adjustments to application, interview and assessment processes
- preferred method of communication
- access to premises
- non-discriminatory assessment processes, and
- expanding on job boards posted on Toozy.

Women in the legal profession – equitable briefing

Legal Aid NSW has adopted the Law Council of Australia's National Model Gender Equitable Briefing Policy, under which we aim to brief women in at least 30 percent of all matters and pay 30 percent of the value of all brief fees to women by 2020. In 2018–19, the proportion of Legal Aid NSW files with female barristers was 38 percent.

Legal Aid NSW is also a member of the Law Society of 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 legal profession.

In 2019 we facilitated the Crime Women's Mentoring Program,

in which criminal solicitors were matched with barrister mentors to support and encourage their career progression.

Supporting our Aboriginal and Torres Strait Islander staff

We developed an ambitious employment strategy under which we aim to lift the proportion of Aboriginal and Torres Strait Islander employees at Legal Aid NSW to 11 percent.

Working towards this target will help us ensure our workforce better reflects the communities we serve. This year, 15.7 percent of our clients identified as Aboriginal. Among criminal law clients, this rose to 16.2 percent.

Under the Legal Aid NSW Aboriginal Employment and Career Development Strategy 2018–2023, Aboriginal and Torres Strait Islander employees will be strategically placed throughout the organisation and in areas with high Aboriginal populations and legal needs. The strategy also aims to increase mentoring opportunities, provide additional support and guidance for hiring managers and ensure recruitment processes are culturally appropriate.

The strategy document incorporates a work from Brungle artist Luke Penrith, entitled *Lore and Law*. Mr Penrith traces his ancestry through the Wiradjuri, Wotjobaluk, Yuin and Gumbaynggirr nations. His work explores how dual systems of lore and law continue to govern the lives of many Aboriginal people, the vital role that Aboriginal Elders play within their communities, the journeys that Aboriginal people take as they make their way through our justice system, and the Aboriginal legal professionals who support them along the way.



▲ *Lore and Law* – an artwork from Brungle artist Luke Penrith

We had previously committed to lift the proportion of Aboriginal and Torres Strait Islander employees at Legal Aid NSW to 6 percent. We met this target in 2017–18 and maintained it in 2018–19.



The year ahead

- ➔ We will seek to lift the proportion of Aboriginal and Torres Strait Islander staff in our organisation to 11 percent.
- ➔ We will seek to lift the proportion of employees identified as having disability to 8 percent.

LEARNING AND DEVELOPMENT

Fact file

- 3,243 people registered for Legal Aid NSW conferences and seminars
- 2,141 people attended Legal Aid NSW training courses and workshops
- 82 distinct courses and workshops conducted for staff

OBJECTIVE: STRONG PARTNERSHIPS

Conferences among the premier events on the legal professional development calendar

We present regular conferences in the areas of criminal

law, civil law, family law and care and protection law. Our conferences support the professional development of our staff and the wider justice sector. They attract high-calibre speakers including judges and leading experts in their fields, and frequently sell out in advance.

- Our annual care and protection conference was held in August 2018. With around 400 attendees, it was the largest professional development event for people working in child protection law.
- Our annual in-house family law conference was held in August 2018 and attended by 188 staff.
- Our annual criminal law conference was attended by 573 participants over three days in August 2018. Speakers included NSW Supreme Court Justices Lucy McCallum and Geoffrey Bellew SC, Chief Judge of the District Court Derek Price AM, and a range of eminent counsel and

criminal justice experts.

- Our annual civil law forum was held in March 2019. This year's forum included addresses from Australian Council of Social Service CEO Cassandra Goldie and staff from across our civil law practice.
- The NSW Child Representation Conference, a collaboration between Legal Aid NSW and Legal Aid ACT, was held in March 2019 and attended by 255 legal practitioners, social scientists, mediators and other professionals, as well as judicial officers from the family, children's and local courts from across Australia.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Building skills for tomorrow's leaders

The first round of graduates of our flagship leadership program, LEAD, came together in 2018 to celebrate their successful completion of the program. LEAD provides a supportive environment for aspiring managers to discuss and draw practical learning from theory, research and case studies, to better inform their practice and improve service delivery. At the core of the program design is a genuine commitment to create future leaders who are better equipped to manage complex issues, lead by example and empower others. The LEAD program follows on from the highly successful New Leaders Program which ran from 2015 to 2017.

In March 2019, 24 new participants began the LEAD program, with a further 18 due to join the program in mid-2019.

Identification of talent and succession planning

Our senior leadership endorsed a new approach for identifying, developing and mobilising talent in Legal Aid NSW to mitigate succession risks. Under the new approach, career conversations will identify those staff performing highly across three talent indicators: consistent performance, potential to progress to complex and challenging positions, and individual aspiration to do so.

Members of the Legal Aid NSW executive introduced quarterly talent review discussions to consider critical roles in our organisation, identify new talent, and align people to new opportunities.

Expanding our solicitor in charge orientation program

Our orientation program for new solicitors in charge, first piloted in early 2018, continued this year and was expanded to include all new managers. Between August 2018 and April 2019, 26 staff participated in the two-day course. Following positive feedback and evaluation, the orientation will be reviewed and adapted to further reflect the internal and external knowledge needs of managers. The program provides an overview of key stakeholders, policies, processes, systems and tools to support managers in leading and managing their teams and the day-to-day resources and activities of their office.

Establishment of the Organisational Learning and Development Roundtable

The inaugural meeting of the Organisational Learning and Development Roundtable occurred in December 2018, with members representing a cross-section of Legal Aid NSW staff. The bi-monthly roundtable meetings offer a forum for organisation-wide collaboration and overview in the area of learning and organisational development. The roundtable is responsible for advising on organisational priorities and best practice related to the ongoing professional learning and development of Legal Aid NSW staff, and making recommendations in relation to proposed and existing learning and development initiatives.

Specialist networks increased staff capacity

We delivered more than 30,000 legal advice services in 2018–19 in the area of family law. This year, the Family Law Advice Specialist Network was established, with representatives from offices and specialist services across Legal Aid NSW. The network aims to facilitate referrals, help staff share information about services, and support lawyers providing advice services. It has been modelled on the successful Family Violence Specialist Network, through which staff share information about supporting clients affected by family and domestic violence.

Building the capacity of in-house civil lawyers

Our civil law practice maintains more than 15 communities of practice in key areas such as housing, social security, health justice and domestic violence. Communities of practice share expertise among peers, foster professional development and support staff to address systemic legal issues through their work.

A new community of practice was established in September 2018 to focus on fines. Members of the fines community of practice shared information, collaborated on reform initiatives and gathered case reports relating to fines, driver disqualification, and work and development orders. A training event held in March 2019 focused on issues relating to fines and how they affect young people, and ways to deliver engaging community legal education to young people.

We continued to deliver our Civil Law Legal Excellence Program in partnership with the Law Society of NSW. The program supports civil lawyers to develop a suite of technical legal skills, through education modules that are delivered by experienced civil lawyers and experts from Legal Aid NSW and beyond.



The year ahead

- ➔ We will plan events that support the professional development of our staff, private lawyers and the broader justice sector.

PROFESSIONAL AND PERSONAL ACHIEVEMENTS

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Specialist expertise

There are 63 lawyers working for Legal Aid NSW who are accredited specialists. Three of our civil lawyers have specialist accreditation, 20 of our family lawyers have specialist accreditation and 40 of our criminal lawyers have specialist accreditation.

Significant appointments

Three Legal Aid NSW lawyers – Georgina Darcy, Fiona McCarron and Ian Rodgers – were appointed NSW Local Court magistrates.

Georgina Darcy was Deputy Director, Criminal Law at the time of her appointment to the bench. Ms Darcy was sworn in as a magistrate on 26 November 2018. She worked at Legal Aid NSW for over 13 years in a range of roles, including Solicitor in Charge of the Legal Aid NSW Parramatta Justice Precinct office.

Fiona McCarron was sworn in as a magistrate on 25 February 2019. She joined Legal Aid NSW in 2002 and spent time at the Parramatta office before moving to Central Sydney, Inner City Local Courts, where she was a senior solicitor and played a significant role in mentoring staff in a busy metropolitan duty practice. Before joining Legal Aid NSW, she spent two years in the District Court as an associate to her Honour Judge Robyn Tupman.

Ian Rodgers was sworn in as a magistrate on 25 February 2019. He has been a criminal lawyer for almost 20 years, and has also worked for the Aboriginal Legal Service (NSW/ACT). At the time of his appointment, he was Legal Aid NSW Newcastle Solicitor in Charge. He was previously an associate to former District Court judge William Knight.

Brenda Staggs was appointed an Ombudsman of the Australian Financial Complaints Authority. Ms Staggs joined Legal Aid NSW in 2015 and most recently led our disaster response work, helping clients affected by natural disasters including the 2015 Hunter Valley floods, the 2017 northern NSW floods following ex-Tropical Cyclone Debbie, and the 2018 Tathra bushfires.

David Coorey was appointed an Ombudsman of the Australian Financial Complaints Authority. Mr Coorey spent

16 years as a Legal Aid NSW lawyer, specialising in financial services litigation, policy and advice work. He led our consumer law work for some years and worked to develop staff excellence in resolving financial services disputes through external dispute resolution processes.

Family lawyer Simon Handebo was appointed a Registrar of the Children's Court of NSW.

Civil lawyer Jean-Anne Searson was appointed to the NSW Civil and Administrative Tribunal Consumer and Commercial Division as a part-time tribunal member.

Outstanding staff achievements

Family lawyer Anne Connor OAM was awarded a Medal of the Order of Australia for service to the law in the Australia Day 2019 honours. Ms Connor is an experienced litigator and independent children's lawyer who has served Legal Aid NSW for a combined period of three decades.

Client and Case Management System Director Susannah O'Reilly, and Deputy Director of Criminal Law Rob Hoyles, were each awarded an Executive Master in Public Administration through the Australia and New Zealand School of Government.

Civil lawyer Dana Beiglari was awarded the Ascham Leadership Scholarship 2018. She researched initiatives in the United States and the United Kingdom that aim to increase financial inclusion in disadvantaged communities and has since written a series of articles with a view to supporting best practice in Australia, with a focus on strategies to divert people from high-interest short-term loans.

Civil lawyer Jackie Finlay was recognised as highly commended by the presenters of the Michelle Crowther PSM Excellence in Government Legal Service Award for her contributions to social justice and her expertise in the area of federal administrative law.

Family Law Director Kylie Beckhouse travelled to Xian, China, at the request of the Australian Human Rights Commission, to support a capacity-building workshop on legal aid for women and children.

AN EFFICIENT AND CAPABLE LEGAL AID NSW

OBJECTIVE: A FAIRER JUSTICE SYSTEM

A dedicated space for clients and lawyers participating in case conferences

A purpose-built Case Conferencing Hub was conceived by the Designing Out Crime research centre at the University of Technology, Sydney to create a safe and secure environment for clients participating in case conferencing. The Case Conferencing Hub, which was constructed at our Central Sydney offices, also includes additional audio-visual link facilities.

Mandatory criminal case conferencing between parties is a key component of the 2018 early appropriate guilty pleas reform, and is designed to allow more matters to be resolved earlier in proceedings, and to reduce court time for those matters that do proceed to trial. The Hub is available to private and in-house lawyers who need to conduct a mandatory criminal case conference with prosecutors.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

A blueprint for designing offices that support our values

We began collaborating with the Designing Out Crime research centre at the University of Technology, Sydney (UTS) and Sydney-based architects JPA&D to develop an integrated design blueprint and guidelines for creating offices that support Legal Aid NSW values, practices and outcomes.

The blueprint will be informed by:

- input from our solicitors in charge and office managers
- visits to four regional offices
- findings from the Designing Out Crime research centre's Case Conferencing Hub project
- guidance from Legal Aid NSW committees and staff in Client Services, Information Technology and Facilities
- a test site where new work practices and solutions can be explored, and
- NSW Government policies and regulations.

The resulting integrated design guidelines will set out consistent approaches for client-facing facilities and office spaces that will be applied to all future office fit-outs.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

More efficient processes promise faster decisions for our clients

We are committed to improving the experiences of our clients and to ensuring that legally aided matters progress

through our courts efficiently. To support these aims, we are reforming our grants processes to help us make decisions about whether to grant legal aid more quickly.

This year we restructured our Grants division and made changes to our ATLAS grants management system, including Grants Online application forms, so that more applications can be processed automatically, meaning faster decisions and more certainty for our staff, private lawyers and our clients.

Regular scorecards improve accountability

We developed key performance indicators and a monitoring framework to guide managers and their staff. Last year, we developed a suite of 26 key performance indicators for each of our criminal, family and civil law practices and our Grants division to meet, across five categories:

- safety and security
- service delivery
- engaged workforce
- diversity, and
- cost-effective service delivery.

The first set of performance scorecards for each division was completed for the full 2017–18 year. This year, we implemented quarterly reviews to help us stay on track.

Mapping legal need and visualising our services

We completed the implementation of a geospatial mapping tool in our business reporting system that will help us better plan our services. The tool allows us to easily add visual “layers” of data such as population demographics, service volumes and service locations – for example, Legal Aid NSW offices, courts, Aboriginal Legal Service (NSW/ACT) locations, or community legal centres – on geographic maps to inform our service-planning and decision-making. This will allow us to visualise, interpret, compare and summarise spatial data, and to share that information across our organisation and externally in a variety of formats, including interactive maps.

A new approach to knowledge management

We recognised a need to tap into the significant expertise and experience of our staff in a more systematic way. To address this, we developed a knowledge management framework that allows our lawyers to better capture and share their knowledge, and to gain easier access to resources that assist them in their legal practice.

Key elements of our knowledge management framework

- People and culture: understanding and application of knowledge management principles at Legal Aid NSW
- Governance: establishing a knowledge management committee and putting policies and processes in place to ensure the framework is sustainable
- Content management: making content easy to locate
- Tools: making better use of, and building on, existing systems including our intranet, SharePoint, collaboration tools, the Client and Case Management System and research resources to support knowledge management activities



The year ahead

- ➔ We will begin sharing maps that incorporate data including service volumes, service-providers and demographic information.
- ➔ We will offer our staff training in knowledge management and legal research.
- ➔ We will carry out refurbishments at select Legal Aid NSW offices, including an update of the main reception area at our Central Sydney office to improve client amenities and an expansion of our Gosford office to accommodate our new Elder Abuse Service.
- ➔ We will trial our strategic advice framework in advice clinics before rolling out a refined strategic advice framework to all clinics.
- ➔ We will trial, refine and roll out a legal triage framework to better match clients with the services they need.

INFORMATION TECHNOLOGY

Information technology played a key role in helping us deliver legal services more effectively.

We completed our planned migration to infrastructure as a service this year, ending our reliance on traditional on-premise server storage infrastructure. We also progressed or completed major information technology initiatives including the rollout of our Client and Case Management System and the transition to a new payroll and human resources system.

OBJECTIVE: MEETING CLIENTS' NEEDS

Digital tools helped our clients engage with us

We made new digital tools available to allow clients and private lawyers to lodge and track applications more easily and provide feedback and complaints in a more streamlined way.

We developed an online Grants Tracker to allow clients to track the status of their grant applications. Just as they can track pizza deliveries and parcels arriving through the post, our clients told us they wanted to be able to see the status of their applications for legal aid in real time. The Grants Tracker tracks a client's application from the time the application is submitted to when a decision is first made. Our aim is to improve our clients' experience of the grant application process and reduce client uncertainty. We launched a pilot of the Grants Tracker in June 2019.

Following a successful trial, we configured and installed client kiosks in reception areas, providing clients with access

to the internet and online learning resources and tools to extend and fast-track service provision.

We also continued to improve our audio-visual link facilities to improve timely access to quality legal services for clients in custody.

A new way to track appointments

We implemented a new client appointment booking system that allows our staff to quickly and easily view a client's history of appointments, determine the next available date for an appointment, and access reports on current and average waiting times. It also enables us to send automated appointment confirmation and reminders to clients by text message or email, where appropriate. Not only does this reduce the time our staff spend manually sending communications to clients, it also supports our clients to prepare for their legal appointments and reduces uncertainty.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Supporting our mobile workforce

Equipping our staff to work at court and in the community is a focus:

- Many staff are using Cisco Jabber softphone technology, allowing them to take their telephone extension wherever they are working.
- We installed wireless networking equipment in our facilities at courts around NSW, enabling staff who work at these

facilities to securely access the Legal Aid NSW network and resources.

- We installed desktop equipment to extend mobile device connectivity for staff at court.
- We began rolling out the Microsoft Office 365 suite of software, which will provide new opportunities for collaboration between our staff, and between Legal Aid NSW and other organisations.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

Putting clients at the centre of our Client and Case Management System

We changed the way we manage and record our information about clients, their legal problems and our services.

Our new Client and Case Management System (CCMS) was developed to replace our existing case management system, known as CASES. The new CCMS is a modern, client-centred platform that allows more efficient:

- client information management
- matter and service management
- document management, and
- office management.

Importantly, the CCMS helps staff identify client needs more easily, by recording important client information in a single location – such as whether a client requires an interpreter, or needs to be contacted in a certain way for safety reasons.

Our new Client and Case Management System will support our staff to work in entirely new ways, and it will grow with our organisation.

The CCMS will allow staff to work in new ways, with the ability to send emails, text messages and appointment reminders to clients directly from the system, and to easily refer clients between different services within Legal Aid NSW. It will also help us better capture the services we provide to meet clients' non-legal needs in addition to their legal needs.

In February 2019 we implemented the first phase of the CCMS rollout, making it the single source of truth for all client information. Staff can search, create and manage client information, record information services, and view important information about a client at a glance. The first phase of the rollout was recognised in the business improvement category at the Pega Client Excellence Awards in 2019.

We expect to implement the second phase of the CCMS rollout in late 2019. The CCMS will continue to expand and improve over time.

More efficient human resources processes

We transitioned to a cloud-based payroll and human resources system, SAP HR. SAP HR automates many human resources processes and allows more streamlined processes for on-boarding and managing staff. It offers a single portal for staff to manage personal data, and for managers to view and make changes to team and organisation structures. It also means fewer paper forms, supporting our goal to reduce paper use across our organisation. To prepare staff for the transition to SAP HR, we conducted online and face-to-face training. Super-users were selected across the organisation to receive more intensive training, so that they could provide ongoing peer support.

We also undertook initial business analysis to identify ways to use information technology solutions to improve and streamline our payroll and recruitment processes further.

Designing a modern intranet

We are designing a contemporary and fit-for-purpose intranet that will make it easier for staff to find the information they need to perform their roles. Our new intranet will offer a rich internal communication channel and will enable better collaboration and knowledge-sharing across Legal Aid NSW. This year we completed market research and selected a vendor.



The year ahead

- ➔ We will continue to implement our Client and Case Management System and deliver system improvements in response to emerging business needs.
- ➔ We will develop a new intranet design.
- ➔ We will complete the rollout of Microsoft Office 365 to support our staff to work wherever they are.
- ➔ We will invest in tools that enable more collaboration within our organisation and with our partners.
- ➔ We will begin implementing robotic process automation to improve business efficiency.
- ➔ We will pilot the use of speech-to-text technology for legal and administrative staff.

ENVIRONMENTAL RESPONSIBILITY

Legal Aid NSW is committed to becoming more environmentally sustainable.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

Greening our conferences and events

In 2019 the Legal Aid NSW Green Committee launched the Green Event Checklist.

This resource is designed to help staff plan conferences and other events that align with our aim to become a more environmentally sustainable organisation. It encourages event planners to consider issues including:

- whether a venue allows the collection of surplus food by charity organisations

- how to reduce paper at events
- whether recycling facilities will be available to event attendees
- whether a venue offers non-disposable cups, plates and cutlery, and
- whether paper-based promotional materials can be printed on recycled paper.

Reducing our contribution to landfill

We implemented a new waste and recycling system across Legal Aid NSW, installing colour-coded bins and signage in all offices to improve staff understanding of recycling practices, and introducing a system to enable soft plastics recycling. Our Green Committee also worked with office managers to ensure all offices had access to printer and toner cartridge recycling systems.



Green Committee members Rhonda Pietrini, Jessica Sullivan and Legal Aid NSW Deputy CEO Monique Hitter encourage staff to use the Green Event Checklist at the 2018 Criminal Law Conference

Reducing our environmental footprint summary 2018–19

Goal	Target	Achievement
Reduce electricity consumption	Install energy-efficient lighting in our premises	We installed energy-efficient lighting, as well as sensor- and timer-activated lighting systems, at our Central Sydney, Parramatta and Penrith offices. All future site fit-outs must use energy efficient lighting.
Increase green paper purchasing	Minimum 85% of copy paper to contain recycled content	14% of the paper we purchased in 2018–19 was recycled, compared with 11% in 2017–18.
Reduce overall paper purchasing	We aim to reduce our paper purchasing by 10% each year	Our paper purchasing increased between 2017–18 and 2018–19.
Increase use of green electricity	Green electricity to represent 6% of electricity consumed	We entered into a new energy contract that includes a mandated 6% green electricity minimum.
Increase use of E10 fuel	Only cars that run on E10 and regular unleaded fuel may be purchased as fleet vehicles	Only E10 fuel is used in Legal Aid NSW fleet vehicles. All our fuel cards are restricted to payment of E10 fuel only. Payment for any other fuel type is not accepted and can only be paid for by the driver of the vehicle.
Maintain a green fleet	Meet NSW Government fuel efficiency standards for new light vehicles	Legal Aid NSW only leases vehicles that are included in the NSW Government Prequalification Scheme to ensure that only vehicles that meet the fuel efficiency standards are leased. This year, two hybrid vehicles were added to our fleet.



The year ahead

- ➔ We aim to reduce our overall paper purchasing.
- ➔ We will help build a culture of environmental awareness across our organisation by celebrating sustainable initiatives such as Plastic-Free July.

5 Corporate governance

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



In this section

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Legal Aid NSW CEO Brendan Thomas addresses the 2018 Criminal Law Conference



Key achievements

- ★ We progressed our five-year strategic plan by completing most actions under the Legal Aid NSW Strategic Plan 2018–2019 (Year One Plan) (page 10).
- ★ The Board approved changes to our eligibility policies to improve access to justice.
- ★ We completed five performance audits (page 92).
- ★ We received 18 applications for access to information (page 96).
- ★ We received 507 complaints, 74 compliments and made substantial improvements to the way we handle complaints (page 98).



The year ahead

- ➔ We will oversee the implementation of the second year of the Legal Aid NSW Strategic Plan 2018–2023.



Key challenge

- ▶ We will continue to provide quality legal aid services in the context of increasing demand.

LEGAL AID NSW BOARD

The 10 members of our Board determine 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 CEO of Legal Aid NSW.

Part-time board members are appointed by the NSW Attorney General for a period of up to three years, except for the Chair, who is appointed for a period up to five years. Craig Smith continued and was reappointed in the role as Chair, which he has held since February 2013. Board members' three-year terms expired during this reporting year.

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.

The Board received regular updates on the progress of key actions under the Legal Aid NSW Strategic Plan 2018–2023, Legal Aid NSW Strategic Plan 2018–2019 (Year One Plan), Domestic and Family Violence Strategy 2016–2018 and Elder Abuse Strategy 2018–2019. The Board also approved the Legal Aid NSW Strategic Law Reform Agenda 2018–2020 and Domestic and Family Violence Strategy 2019–2020.

The Board received regular reports from the Crime and Grants Sub-Committee on its work examining the fees paid to private practitioners undertaking legally aided work. The Board approved a revised fee scale for private practitioners acting in criminal indictable matters covered by the early appropriate guilty pleas reform.

The Board approved a large number of changes to Legal Aid NSW eligibility policies. This included changes to the family and criminal law policies to ensure, wherever possible, Legal Aid NSW assists clients who are at risk of, or experiencing domestic or family violence. The Board expanded the availability of extended legal assistance and approved revisions to the financially associated person test to make it clearer, fairer and more consistent.

The Board also approved a suite of changes to the contributions policy to better align it with the Legal Aid NSW Client Service Strategy and support an efficient grants administration process.

The Board approved the revised Audit and Risk Charter and Internal Audit Charter, and approved the reappointment of Michael Coleman as Chair of the Audit and Risk Committee for the period 23 June 2019 to 23 June 2021. The Board continued to monitor Legal Aid NSW's compliance with work, health and safety obligations.

Meetings of the Board

The Board held six meetings in 2018–19 and made one out-of-session decision to approve a revised fee scale for private lawyers acting in criminal indictable matters captured under early appropriate guilty pleas reform.

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

Engagement with committees

The Board is advised by the Legal Aid NSW Crime and Grants Sub-Committee and the Audit and Risk Committee, which advises on budgetary and internal audit matters.



The year ahead

- ➔ The Board will oversee the implementation of the second year of the Legal Aid NSW Strategic Plan 2018–2023.
- ➔ The Board will oversee the integration of LawAccess NSW with Legal Aid NSW.
- ➔ The Board will oversee the development of a quality assurance framework that will serve as the foundation for our engagement with private lawyers.

DECISIONS OF THE BOARD 2018–2019

31 July 2018 (out of session)

- Approved a revised fee scale for private lawyers acting in criminal indictable matters captured under early appropriate guilty pleas reform

4 September 2018

- Approved amendments to family and criminal law policies to clarify the availability of legal aid for people experiencing, or at risk of, domestic or family violence
- Approved amendments to civil law policy on sexual assault communications privilege matters to ensure legal aid is available for all ‘protected confiders’
- Approved amendments to criminal law policy to reflect sentencing reforms made under the *Crimes (Sentencing Procedure) Act 1999* (NSW)
- Approved operational changes to migration law policy and associated changes to the representation, means test and contributions policies to enable Legal Aid NSW to maintain service delivery in certain migration matters
- Noted the progress report for the Legal Aid NSW Strategic Plan 2018–2019 (Year One Plan)
- Approved Legal Aid NSW’s Strategic Law Reform Agenda 2018–2020
- Approved amendments to Legal Aid NSW’s conflict of interest policy

6 November 2018

- Approved amendments to the criminal law guidelines and policies relating to grants of aid in Crown appeals under section 5F of the *Criminal Appeal Act 1912* (NSW)
- Approved the appointment of new members to the Legal Aid NSW Review Committee
- Noted the progress report for the Legal Aid NSW Domestic and Family Violence Strategy 2016–2018

4 December 2018

- Approved the revised Audit and Risk Committee Charter and Internal Audit Charter

19 February 2019

- Resolved that the Audit and Risk Committee prepare an annual report on its activities to the Board
- Approved the reappointment of Michael Coleman as Chair of the Audit and Risk Committee for the period 23 June 2019 until 23 June 2021
- Approved amendments to the financially associated person test to recognise people belonging to geographically separated households
- Approved amendments to criminal law policy so that legal services relating to Commonwealth parole matters can be provided as extended legal assistance services
- Approved the removal of a number of redundant civil law policies
- Approved amendments to civil law policy for mental health forensic patients to cover applications to the NSW Supreme Court to extend a person’s status as a forensic patient
- Approved the Legal Aid NSW Domestic and Family Violence Strategy 2019–2020
- Resolved that Legal Aid NSW will upload the information contained in the Legal Topics for Older People Diary 2019 to its website
- Noted the progress report for the Legal Aid NSW Strategic Plan 2018–2019 (Year One Plan)

7 May 2019

- Approved amendments to criminal law policy to include revocation of Commonwealth parole matters
- Approved amendments to criminal law policy so that legal services relating to state parole matters can be provided as extended legal assistance services
- Noted the progress report for the Legal Aid NSW Strategic Plan 2018–2023

18 June 2019

- Approved amendments to the contributions policy
- Approved the Legal Aid NSW Strategic Plan 2019–2020 (Year Two Plan)

BOARD MEMBERS | 1 JULY 2018 TO 30 JUNE 2019



Craig Smith

Dip Law (BAB) Dip Crim (SYD)

Chair

Craig Smith was 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 of the District Court of NSW, Mr Smith has four decades of experience in the administration of justice in NSW. He has worked in various government legal and policy positions, including senior positions with the NSW Office of the Director of Public Prosecutions. He was a director of court services and then director of judicial support before his appointment as a judicial registrar in 2010.

Mr Smith has served as Chair of the Legal Aid NSW Board since 18 February 2013.

(Attended six meetings)



Brendan Thomas

BA

Chief Executive Officer

Appointed by the NSW Attorney General, Brendan Thomas commenced his role as CEO of Legal Aid NSW on 22 May 2017.

Before this, he was the NSW Deputy Secretary of the Department of Justice.

Mr Thomas worked for the NSW 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.

He has worked in crime prevention and criminal justice for two decades and has written widely on crime prevention and Aboriginal justice issues.

(Attended five meetings)



Peggy Dwyer

*BA LLB (ANU) PhD
(University of Edinburgh)*

Board member

Peggy Dwyer was appointed as a representative of the NSW Bar Association by the NSW Attorney General for the period 23 June 2016 to 22 June 2019.

Dr Dwyer was called to the bar in 2010 after more than 10 years as a solicitor, specialising in criminal and, later, coronial law. She has previously worked for the Aboriginal Legal Service (NSW/ACT), the North Australian Aboriginal Justice Agency in the Northern Territory, and the NSW Crown Solicitor's Office. As a barrister, Dr Dwyer appears in a wide range of criminal matters, including jury trials, appeals, Children's Court of NSW matters and State Parole Authority hearings. She has a busy practice in coronial proceedings and a significant interest in medical law.

She appeared as Counsel Assisting the Royal Commission into the Institutional Response to Child Sexual Abuse and as Counsel for the North Australian Aboriginal Justice Agency in the Royal Commission into the Protection and Detention of Children in the Northern Territory.

Dr Dwyer was an Associate to Justice Michael Kirby in the High Court of Australia between 1995 and 1996.

(Attended six meetings)



Ainslie van Onselen

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

Board member

Ainslie van Onselen was appointed by the NSW Attorney General as a representative of consumer and community interests for the period 23 June 2016 to 22 June 2019.

Ms van Onselen has practised as a commercial litigator for two decades and is admitted to practise law in several jurisdictions across Australia. She also sits on the Boards of Beem It and RAMS Financial Group Pty Ltd, and is Chair of the Kambala Girls School Council.

Previously, she was Director and National President of the Migration Institute of Australia, a columnist for *The Australian*, a Sky News panellist and Associate Professor of the University of Western Australia.

She is currently General Manager of Deposits and Unsecured Lending in Westpac's Consumer Bank. She has been with Westpac Group for more than five 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 four meetings)

BOARD MEMBERS | 1 JULY 2018 TO 30 JUNE 2019



Michael Coleman

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

Board member

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

The Board also appointed Mr Coleman Chair of the Audit and Risk Committee from 29 June 2016 to 22 June 2019. He was reappointed to the position for the period 23 June 2019 to 23 June 2021.

Mr Coleman is a chartered accountant. He retired from KPMG in 2011 following a career that included 30 years as an audit partner and practice leader.

Mr Coleman is a member of the boards and chairs the audit committees of Macquarie Group and Macquarie Bank. He is Chair of Bingo Industries Limited, was a member of the Reserve Bank of Australia's audit committee, and enjoys a number of significant roles with the Australian Institute of Company Directors.

He is an Adjunct Professor at the Australian School of Business, University of New South Wales, Chairman of the 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 Street Theatre Foundation.

(Attended five meetings)



Richard Henry

*AM, MB BS, MD, FRACP,
Dip Clin Epi*

Board member

Richard Henry was appointed as a representative who, in the opinion of the NSW Attorney General, possesses skills and experience that would benefit Legal Aid NSW for the period 23 June 2016 to 22 June 2019.

He 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 to 2012, he was Deputy Vice-Chancellor (Academic) and Vice-President at the University of NSW (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 of the Children's Cancer Institute, Trustee of the Sydney Grammar School, Chairman of Trustees and Director of 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 for serving in a range of roles with professional medical organisations.

(Attended five meetings)



Sue Gilchrist

LLM, BA LLB (Hons)

Board member

Sue Gilchrist was appointed as a representative who, in the opinion of the NSW Attorney General, possesses skills and experience that would benefit Legal Aid NSW for the period 23 June 2016 to 22 June 2019.

Ms Gilchrist 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. She is regularly recognised in the top ranking of legal profession directories for intellectual property litigation, and in particular, patent litigation.

Ms Gilchrist also has strong management experience, having been the Regional Managing Partner of Herbert Smith Freehills for Asia and Australia until 2017. Ms Gilchrist is a member of the Global Council for Herbert Smith Freehills. She is also a member of her firm's governance body for pro bono and citizenship, and its governance body for diversity and inclusion. She is Chair of the firm's Reconciliation Action Plan Steering Committee, and is proud to have helped the firm reach the Elevate level for its Reconciliation Action Plan, as endorsed by peak body Reconciliation Australia.

(Attended six meetings)



Darryl Browne

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

Board member

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

Mr Browne is an accredited specialist in wills and estates. His forte is estate planning, including 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.

Mr Browne's professional achievements include Director (Councillor) of the Law Society of NSW, Chair of the Elder Law, Capacity and Succession Committee, Chair of the Elder Abuse Working Group, member of the Specialist Accreditation Board, Director of Lawcover Insurance Pty Ltd, member of the Future Committee, Chair of the 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 six meetings)

BOARD MEMBERS | 1 JULY 2018 TO 30 JUNE 2019



Anna Cody

*LLM (Harvard), GDip LP (UTS),
LLB (UNSW), BA (UNSW)*

Board member

Anna Cody was appointed by the NSW Attorney General as a representative of bodies providing community legal services for the period 23 June 2016 to 22 June 2019.

She is currently Dean of the Western Sydney University School of Law, and was previously Director of the Kingsford Legal Centre, which specialises in discrimination and employment law.

The centre is part of the University of NSW Law Faculty. Professor Cody worked at the centre for more than two decades.

She was the winner of the 2016 Human Rights Commission Law award and in 2007 she was named community lawyer of the year at the NSW Women Lawyers Achievement Awards. From 2011 to 2013, she was the Chair of Community Legal Centres NSW and was a member of the Board of LawAccess NSW. She was also the Deputy Chair of the NSW Legal Assistance Forum. She is currently a member of the Board of the National Association of Community Legal Centres.

(Attended six meetings)



Rachel Francois

BA (UNSW), LLB (UNSW)

Board member

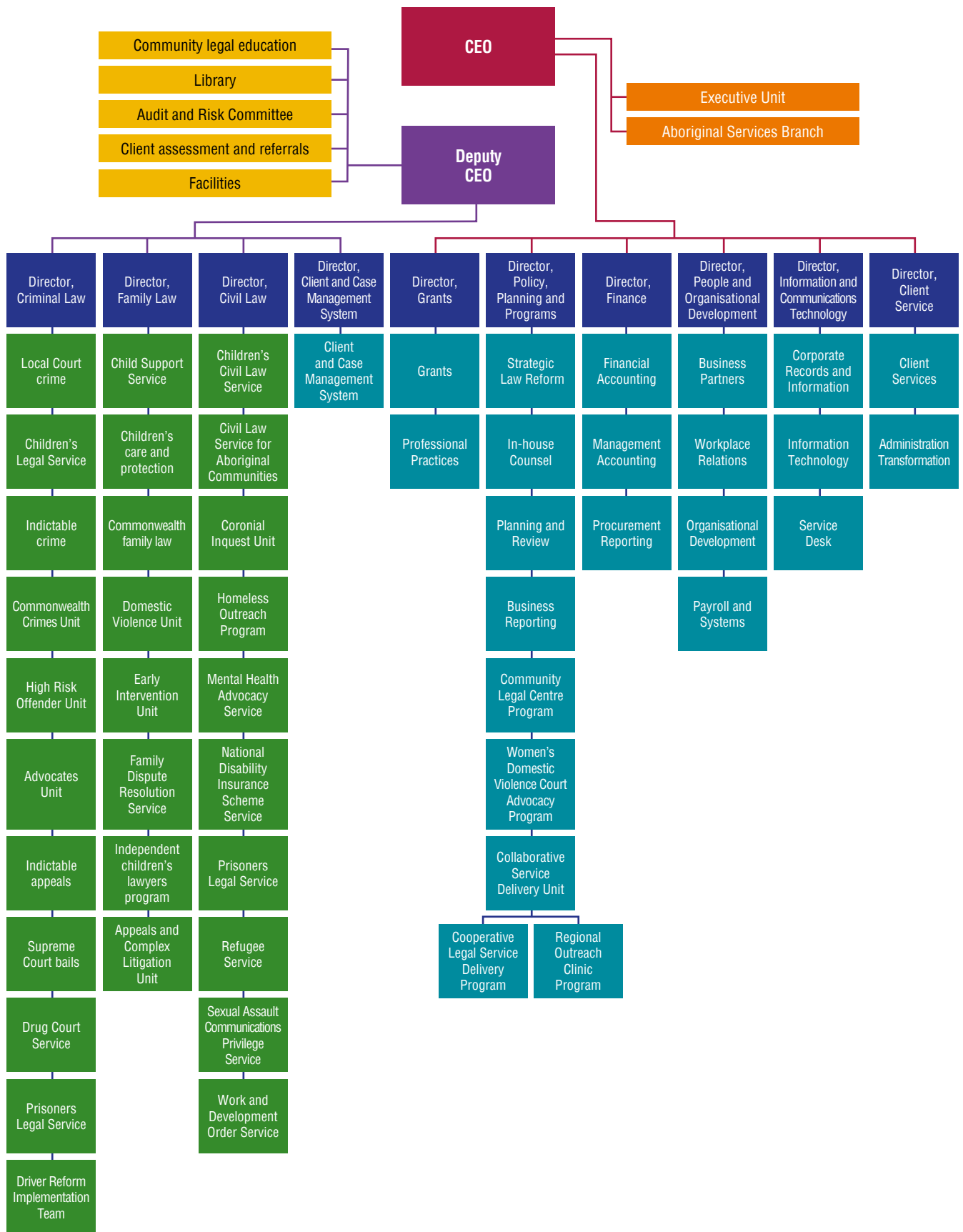
Rachel Francois was appointed by the NSW Attorney General as a representative of Unions NSW for the period 23 June 2016 to 22 June 2019. She resigned her membership of the Board on 6 November 2018.

As a barrister at the NSW Bar, Ms Francois specialises in discrimination law and consumer protection cases and also practises in administrative law and commercial litigation. She was employed by Legal Aid NSW as a lawyer in civil litigation between 1996 and 2000. During that time, Ms Francois was a member of the Public Service Association Departmental Committee and a delegate to the Peak Consultative Committee.

She has a strong commitment to union principles and social justice, and acted as Junior Counsel Assisting the Australian Securities and Investments Commission in its investigations into the corporate wrongdoing of HIH Insurance and James Hardie. Her more recent cases include the class action 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 two meetings)

ORGANISATIONAL STRUCTURE



= Specialist area or service

SENIOR DIRECTORS | 1 JULY 2018 TO 30 JUNE 2019



Brendan Thomas

BA

Chief Executive Officer
(Band 3)

Budget total: \$358.1m
Total staff (full-time equivalent): 1,178.48
Total actual: 1,326



Monique Hitter

BSW, Dip Law

Deputy Chief Executive Officer
(Band 2)

Budget total: \$227.2m
Total staff (full-time equivalent): 1,165.48
Total actual: 1,311



Annmarie Lumsden

BA, LLB, Dip Bus, EMPA, Accredited Specialist (Criminal Law)

Director, Criminal Law
(Band 1)

Budget total: \$125.1m
Total staff (full-time equivalent): 382.23
Total actual: 422



Gaby Carney

BA/LLB (UNSW), MIL (USyd)

Director, Policy, Planning and Programs
(Band 1)

Budget total: \$59.7m
Total staff (full-time equivalent): 35.30
Total actual: 43



Michael Brodie

B Ec, CA, GAICD

Interim Director, Finance
(6 February 2019 to 30 June 2019)

Budget total: \$358.1m

Barry O'Loughlin was Director, Finance and Facilities from 1 July 2018 to 1 February 2019.



Vicki Leaver

BA, Dip Ed, CAHR

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

Budget total: \$3.0m
Total staff (full-time equivalent): 28.20
Total actual: 29

SENIOR DIRECTORS | 1 JULY 2018 TO 30 JUNE 2019



Kylie Beckhouse

BA, LLB, Accredited Specialist (Family Law)

Director, Family Law (Band 1)

Budget total: \$56.8m
Total staff (full-time equivalent): 258.43
Total actual: 304



Meredith Osborne

BA (Hons), LLB

Director, Civil Law (Band 1) (21 November 2018 to 30 June 2019)

Budget total: \$25.7m
Total staff (full-time equivalent): 246.72
Total actual: 285

Pip Martin was Acting Director, Civil Law from 1 July 2018 to 20 November 2018.



Jane Cipants

BSW, M Social Policy, EMPA

Director, Client Service (Band 1)

Budget total: \$2.3m
Total staff (full-time equivalent): 27.60
Total actual: 29



Jocelyn Flanagan

BA/LLB

Director, Grants (Band 1)

Budget total: \$8.5m
Total staff (full-time equivalent): 89.00
Total actual: 94



Wayne Gale

BA (Computing) MCom (Accounting)

Director, Information and Communications Technology (Band 1)

Budget total: \$10.5m
Total staff (full-time equivalent): 36.40
Total actual: 37



Susannah O'Reilly

BA/LLB (Hons), GDLP, Dip Mgt, EMPA

Director, Client and Case Management System (Band 1)

(24 May 2019 to 30 June 2019)
Budget total: \$8.1m
Total staff (full-time equivalent): 11
Total actual: 11

Paulo Ferreira was Director, Client and Case Management System from 21 May 2018 to 23 May 2019.

GOVERNANCE FRAMEWORK

The Legal Aid Commission of NSW is established under the *Legal Aid Commission Act 1979 (NSW)* to improve access to justice for socially and economically disadvantaged members of our community. It is a statutory body representing the Crown.

The Legal Aid Commission of NSW is precluded from employing staff by section 47A of the *Constitution Act 1902 (NSW)*. The Legal Aid Commission Staff Agency, a separate public service agency led by the CEO, employs staff to enable the Legal Aid Commission of NSW to exercise its functions. People employed in this way may be referred to as officers, employees or members of staff of the Legal Aid Commission of NSW.

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.

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 daily management of Legal Aid NSW is overseen by the CEO, with assistance from the Deputy CEO and 10 directors who are listed on pages 88–89. Our CEO is also a member of the Board.

The CEO has a performance agreement with the NSW 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 (NSW)*. These include the Legal Aid NSW Strategic Plan 2018–2023, Code of Conduct, Corruption and Fraud Prevention Plan, Service Disruption Plan, and the guidelines and policies that govern the availability of aid.

Progress under the Legal Aid NSW Strategic Plan 2018–2023

In March 2018, the Board of Legal Aid NSW approved our organisation’s first five-year strategic plan. The strategic plan is a roadmap designed to guide us over the medium term as we plan and strengthen service delivery and support our staff and partners to provide quality legal aid services.



The five-year strategic plan commenced 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, which is to use the law to help people, particularly those who are disadvantaged, know, defend and assert their rights.

The plan outlines five key outcomes and the initiatives we will use to achieve them. Our outcomes under the strategic plan are:

- high-quality, targeted services that meet our clients' needs
- partnerships that deliver the best possible outcomes or our clients
- our work improves the legal and justice systems
- a highly capable workforce that is flexible, developed and equipped, and
- business processes that are responsive to our business needs.

Our Legal Aid NSW Strategic Plan 2018–2019 (Year One Plan) set out the work that we planned to deliver in the first 12 months of the five-year plan. It was approved by the Board on 19 June 2018 and commenced on 1 July 2018.

Progress against the Year One Plan was monitored by the executive each month and reviewed by the Board. At 30 June 2019, we had achieved most actions arising under the plan. Key actions carried over for 2019–20 included the development of a proposed knowledge management framework for Legal Aid NSW and shaping career and learning pathways to support the career development of our staff.

Achieving our vision – the next 12 months

A Legal Aid NSW Strategic Plan 2019–2020 was approved by the executive of Legal Aid NSW on 18 June 2019.

OBJECTIVE: MEETING CLIENTS' NEEDS

In 2018–19 we began initiatives that focused on the ways clients enter our service. Over the next year we will build on this work by implementing a new triage and advice framework to help us better target the legal services we provide, integrating with LawAccess NSW, and delivering a Grants Tracker that allows clients and private lawyers to view the progress of applications for legal aid online.

A number of specialist services were evaluated in 2018–19, including the Civil Law Service for Aboriginal Communities and the Children's Civil Law Service. The recommendations from these evaluations will be implemented in 2019–20.

In addition, new projects will include:

- a new business process for internal referrals of clients
- guided pathways for traffic and fine matters
- a trial of a generalist lawyer model within our new Elder Abuse Service, and

- a new reporting and planning tool for community legal education.

OBJECTIVE: STRONG PARTNERSHIPS

A new framework for collaborative service-planning with our partners was developed in 2018–19. A focus in 2019–20 will be on piloting the new framework.

New projects will include the trial of an online referral resource.

OBJECTIVE: A FAIRER JUSTICE SYSTEM

In 2018–19, we began implementing a strategic law reform agenda which sets out legislative, policy and operational reforms that we will prioritise and proactively pursue in 2019–20.

We will also work with the Commonwealth Attorney-General's Department to implement improvements to the family law system, and monitor the implementation of criminal justice reforms in NSW.

Another key priority for 2019–20 is to communicate the value of the work we do to the NSW community.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

In 2019–20 we will continue to implement:

- a new administrative workforce plan
- more efficient and effective arrangements for managing regional offices
- career pathways, and
- flexible working practices across the organisation.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

In 2019–20 we will continue to invest in our information technology and digital infrastructure to ensure we work efficiently and effectively. This will include completing the initial implementation of the Client Case Management System and the upgrade of our business intelligence technology.

In addition, we will develop and implement a new approach to information management to ensure that we capture and share our knowledge and experience.

Executive Program Management Office

The Executive Program Management Office (EPMO) provides centralised support for 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 Executive Program Management Office is responsible for:

- oversight of all projects defined as major projects
- supporting and advising project teams and sponsors
- facilitating reviews following the implementation of major projects, and
- 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 NSW Government sector employees
- provides advice to employees (executives, managers and staff) on demonstrating ethical good practice in leadership, decision-making and other responsibilities, and
- clearly outlines the responsibility of all employees to know, understand and comply with the ethical and legal obligations that apply to them, 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 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 of Finance provides expert advice at Audit and Risk Committee and Board meetings.

Identifying and managing risk

Legal Aid NSW regularly conducts a risk assessment of its activities covering both strategic and operational risks. The risk assessment is used to prepare the Internal Audit Plan.

The Internal Audit Plan provides for additional audits should circumstances change during the year. The risk assessment is prepared using a methodology that recognises inherent risk and control effectiveness.

Each audit has a stated objective and scope of activity. All audit recommendations to improve controls require a management response detailing the action that will be taken to implement the recommendations, the designated responsible officer and 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 2018–19.

In 2018–19 we met our audit target by completing five internal audits.

Performance audits completed

2014–2015	5
2015–2016	6
2016–2017	6
2017–2018	6
2018–2019	5

Target for 2019–2020: 6

A flexible and responsive risk management process

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 unforeseen developments. This provides the Audit and Risk Committee with appropriate flexibility and responsiveness.

The audits performed during the year were approved by the Audit and Risk Committee and are drawn from the 2018–19 risk assessment, which was also approved by the Audit and Risk Committee.



Report from the Audit and Risk Committee 2018–19

The primary objective of the Audit and Risk Committee is to advise the Board, including the CEO, 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 comprises three independent members:

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

The CEO, Deputy CEO and Chief Audit Executive, Director of 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 2018–19 and reviewed a range of matters including:

- Financial reports
- End-of-year financial statements
- Strategic plan, associated risks and program progress
- Updates on internal audits and the implementation of recommendations
- Work, health and safety
- Grant management efficiency assessment
- Business continuity plans
- Information security and cybersecurity
- The Client and Case Management System
- Updated risk assessment, audit and risk charter, and internal audit plan.

The following internal audits were undertaken during the year:

- Assessment of community legal education information collection, classification and reporting
- Protective security risk assessment
- Staff movements
- ISO27001 Information Security Management System Surveillance Review
- Follow-up audit review.



Monique Hitter

Deputy CEO and Chief Audit Executive
August 2019

Internal Audit and Risk Management Attestation Statement for 2018–19

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:

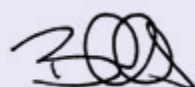
Core Requirements	Status*
Risk Management Framework	
1.1 The agency head is ultimately responsible and accountable for risk management in the agency.	Compliant
1.2 A risk management framework that is appropriate to the agency has been established and maintained and the framework is consistent with AS/NZS 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

* For each requirement, please specify whether compliant, non-compliant, or in transition

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: 23 June 2021 |
| • Mr Peter Whitehead
Independent Member | Start term date: 28 October 2014
Finish term date: 11 March 2020 |
| • Ms Robyn Gray
Independent Member | Start term date: 11 March 2017
Finish term date: 11 March 2020 |



Brendan Thomas

CEO
September 2019

Members of the Audit and Risk Committee

Peter Whitehead is a lawyer and the former Public Trustee of NSW. Mr Whitehead was part of the original committee reviewing the role of audit within the NSW Government. He has since chaired a number of NSW Government audit and risk committees, including for the NSW Department of Premier and Cabinet, what was then the NSW Attorney General's Department, the NSW Crime Commission and the Judicial Commission of NSW. He currently works in the financial services industry.

Robyn Gray is a lawyer, accredited mediator and principal of Herne Gray and Associates Pty Ltd. She brings to the committee more than 25 years' experience as a prosecutor, investigator and legal manager in Commonwealth and NSW public sector agencies and several Royal Commissions. In 2007, Ms Gray established her own consultancy to serve 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 of the Audit and Risk Committee are **Michael Coleman, Monique Hitter** and **Kylie Beckhouse** (see page 85 and pages 88–89).

Business continuity

We have a Service Disruption Plan that is activated when an event renders Legal Aid NSW unable to continue to provide services from a regional office or a metropolitan office, including Central Sydney.

The plan addresses a range of actions that are required to manage such events and provides for a recovery management team to oversee the recovery process.

Fraud and corruption processes

Legal Aid NSW is committed to conducting business with honesty and transparency. Our Corruption and Fraud Prevention Plan outlines the steps we take 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.

It complements related policies including the Code of Conduct and Protected Disclosure Policy.

Cyber-security Annual Attestation Statement for the 2018–2019 Financial Year for Legal Aid NSW

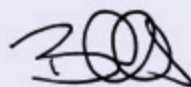
I, Brendan Thomas, CEO of Legal Aid NSW, am of the opinion that Legal Aid NSW has managed cyber-security risks in a manner consistent with the mandatory requirements set out in the NSW Government Cyber Security Policy.

Risks to the information and systems of Legal Aid NSW have been assessed and continue to be reviewed and managed.

Governance is in place to manage the cyber-security maturity and initiatives of Legal Aid NSW.

Legal Aid NSW is in the process of developing a cyber-security incident response plan. Cyber-security incidents, should they occur, are escalated to the NSW Government chief information security officer governance forums as required.

An independent audit of the ISO 27001-certified Legal Aid NSW Information Security Management System was undertaken by ISO-accredited auditors and found to be adequate.



Brendan Thomas

CEO

October 2019



The year ahead

- ➔ We will conduct six performance audits.
- ➔ We will implement the Legal Aid NSW Strategic Plan 2019–20 (Year Two Plan).

LEGISLATIVE COMPLIANCE AND FAIR PROCESSES

Legal Aid NSW's Legal Policy Unit became known as the In-house Counsel Unit in July 2018. The re-framing of the unit enabled a renewed focus on the provision of legal advice and representation to the organisation.

The unit now provides legal advice on a range of issues across Legal Aid NSW, including the disclosure of information, professional standards and obligations, and our obligations under the *Legal Aid Commission Act 1979* (NSW). The In-House Counsel Unit conducts litigation on behalf of Legal Aid NSW, drafts and negotiates contracts, agreements and cooperative arrangements such as memoranda of understanding, and responds to applications made under the *Government Information (Public Access) Act 2009* (NSW).

This year, the In-house Counsel Unit commenced a review of the Legal Aid NSW Privacy Management Plan and implemented the recommendations of an independent review of Legal Aid Review Committee processes.

OBJECTIVE: MEETING CLIENTS' NEEDS

The unit implemented reforms to Legal Aid Review Committee (LARC) processes in response to 22 recommendations made by Laurie Glanfield AM following an independent review, commissioned by Legal Aid NSW. A working group led by the Director of Policy, Planning and Programs oversaw the implementation of the recommendations. We aimed to improve client outcomes by creating more clarity around decision-making and reducing LARC appeal waiting times.

As part of our reforms, we:

- reinstated minute-taking at all LARC meetings
- increased training opportunities for LARC members and staff, and
- reviewed templates to ensure the provision of quality reports to the committees.

We also made changes to the way we communicate with applicants for legal aid about the appeal process.

We met our legal obligations under 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* (NSW).

There was one public interest disclosure made during this reporting period. We notified the NSW Ombudsman and the Independent Commission Against Corruption.

Public interest disclosures 2018–19

Public officials who have made a public interest disclosure	1
Public interest disclosures received by Legal Aid NSW	
Corrupt conduct	1
Maladministration	0
Serious and substantial waste of public money	0
Government information contraventions	0
Public interest disclosures finalised by Legal Aid NSW	
Types of public interest disclosures	0
Public interest disclosures made by public officials in performing their day-to-day functions as public officials	0
Public interest disclosures made under a statutory or other legal obligation	0
All other public interest disclosures	1

Significant judicial decisions relating to the *Legal Aid Commission Act 1979* (NSW)

Legal Aid NSW responded to an appeal of a decision of the Legal Aid Review Committee in *Warwick v Legal Aid Commission of NSW* [2018] NSWSC 1920. In that decision, the NSW Supreme Court confirmed the power of the Commission to impose a contribution on a financially associated person under sections 34 and 34B of the *Legal Aid Commission Act 1979* (NSW).

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* (NSW) and *Health Records and Information Privacy Act 2002* (NSW).

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 one request for an internal review during this reporting period. It was conducted in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) and the Information and Privacy Commission NSW 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 basis and routinely upload information to our website that may be of interest to the general public. This includes updating a wide range of publications and resources for the public including factsheets, brochures and pamphlets about legal rights and responsibilities, policy documents and law reform submissions. Factsheets 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 the 2018–19 reporting period we received 18 formal GIPA applications. Most of our applications were requests by individuals for their own information. There were three internal reviews conducted in the 2018–19 reporting period.

APPEALING DECISIONS ABOUT LEGAL AID

Independent reviews of decisions made by Legal Aid NSW ensure procedural fairness for our clients.

Six independent Legal Aid Review Committees (LARCs) review decisions made by Legal Aid NSW to ensure procedural fairness to our clients. Their work is facilitated by the Legal Aid Review Committee Secretariat in the Legal Aid NSW In-house Counsel Unit.

The committees are established under the *Legal Aid Commission Act 1979* (NSW). They determine appeals relating to legal aid applications that have been refused and grants of legal aid that have been terminated. The work of the committees is integral to the Legal Aid NSW appeal process. Committee members helped deliver excellent outcomes for Legal Aid NSW clients in 2018–19, and their work builds confidence in the integrity of our decision-making.

Legal Aid Review Committee members as at 1 January 2019

Legal Aid Review Committee One

- Lucy Pinnock
- Brett Thomson
- Helen Sims
- Jeremy Styles
- Jane Sanders
- Andrew Boog
- Maria Good
- Anna Buduls

Legal Aid Review Committee Two

- Peter Robinson
- Kathleen Hainsworth
- Stephanie Koch
- Simon Buchen SC
- Paul Blacket SC
- Anne Healey
- Pauline Mueller
- Rita Zammit

Legal Aid Review Committee Three

- Kim Garling
- Alexandra Brown
- Jessica Kavanagh
- Pauline David
- Jon Prowse
- Thea Heness
- Miranda Tunica

Family Law Legal Aid Review Committee One

- Penny Csenderits
- Anthea Tomlin
- Leanne Spencer
- Clyllyn Sperling
- Cassie Banks
- Tessa Kelman
- Donald Sword
- Lina Rapone

Family Law Legal Aid Review Committee Two

- Nick Mitrevski
- Johanna Geddes
- David Nguyen
- Mark Whelan
- Gemma Slack-Smith
- Paul Guterres
- Melanie Faithful
- Kathleen Lamoureu

Family Law Legal Aid Review Committee Three

- Michael Granziera
- Cheryl Drummy
- Nicole Hailstone
- Terese Messner
- Martha Barnett
- Kayte Lewis
- Stephen van der Mye
- Stephen Stuart

Decrease in appeals allowed

We recorded a significant drop in appeals allowed this year compared with previous years. This may be due to organisation-wide participation in continuous business and quality improvements to Legal Aid Review Committee processes and reporting.

Appeals and outcomes 2018–19

Law type	Allowed	Disallowed	Deferred	Not appellable	Withdrawn	Total appeals	Appeals allowed
Civil	4	102	0	0	0	111	2.7%
Criminal	18	191	16	55	1	287	5.9%
Family	25	591	36	0	1	665	3.9%
Total	46	882	51	72	12	1,063	4.3%

Appeals and outcomes over five years

Review outcome	2014–15	2015–16	2016–17	2017–18	2018–19
Appeal allowed	59	60	65	66	46
Appeal disallowed	999	879	878	822	882
Deferred	25	14	19	14	51
Not appellable	72	36	58	48	72
Withdrawn	4	180	29	24	12
Total	1,149	1,169	1,049	974	1,063



The year ahead

- We will continue to implement reforms to Legal Aid Review Committee processes, including through a review of how we communicate with clients when we refuse their applications for grants of legal aid.
- We will improve business practices in the management of applications made under information and privacy legislation.

COMPLAINT-HANDLING

An open and efficient complaints process helps us improve our services and remain accountable to the people we serve.

We received 507 complaints in 2018–19 and 198 enquiries from third parties querying another person’s grant of aid. For more details, see table on the facing page.

We encourage all types of feedback. Complaints, compliments and suggestions help us improve the quality of the services we provide, and identify risks.

This year we received 91 compliments and suggestions – more than double the number of compliments we received in 2017–18.

 **507** complaints

 **74** compliments

 **17** suggestions

“ I would like to thank my lawyer from the bottom of my heart. She helped me see my son again.”

“ The whole experience was made so much easier as my lawyer always made sure I knew exactly what was happening and what to expect.”

Supporting our staff to resolve and learn from complaints

During 2018–19 we implemented a range of measures to address a need for training identified in external audits of Legal Aid NSW complaint management processes, encourage more clients to share their feedback, and allow us to better tap into client insights.

Updated resources for clients

We updated a feedback brochure and poster for display at all Legal Aid NSW offices to encourage clients to provide feedback.

OBJECTIVE: A HIGHLY CAPABLE WORKFORCE

Training staff across the state

We provided training at 23 Legal Aid NSW offices to help staff better understand how to respond to a complaint, including when and how to escalate a complaint, and how to respond to unreasonable client behaviour. Managers’ feedback indicated that the training significantly improved their confidence in dealing with complaints.

A toolkit to equip staff

We developed a complaints toolkit including process maps, template letters, guidelines and frequently asked questions to support staff who may receive or respond to complaints.

OBJECTIVE: RESPONSIVE BUSINESS PROCESSES

Quicker complaint resolution and better data

We developed a new complaint management system that went live in June 2019. The complaint management system offers a single, central place for staff across Legal Aid NSW to record and manage complaints and feedback from clients and external parties.

For the first time, complaints can be recorded and tracked by location, and individual divisions have a bird’s-eye view of all live complaints relating to their clients. Automated reminders and improved data collection will enhance our ability to resolve complaints quickly and improve services. The system will help us capture meaningful complaints data to identify trends and manage risk.

Number of complaints and enquiries: three-year comparison

	2015–16	2016–17	2017–18*	2018–19*
Enquiries				
Grants – eligibility enquiries	283	260	238	198
Complaints				
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	507
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**	24	40	-	-
To be determined	12	23	7	23
Total	378	380	401	507
Time taken to close complaints				
Within 21 days	65%	74%	-	-
Four to six weeks	18%	16%	-	-
Twelve weeks	6%	9%	-	-
More than 12 weeks	11%	1%	-	-

* Due to limitations of our previous complaints management system, a detailed breakdown was not available for 2017–18 or 2018–19. Detailed data will be available for 2019–20.

** For example, where a third party complains about the provision of a grant to a client, and we cannot disclose information in response to the complaint due to the operation of section 25 or 26 of the Legal Aid Commission Act 1979 (NSW).

The year ahead

- ➔ We will complete the rollout of our new complaints management system and provide further training to staff.
- ➔ We will develop strategies to better identify systemic issues and scope improvements to services using the detailed reporting functions of the complaints management system.

Financial summary

In this section

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Key achievements

- ★ Our total income was \$349.3 million.
- ★ Our total expenses were \$374.5 million.
- ★ Our net equity was \$26.2 million.
- ★ We streamlined financial processes and costing methodologies to assist in operational control and decision-making.



The year ahead

- ➔ We will continue to provide timely and relevant financial information to stakeholders.



Key challenge

- ▶ We will ensure Legal Aid NSW has the financial resources to fund the delivery of services to our clients.

FINANCIAL OVERVIEW

Funding

Legal Aid NSW receives its government funding as a grant from the NSW Department of Justice. The grant comprises income from the NSW Government and the Commonwealth. In addition, income is received from the Public Purpose Fund, interest and client contributions.

Total income for 2018–19 was \$349.3 million and expenditure was \$374.5 million.

Key developments

Our financial result was a deficit of \$25.6 million which is \$2.6 million less than the budgeted deficit of \$28.2 million.

We ended the year with net equity of \$26.2 million. Payments of \$118.7 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.

Where our money came from (\$M)

Funding received in 2018–19	(\$M)
State appropriation including Commonwealth funding provided under the National Partnership Agreement	257.7
Public Purpose Fund grant	35.4
Other grants	35.3
Acceptance by the Crown Entity of employees' benefits and other liabilities	11.8
Interest and other sources	9.1
Total	349.3

How we spent our money (\$M)

Employee-related expenses	145.6
External legal services	118.7
Grants and subsidies	75.8
Other	34.4
Total	374.5

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

Criminal law	184.3
Family law	83.2
Civil law	49.0
Community partnerships	58.0
Total	374.5

FINANCIAL PERFORMANCE

Our financial result was a deficit of \$25.6 million which is \$2.6 million less than the budgeted deficit of \$28.2 million.

Income

Total income for 2018–19 was \$349.3 million and expenditure was \$274.5 million.

Funding from the NSW Government was \$177.2 million.

Funding from the Commonwealth under the National Partnership Agreement was \$80.5 million.

Acceptance by the Crown entity of employees' benefits and other liabilities was \$11.8 million.

Funding from other sources includes \$35.4 million from the Public Purpose Fund, \$35.3 million from other grants received and \$20.9 million from interest revenue and other sources. Further details may be found in the notes to the financial statements that begin on page 103.

Expenses

Our major expenses for 2018–19 were:

- employee-related expenses of \$145.6 million (\$127.9 million in 2017–18), and
- payments to private lawyers of \$118.7 million (\$107.5 million in 2017–18).

Total expenses for Legal Aid NSW are estimated at \$356.0 million in 2019–20, a decrease of 4.9% on the 2018–19 actuals.

Our financial performance over five years

Total expenses (\$M)

2014–2015	257.4
2015–2016	283.4
2016–2017	306.4
2017–2018	318.9
2018–2019	374.5

Budget outline 2019–20 (\$M)

Operating statement	(\$M)
Revenue (including government contributions)	354.0
Expenditure	356.0
Other gains or losses	(0.2)
Net result	(2.2)

Balance sheet	(\$M)
Current assets	43.3
Non-current assets	55.3
Total assets	98.6
Current liabilities	38.5
Non-current liabilities	27.8
Total liabilities	66.3
Net assets	32.3
Equity	32.3

Surplus or (deficit) (\$M)

2014–2015	4.4
2015–2016	10.2
2016–2017	1.4
2017–2018	0.3
2018–2019	25.6

FINANCIAL STATEMENTS

Legal Aid Commission of NSW

The Legal Aid Commission of NSW (Legal Aid NSW) economic entity consists of two separate reporting entities; being the Legal Aid Commission (a statutory body) and the Legal Aid Commission Staff Agency (a government department). The Legal Aid Commission Staff Agency provides personnel services to the Legal Aid Commission.

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LEGAL AID COMMISSION OF NEW SOUTH WALES

Statement by members of the Board

Pursuant to the *Public Finance and Audit Act 1983* (NSW), 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* (NSW), and *Public Finance and Audit Regulation 2015* (NSW), and
 - the Treasurer's directions issued under the Act.
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 2019 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

10/9/19
Date:



Brendan Thomas
Chief Executive Officer

Date: 10/9/19



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 Statement of Comprehensive Income for the year ended 30 June 2019, the Statement of Financial Position as at 30 June 2019, the Statement of Changes in Equity and the Statement 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 entity 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 2019, 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

The Commission's annual report for the year ended 30 June 2019 includes other information in addition to 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
- 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.

A handwritten signature in black ink, appearing to read 'CHarper', with a long horizontal stroke extending to the right.

Chris Harper
Director, Financial Audit Services

Delegate of the Auditor-General for New South Wales

13 September 2019
SYDNEY

Statement of comprehensive income for the year ended 30 June 2019

	Notes	Consolidated			Parent	
		Budget 2019 \$'000	Actual 2019 \$'000	Actual 2018 \$'000	Actual 2019 \$'000	Actual 2018 \$'000
Expenses excluding losses						
Employee-related expenses	2(a)	131,614	145,613	127,851	1,031	840
Personnel services	2(a)	-	-	-	145,084	127,229
Other operating expenses	2(b)	27,461	29,695	29,300	29,140	29,018
Depreciation and amortisation	2(c)	6,000	4,629	3,935	4,629	3,935
Grants and subsidies	2(d)	79,562	75,786	50,245	75,786	50,245
Finance costs	2(e)	-	67	78	67	78
Services provided by private practitioners	2(f)	113,459	118,719	107,480	118,719	107,480
Total expenses excluding losses		358,096	374,509	318,889	374,456	318,825
Revenue						
Sale of goods and services	3(a)	4,500	8,234	6,066	8,234	6,066
Investment revenue	3(b)	-	207	160	207	160
Grants and contributions	3(c)	321,743	328,368	308,407	328,368	308,407
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	3,482	11,801	4,085	11,748	4,021
Other revenue	3(e)	344	708	969	708	969
Total revenue		330,069	349,318	319,687	349,265	319,623
Operating result		(28,027)	(25,191)	798	(25,191)	798
Gain/(loss) on disposal	4	35	(13)	(64)	(13)	(64)
Other gains/(losses)	5	(200)	(411)	(410)	(411)	(410)
Net result	18	(28,192)	(25,615)	324	(25,615)	324
Other comprehensive income		-	-	-	-	-
Total other comprehensive income		-	-	-	-	-
TOTAL COMPREHENSIVE INCOME		(28,192)	(25,615)	324	(25,615)	324

The accompanying notes form part of these statements

Statement of financial position as at 30 June 2019

	Notes	Consolidated			Parent	
		Budget 2019 \$'000	Actual 2019 \$'000	Actual 2018 \$'000	Actual 2019 \$'000	Actual 2018 \$'000
ASSETS						
Current assets						
Cash and cash equivalents	7	36,519	31,614	58,694	31,614	58,694
Receivables	8	4,684	8,024	11,372	8,024	11,372
Total current assets		41,203	39,638	70,066	39,638	70,066
Non-current assets						
Receivables	8	3,238	5,886	3,833	5,886	3,833
Plant and equipment	9	7,308	9,897	9,656	9,897	9,656
Intangible Assets	10	6,156	13,923	3,789	13,923	3,789
Total non-current assets		16,702	29,706	17,278	29,706	17,278
Total assets		57,905	69,344	87,344	69,344	87,344
LIABILITIES						
Current liabilities						
Payables	11	14,364	20,287	15,955	20,287	15,955
Provisions	12	13,421	14,840	13,439	14,840	13,439
Total current liabilities		27,785	35,127	29,394	35,127	29,394
Non-current liabilities						
Provisions	12	5,796	6,844	4,652	6,844	4,652
Other	13	356	1,186	1,496	1,186	1,496
Total non-current liabilities		6,152	8,030	6,148	8,030	6,148
Total liabilities		33,937	43,157	35,542	43,157	35,542
Net assets		23,968	26,187	51,802	26,187	51,802
EQUITY						
Accumulated funds	14	23,968	26,187	51,802	26,187	51,802
Total equity		23,968	26,187	51,802	26,187	51,802

The accompanying notes form part of these statements

Statement of changes in equity for the year ending 30 June 2019

Notes	Consolidated		Parent	
	Accumulated Funds \$'000	Total \$'000	Accumulated Funds \$'000	Total \$'000
Balance at 1 July 2018	51,802	51,802	51,802	51,802
Net result for the year	(25,615)	(25,615)	(25,615)	(25,615)
Other comprehensive income	-	-	-	-
Total comprehensive income for the year	(25,615)	(25,615)	(25,615)	(25,615)
Balance at 30 June 2019	26,187	26,187	26,187	26,187
Balance at 1 July 2017	51,478	51,478	51,478	51,478
Net result for the year	324	324	324	324
Total comprehensive income for the year	324	324	324	324
Balance at 30 June 2018	51,802	51,802	51,802	51,802

The accompanying notes form part of these statements

Statement of cash flows for the year ending 30 June 2019

	Notes	Consolidated			Parent	
		Budget 2019 \$'000	Actual 2019 \$'000	Actual 2018 \$'000	Actual 2019 \$'000	Actual 2018 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee-related		(127,809)	(132,949)	(123,432)	(1,031)	(840)
Grants and subsidies		(79,562)	(83,365)	(55,270)	(83,365)	(55,270)
Personnel services		-	-	-	(131,918)	(122,592)
Private practitioners		-	(118,392)	(107,098)	(118,392)	(107,098)
Other		(155,496)	(32,872)	(34,340)	(32,872)	(34,340)
Total payments		(362,867)	(367,578)	(320,140)	(367,578)	(320,140)
Receipts						
Sale of goods and services		4,300	11,661	5,625	11,661	5,625
Grants and contributions		321,743	331,914	307,264	331,914	307,264
Interest received		-	207	160	207	160
Other		14,920	10,291	8,017	10,291	8,017
Total receipts		340,963	354,074	321,066	354,074	321,066
NET CASH FLOWS FROM OPERATING ACTIVITIES	18	(21,904)	(13,504)	926	(13,504)	926
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		35	8	127	8	127
Purchases of plant and equipment, and intangibles		(5,644)	(13,584)	(6,157)	(13,584)	(6,157)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(5,609)	(13,576)	(6,030)	(13,576)	(6,030)
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENT		(27,513)	(27,080)	(5,104)	(27,080)	(5,104)
Opening cash and cash equivalents		64,032	58,694	63,798	58,694	63,798
CLOSING CASH AND CASH EQUIVALENTS	7	36,519	31,614	58,694	31,614	58,694

The accompanying notes form part of these statements

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting entity

The Legal Aid Commission of NSW (the Commission) is a NSW government entity and is controlled by the State of NSW, 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 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 2019 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 10 September 2019.

(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 (NSW)* and *Public Finance and Audit Regulation 2015 (NSW)*, and
- Treasurer's Directions issued under the Act.

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 thousand 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 that:

- 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.

(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 2018-19

The entity has adopted AASB 9 *Financial Instruments* (AASB 9), which resulted in changes in accounting policies in respect of recognition, classification and measurement of financial assets and financial liabilities; derecognition of financial instruments; impairment of financial assets and hedge accounting. AASB 9 also significantly amends other standards dealing with financial instruments such as the revised AASB 7 *Financial Instruments: Disclosures* (AASB 7R).

The entity applied AASB 9 retrospectively but has not restated the comparative information which is reported under AASB 139 *Financial Instruments: Recognition and Measurement* (AASB 139). Any differences arising from the adoption of AASB 9 have been recognised directly in accumulated funds and other components of equity.

a) Classification and measurement of financial instruments

The classification and measurement requirements of AASB 9 did not have a significant impact to the entity. The entity continued measuring at fair value, all financial assets previously held at fair value under AASB 139.

The following are the changes in the classification of the entity's financial assets:

- Trade receivables and other financial assets (i.e., term deposits) classified as 'Loans and receivables' under AASB 139 as at 30 June 2018 are held to collect contractual cash flows representing solely payments of principal and interest. At 1 July 2018, these are classified and measured as debt instruments at amortised cost.
- The entity has not designated any financial liabilities at fair value through profit or loss. There are no changes in the classification and measurement for the entity's financial liabilities.

b) Impairment

The adoption of AASB 9 has changed the entity's accounting for impairment losses for financial assets by replacing AASB 139's incurred loss approach with a forward-looking expected credit loss (ECL) approach. AASB 9 requires the entity to recognise an allowance for ECLs for all debt instruments not held at fair value through profit or loss. There is no material impact to the entity on adopting the new impairment model.

Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. The following new Australian Accounting Standards have not been applied and are not yet effective. *AASB 9 Financial Instruments*

AASB 15, AASB 2014-5, AASB 2015-8 and 2016-3 regarding Revenue from Contracts with Customers (Not-for-profits only)

AASB 16 Leases

AASB 17 Insurance Contracts

AASB 1058 Income of Not-for-profit Entities

AASB 1059 Service Concession Arrangements: Grantors

AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities

AASB 2017-1 Amendments to Australian Accounting Standards – Transfer of Investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments

AASB 2017-4 Amendments to Australian Accounting Standards – Uncertainty over Income Tax Treatments

AASB 2017-6 Amendments to Australian Accounting Standards – Prepayment Features with Negative Compensation

AASB 2017-7 Amendments to Australian Accounting Standards – Long-term Interests in Associates and Joint Ventures

AASB 2018-1 Amendments to Australian Accounting Standards – Annual Improvements 2015-2017 Cycle

Mandate not to early adopt any of the new Standards / Interpretations.

TC19-04 Mandates of Options and Major Policy Decisions under Australian Accounting Standards 24

Options / Requirements Treasury Mandate FRC Reference

AASB 2018-2 Amendments to Australian Accounting Standards – Plan Amendment, Curtailment or Settlement

AASB 2018-3 Amendments to Australian Accounting Standards – Reduced Disclosure Requirements

AASB 2018-4 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Public Sector Licensors

AASB 2018-5 Amendments to Australian Accounting Standards – Deferral of AASB 1059

AASB 2018-6 Amendments to Australian Accounting Standards – Definition of a Business

AASB 2018-7 Amendments to Australian Accounting Standards – Definition of Material

AASB 2018-8 Amendments to Australian Accounting Standards – Right-of-Use Assets of Not-for-Profit Entities

Interpretation 22 Foreign Currency Transactions and Advance Consideration (Not-for-profits only)

Interpretation 23 Uncertainty over Income Tax Treatment

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*.

Based on the impact assessments of AASB 16 *Leases* the Commission has undertaken on currently available information, the Commission estimates additional lease liabilities of \$41 million and right-of-use assets of \$41 million will be recognised as at 1 July 2019 for leases in which the Commission is a lessee. Most operating lease expenses will be replaced by depreciation of the right of use asset and interest on the lease liability. The impact on the statement of comprehensive income in 2019/20 is expected to be \$0.08 million.

	Consolidated		Parent	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
2 EXPENSES EXCLUDING LOSSES				
(a) Employee related expenses and personnel services				
Employee related expenses				
Salaries and wages (including annual leave)	115,510	106,650	-	-
Superannuation – defined benefit plans	967	1,172	-	-
Superannuation – defined contribution plans	10,061	9,262	-	-
Long service leave	10,781	3,052	-	-
Workers' compensation insurance	508	262	-	-
Payroll tax and fringe benefits tax	6,755	6,613	-	-
Agency staff costs	1,031	840	1,031	840
Total	145,613	127,851	1,031	840

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 2018–19 was \$1.720m (2017–18: \$Nil), therefore excluded from the above.

Long service leave present value increase is driven primarily by the significant drop in the discount Commonwealth 10 year bond rate to 1.320% from 2.63% (2018).

Personnel services

Personnel services provided by the Legal Aid Commission Staff Agency	-	-	145,084	127,229
Total	-	-	145,084	127,229

(b) Other operating expenses

Other operating expenses include the following:				
Operating lease rental expense – minimum lease payments	10,920	11,254	10,920	11,254
Telephone	285	330	285	330
Library resources	812	812	812	812
Consultants	993	1,326	993	1,326
Contractors	249	-	249	-
Stationery, stores and provisions	635	794	635	794
Information Technology	4,772	4,233	4,772	4,233
Printing	989	784	989	784
Records management	786	679	786	679
Travel	2,237	1,849	2,237	1,849
Postage	744	733	744	733
Cleaning	559	592	559	592
Practicing certificates	546	521	546	521
Electricity and gas	455	477	455	477
Insurance	147	166	147	166
Auditor's remuneration – audit of financial statements	146	145	146	145
Auditor's remuneration – audit of IAAAS	-	4	-	4
Internal audit and audit of Trust Account	178	266	178	266
Courier and freight	98	91	98	91
Maintenance	410	545	410	545
Other	3,734	3,699	3,179	3,417
Total	29,695	29,300	29,140	29,018

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

	Consolidated		Parent	
	2019	2018	2019	2018
	\$'000	\$'000	\$'000	\$'000
(c) Depreciation and amortisation expenses				
Depreciation				
Leasehold Improvements	2,214	2,028	2,214	2,028
Plant and Equipment	1,400	1,388	1,400	1,388
Total	3,614	3,416	3,614	3,416
Amortisation				
Software	1,015	519	1,015	519
Total	1,015	519	1,015	519
Total depreciation and amortisation expense	4,629	3,935	4,629	3,935

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

(d) Grants and subsidies

Domestic Violence Court Advocacy Program	27,184	23,700	27,184	23,700
Community Legal Centres	24,902	24,348	24,902	24,348
Cooperative Legal Service Delivery Program	1,039	921	1,039	921
Grants to other organisations	22,661	1,276	22,661	1,276
Total	75,786	50,245	75,786	50,245

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary state funds.

Grants to other organisations includes payments for the District Court Backlog Program.

(e) Finance costs

Unwinding of discount on make good provision	67	78	67	78
Total	67	78	67	78

(f) Services provided by private practitioners

Solicitor services provided by private practitioners	71,682	66,488	71,682	66,488
Barrister services provided by private practitioners	31,696	26,201	31,696	26,201
Disbursements	15,341	14,791	15,341	14,791
Total	118,719	107,480	118,719	107,480

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. An independent actuary was engaged to undertake this work in progress calculation.

	Consolidated		Parent	
	2019	2018	2019	2018
	\$'000	\$'000	\$'000	\$'000

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	4,184	2,587	4,184	2,587
Family law	2,697	2,331	2,697	2,331
Civil law	1,353	1,148	1,353	1,148
Total	8,234	6,066	8,234	6,066

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	207	160	207	160
Total	207	160	207	160

Recognition and measurement

Investment revenue

Interest income is calculated by applying the effective interest rate to the gross carrying amount of a financial asset except for financial assets that subsequently become credit-impaired. For financial assets that become credit impaired, the effective interest rate is applied to the amortised cost of the financial asset (i.e. after deducting the loss allowance for expected credit losses).

(c) Grants and contributions

Cluster Agency recurrent contribution	239,910	212,433	239,910	212,433
Cluster Agency capital contribution	5,349	4,970	5,349	4,970
Law Society Public Purpose Fund ⁱ⁾	35,400	34,395	35,400	34,395
Cluster Agency recurrent contribution – CLC specific ⁱⁱ⁾	12,466	12,287	12,466	12,287
Other grants and contributions ⁱⁱⁱ⁾	35,243	44,322	35,243	44,322
Total	328,368	308,407	328,368	308,407

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 \$35.4m (\$34.4m in 2017–18) to provide legal aid services in State matters.

	Consolidated		Parent	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
Other specific grants from this fund include:				
Community Legal Centres	1,400	1,375	1,400	1,375
Children's Court Assistance Scheme	212	206	212	206
Homeless Persons	470	457	470	457
Older Persons Legal Service	543	527	543	527
Aboriginal Legal Access Program	297	297	297	297
Total	2,922	2,862	2,922	2,862

ii) Specific funding for Community Legal Centres received from the Commonwealth via the National Partnership Agreement. In 2018–19, \$12.466m plus a further \$0.722m Social and Community Services Equal Remuneration Order funding, totalling \$13.238m (2017–18 \$12.935m as a Commonwealth Base grant). These funds were earmarked for distribution to various Community Legal Centres.

iii) Other grants and contributions include:

Juvenile Justice for the Juvenile Justice Visiting Legal Service	202	202	202	202
Commonwealth special funding for expensive criminal cases	1,168	-	1,168	-
Family and Community Services NSW – Homelessness Action Plan	378	378	378	378
NSW Health – women's domestic violence	-	11,671	-	11,671
NSW Department of Justice – domestic and family violence	28,924	13,382	28,924	13,382
NSW Department of Justice – early appropriate guilty plea reforms	228	5,832	228	5,832
NSW Department of Justice – Client and Case Management System	-	1,200	-	1,200
NSW Department of Justice – driver disqualification reforms	1,419	1,683	1,419	1,683
NSW Department of Justice – Community Legal Centres	-	3,041	-	3,041
NSW Department of Justice – District Court Backlog Program	-	4,400	-	4,400
NSW Department of Justice – Child Sex Offence Evidence Pilot	241	-	241	-
NSW Department of Justice – Youth Koori Court	367	-	367	-
Commonwealth grant – South West Sydney Domestic Violence Unit	750	850	750	850
Commonwealth grant – National Disability Insurance Scheme	1,339	1,513	1,339	1,513
Commonwealth grant – family law services	65	-	65	-
Other	162	170	162	170
Total	35,243	44,322	35,243	44,322

	Consolidated		Parent	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
(d) Acceptance by the Crown Entity of employee benefits and other liabilities				
The following liabilities and/or expenses have been assumed by the Crown Entity or other government agencies:				
Superannuation – defined benefit	967	1,172	967	1,172
Long service leave	10,781	2,849	10,781	2,849
Payroll tax	53	64	-	-
Total	11,801	4,085	11,748	4,021

(e) Other revenue				
Miscellaneous	708	969	708	969
Total	708	969	708	969

4 GAIN/(LOSS) ON DISPOSAL

Gain/(loss) on disposal of plant and equipment				
Proceeds from disposal	8	127	8	127
Less: written down value of assets disposed	(21)	(191)	(21)	(191)
Net gain/(loss) on disposal	(13)	(64)	(13)	(64)

5 OTHER GAINS/(LOSSES)

Impairment gain/(loss) on receivables	(411)	(474)	(411)	(474)
Gain/(loss) on make good provision	-	64	-	64
Net other gains/(losses)	(411)	(410)	(411)	(410)

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 2019

CONSOLIDATED EXPENSES AND REVENUES	Program Group 1 * Legal Services		Program Group 2 * Community Partnerships		Not attributable **		Total	
	2019 \$000	2018 \$000	2019 \$000	2018 \$000	2019 \$000	2018 \$000	2019 \$000	2018 \$000
Expenses excluding losses								
Employee-related/personnel services	142,616	125,166	2,997	2,685	-	-	145,613	127,851
Other operating expenses	28,574	28,208	1,121	1,092	-	-	29,695	29,300
Depreciation and amortisation	4,578	3,850	51	85	-	-	4,629	3,935
Grants and subsidies	22,289	885	53,497	49,360	-	-	75,786	50,245
Finance costs	67	76	-	2	-	-	67	78
Services provided by private practitioners	118,398	107,062	321	418	-	-	118,719	107,480
Total expenses excluding losses	316,522	265,247	57,987	53,642	-	-	374,509	318,889
Revenue								
Sale of goods and services	8,234	6,066	-	-	-	-	8,234	6,066
Investment income	207	160	-	-	-	-	207	160
Grants and contributions	265,662	255,705	62,706	52,702	-	-	328,368	308,407
Acceptance by the Crown Entity of employee benefits and other liabilities	11,744	4,065	57	20	-	-	11,801	4,085
Other revenue	708	967	-	2	-	-	708	969
Total revenue	286,555	266,963	62,763	52,724	-	-	349,318	319,687
Operating result	(29,967)	1,716	4,776	(918)	-	-	(25,191)	798
Gain/(loss) on disposal of non-current assets	(13)	(64)	-	-	-	-	(13)	(64)
Other gains/(losses)	(411)	(410)	-	-	-	-	(411)	(410)
Net result	(30,391)	1,242	4,776	(918)	-	-	(25,615)	324
Other comprehensive income	-	-	-	-	-	-	-	-
Total other comprehensive income	-	-	-	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	(30,391)	1,242	4,776	(918)	-	-	(25,615)	324

CONSOLIDATED ASSETS AND LIABILITIES	Program Group 1 * Legal Services		Program Group 2 * Community Partnerships		Not attributable **		Total	
	2019 \$000	2018 \$000	2019 \$000	2018 \$000	2019 \$000	2018 \$000	2019 \$000	2018 \$000
Current assets								
Cash and cash equivalents	-	-	-	-	31,614	58,694	31,614	58,694
Receivables	8,024	11,372	-	-	-	-	8,024	11,372
Total current assets	8,024	11,372	-	-	31,614	58,694	39,638	70,066
Non-current assets								
Receivables	5,886	3,832	-	1	-	-	5,886	3,833
Plant and equipment	9,693	9,453	204	203	-	-	9,897	9,656
Intangible assets	13,636	3,709	287	80	-	-	13,923	3,789
Total non-current assets	29,215	16,994	491	284	-	-	29,706	17,278
Total assets	37,239	28,366	491	284	31,614	58,694	69,344	87,344
Current liabilities								
Payables	19,981	15,702	306	253	-	-	20,287	15,955
Provisions	14,535	13,157	305	282	-	-	14,840	13,439
Total current liabilities	34,516	28,859	611	535	-	-	35,127	29,394
Non current liabilities								
Provisions	6,703	4,554	141	98	-	-	6,844	4,652
Other	1,162	1,465	24	31	-	-	1,186	1,496
Total non-current liabilities	7,865	6,019	165	129	-	-	8,030	6,148
Total liabilities	42,381	34,878	776	664	-	-	43,157	35,542
Net assets	(5,142)	(6,512)	(285)	(380)	31,614	58,694	26,187	51,802

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

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	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
7 CURRENT ASSETS - CASH AND CASH EQUIVALENTS				
Cash at bank	31,614	58,694	31,614	58,694
Total cash	31,614	58,694	31,614	58,694

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)	31,614	58,694	31,614	58,694
Cash and cash equivalents (per Statement of Cash Flows)	31,614	58,694	31,614	58,694

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 (2017-18: \$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	3,133	7,996	3,133	7,996
Less: - Allowance for expected credit loss	(693)	-	(693)	-
- Allowance for impairment	-	(736)	-	(736)
	2,440	7,260	2,440	7,260
Other debtors	163	1	163	1
GST recoverable from Australian Taxation Office	2,748	2,556	2,748	2,556
Prepayments	2,673	1,555	2,673	1,555
Total current	8,024	11,372	8,024	11,372

Non-current

Sale of goods and services	6,606	4,409	6,606	4,409
Less: - Allowance for expected credit loss	(720)	-	(720)	-
- Allowance for impairment	-	(576)	-	(576)
Total non-current	5,886	3,833	5,886	3,833

Movement in the allowance for expected credit loss

Balance at 1 July 2018 under AASB 9	1,312	1,312
Amounts written off during the year	338	338
Amounts recovered during the year	(28)	(28)
Increase/(decrease) in allowance recognised in net result	(209)	(209)
Balance at 30 June 2019	1,413	1,413

Movement in the allowance for impairment

Balance at 1 July 2017	916	916
Amounts written off during the year	(100)	(100)
Amounts recovered during the year	(22)	(22)
Increase/(decrease) in allowance recognised in net result	518	518
Balance at 30 June 2018	1,312	1,312

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 \$6.0m (2017-18: \$3.7m) are secured by way of caveat.

Recognition and measurement

All 'regular way' purchases or sales of financial asset 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 are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Subsequent measurement under AASB 9 (from 1 July 2018)

The entity holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method.

Subsequent measurement under AASB 139 (for comparative period ended 30 June 2018)

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.

Impairment under AASB 9 (from 1 July 2018)

The Commission recognises an allowance for expected credit losses (ECLs) for all debt financial assets not held at fair value through profit or loss. ECLs are based on the difference between the contractual cash flows and the cash flows that the entity expects to receive, discounted at the original effective interest rate. For trade receivables, the entity applies a simplified approach in calculating ECLs. The entity recognises a loss allowance based on lifetime ECLs at each reporting date. The Commission has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward-looking factors specific to the receivable.

Impairment under AASB 139 (for comparative period ended 30 June 2018)

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.

	Consolidated		Parent	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
9 NON-CURRENT ASSETS - PLANT AND EQUIPMENT				
At 1 July - 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
At 30 June - fair value				
Gross carrying amount	42,428	39,271	42,428	39,271
Less: Accumulated depreciation and impairment	(32,531)	(29,615)	(32,531)	(29,615)
Net carrying amount	9,897	9,656	9,897	9,656
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	9,656	8,441	9,656	8,441
Additions	3,713	3,825	3,713	3,825
Disposals	(21)	(142)	(21)	(142)
Transfers from intangibles	163	948	163	948
Depreciation expense	(3,614)	(3,416)	(3,614)	(3,416)
Net carrying amount at end of year	9,897	9,656	9,897	9,656
Refer Note 2(c).				
Classification				
Office equipment	541	727	541	727
IT hardware	2,391	2,695	2,391	2,695
Leasehold improvements	6,965	6,234	6,965	6,234
	9,897	9,656	9,897	9,656

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 Commission 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 Commission 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 Commission 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	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
10 INTANGIBLE ASSETS				
At 1 July – 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
At 30 June – fair value				
Cost (gross carrying amount)	28,160	17,011	28,160	17,011
Less: Accumulated amortisation and impairment	(14,237)	(13,222)	(14,237)	(13,222)
Net carrying amount	13,923	3,789	13,923	3,789

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	3,789	2,622	3,789	2,622
Additions	11,312	2,683	11,312	2,683
Disposals	-	(49)	-	(49)
Transfers to plant and equipment	(163)	(948)	(163)	(948)
Amortisation (recognised in "depreciation and amortisation")	(1,015)	(519)	(1,015)	(519)
Net carrying amount at end of year	13,923	3,789	13,923	3,789

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 Commission'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.

As there is no active market for the Commission's intangible assets, the assets are carried at cost.

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. Intangible assets are primarily IT software.

11 CURRENT LIABILITIES – PAYABLES

Accrued salaries, wages and on-costs	551	1,089	-	-
Legal Aid Commission Staff Agency – accrued salaries, wages and on-costs	-	-	551	1,089
Creditors	5,843	996	5,843	996
Accrued expenses	3,457	3,756	3,457	3,756
Unearned revenue	80	85	80	85
Accrual of estimated legal expenses ⁱ⁾	10,356	10,029	10,356	10,029
Total	20,287	15,955	20,287	15,955

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 Commission 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.

	Consolidated		Parent	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
12 CURRENT/NON-CURRENT LIABILITIES - PROVISIONS				
Current				
Employee benefits and related on-costs				
Annual leave	9,741	8,702	-	-
Provision for related on-costs	5,099	4,737	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	14,840	13,439
Total current	14,840	13,439	14,840	13,439
Non-current				
Employee benefits and related on-costs				
Provision for related on-costs	290	290	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	290	290
	290	290	290	290
Other provisions				
Restoration costs	6,554	4,362	6,554	4,362
	6,554	4,362	6,554	4,362
Restoration costs refers to the present value of estimated cost of make good obligations (in accordance with AASB 137) that will arise when existing office accommodation leases expire. The provision is adjusted annually for unwinding and changes in discount rates. Any cost variations in make good expenses at the time of implementation will be recognised in the Statement of Comprehensive Income.				
Total non-current provisions	6,844	4,652	6,844	4,652
Aggregate employee benefits and related on-costs				
Provisions – current	14,840	13,439	-	-
Provisions – non-current	290	290	-	-
Accrued salaries, wages and on-costs (Note 11)	551	1,089	-	-
	15,681	14,818	-	-
Movements in provisions (other than employee benefits)				
Restoration provision				
Carrying amount at start of financial year	4,362	4,273	4,362	4,273
Additional provisions recognised	2,125	351	2,125	351
Amounts used	-	(340)	-	(340)
Unwinding/change in the discount rate	67	78	67	78
Carrying amount at end of financial year	6,554	4,362	6,554	4,362

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 Commission 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 Commission'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 Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

Long Service Leave and Superannuation

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown Entity. The Commission accounts for the liability as having been extinguished, 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.

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 Commission 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 Commission 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 1.04% (2018 1.83%), which reflects the current market assessments of the time value of money and the risks specific to the liability. When discounting is used, the increase in the provision due to the passage of time (i.e. unwinding of discount rate) is recognised as a finance cost.

	Consolidated		Parent	
	2019	2018	2019	2018
	\$'000	\$'000	\$'000	\$'000
13 NON-CURRENT LIABILITY - OTHER				
Lease incentive liability	1,186	1,496	1,186	1,496
Total non-current liability - Other	1,186	1,496	1,186	1,496

14 EQUITY

Recognition and Measurement

- (i) Accumulated funds

The category accumulated funds includes all current and prior period retained funds.

15 COMMITMENTS FOR EXPENDITURE

(a) Capital commitments

Aggregate capital expenditure contracted for at balance date and not provided for:

	Consolidated		Parent	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
Not later than one year	1,700	4,389	1,700	4,389
Total (including GST)	1,700	4,389	1,700	4,389

(b) Operating lease commitments

Future non-cancellable operating lease rentals not provided for and payable:

Not later than one year	13,977	12,011	13,977	12,011
Later than one year and not later than 5 years	32,450	35,797	32,450	35,797
Later than 5 years	10,070	12,571	10,070	12,571
Total (including GST)	56,497	60,379	56,497	60,379

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 5 years. Rental accommodation is indexed by either CPI, market or fixed annual increments.

The total commitments in (a) & (b) above include input tax credits of \$5.29m (2017–18: \$5.89m) 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 (2017–18: 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 \$25.6m loss falls short of the budget deficit of \$28.2m by \$2.6m. Total Expenses exceeded budget by \$16.4m, this was generally offset by Total Revenue exceeding budget by \$19.3m. Net Employee related expenses of \$133.8m exceeds the net budget by \$5.7m. This was partially offset by Sale of goods and services revenue exceeding the budget by \$3.7m and Grants and contributions exceeding budget by \$6.6m.

Assets and liabilities

Net Assets are higher than budget by \$2.2m primarily due to higher expenditure on intangible assets at \$7.7m over budget. This is partially offset by Payables over budget by \$5.9m generally relating to District Court Backlog program payment. Cash and cash equivalent were \$5m below budget partly due to the use of the Commission's cash for intangible assets and the District Court Backlog program.

Cash flows

Net cash flows from operating activities were \$8.4m greater than budget principally due to contribution revenue exceeding budget. Net cash flow from investing activities were \$8m below budget due to the Client Case Management system project costs being higher than the original budget. Closing cash and cash equivalent is below budget by \$5m.

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	
	2019	2018	2019	2018
	\$'000	\$'000	\$'000	\$'000
Net cash used on operating activities	(13,504)	927	(13,504)	927
Depreciation and amortisation expense	(4,629)	(3,935)	(4,629)	(3,935)
Decrease/(increase) in provisions	(3,593)	(262)	(3,593)	(262)
Decrease/(increase) in other liabilities	(374)	(1,174)	(374)	(1,174)
Decrease/(increase) in creditors	(4,332)	(2,072)	(4,332)	(2,072)
Increase/(decrease) in prepayments and other assets	(1,295)	6,553	(1,295)	6,553
Net Gain/(Loss) on disposal of plant and equipment	(13)	(64)	(13)	(64)
Additions to lease restoration provision	2,125	351	2,125	351
Net result	(25,615)	324	(25,615)	324

19 TRUST FUNDS

The Legal Aid Commission of NSW administers, but does not control the funds in the following Trust Account:

	2019	2018
	\$'000	\$'000
Legal Aid Commission Trust Account ¹		
Cash balance at the beginning of the financial year	774	627
Add: Receipts	1,887	2,206
Less: Expenditure	(2,283)	(2,059)
Cash balance at the end of the financial year	378	774

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 Commission are outlined below. These financial instruments arise directly from the operations of the Commission or are required to finance the operations of the Commission. The Commission does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The main risks arising from financial instruments for the Commission are outlined below, together with the objectives of the Commission, 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 AASB 9 2019 \$'000	Carrying Amount AASB 139 2018 \$'000
Financial assets				
Class:				
Cash & cash equivalents	7	n/a	31,614	58,694
Receivables ¹	8	Amortised cost	8,489	11,094
Financial liabilities				
Class:				
Payables ²	11	Financial Liabilities measured at amortised cost	20,181	15,343

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)

The Commission 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.

(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 Commission transfers its rights to receive cash flows from the asset or as assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- where substantially all the risks and rewards have been transferred; or
- the Commission has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control.

When the Commission has transferred its rights to receive cash flows from an asset or has entered into a passthrough arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the Commission 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 Commission's continuing involvement in the asset. In that case, the Commission 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 Commission 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 Commission 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.

(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 Commission defaulting on their contractual obligations, resulting in a financial loss to the Commission. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for credit loss or allowance for impairment).

Credit risk arises from the financial assets of the Commission, including cash, receivables and authority deposits. The Commission has secured a portion of its receivables by way of caveat. The Commission 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.

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. The Commission applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade debtors. 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:

	01/01/2019 to 30/06/2019	01/07/2018 to 31/12/2018
• Overdue debt (Section 71A of Legal Aid Commission Act)	3.75%	3.75%
• Local Court judgements (Section 101 of Civil Procedure Act 2005)	7.50%	7.50%
• Family Court judgements (Section 117B of Family Law Act)	7.50%	7.50%

The Commission 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 (2019: \$0.949m 2018: \$2.714m) and not less than one month past due (2019: \$0.318m 2018: \$0.164m) are not considered impaired and together these represent 14% of the total debtors (2018: 24.0%).

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
2019			
< 3 months overdue	318	318	-
3 months – 6 months overdue	983	290	693
> 6 months overdue	6,732	6,012	720
2018			
< 3 months overdue	164	164	-
3 months – 6 months overdue	1,558	1,558	-
> 6 months overdue	7,434	6,122	1,312

¹ Each column in the table reports ‘gross receivables’

² The ageing analysis excludes statutory receivables, as these are not within the scope of AASB 7 and excludes receivables that are not past due and not impaired. Therefore, the ‘total’ will not necessarily reconcile to the receivables total recognised in the Statement of Financial Position.

Authority deposits

Legal Aid Commission of NSW did not have any deposit with TCorp during the financial year.

ii) Liquidity risk

Liquidity risk is the risk that the entity will be unable to meet its payment obligations when they fall due. The Commission continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances. The exposure of the Legal Aid Commission of NSW to liquidity risk is deemed insignificant based on prior periods’ data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSW TC 11/12. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Legal Aid Commission of NSW did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the financial liabilities of the Legal Aid Commission of NSW, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities:

	Consolidated and Parent		
	Nominal Amount ¹	Non-Interest bearing	Maturity < 1 year
2019			
<i>Payables</i>			
Accounts payables	20,181	20,181	20,181
2018			
<i>Payables</i>			
Accounts payables	15,343	15,343	15,343

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

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 Commission is minimal. The Commission 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 Commission 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 2018. The analysis assumes that all other variables remain constant.

iv) Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Commission does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale (until 30 June 2018). Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. The Commission would not be affected by a change in interest rates.

(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

Management assessed that cash and short-term deposits, trade receivables, trade payables, and other current liabilities approximate their fair values, largely due to the short-term maturities of these instruments.

21 RELATED PARTY DISCLOSURE

Legal Aid NSW's key management personnel compensation is as follows:

	2019 \$000	2018 \$000
Short term employee benefits:		
Salaries	565	528
Other monetary allowances	-	-
Long term employee benefits:		
Termination benefits	-	21
Total Remuneration	565	549

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.

Government-related entities

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
- Significant transactions with the NSW Department of Justice
- Transactions with the Office of the Director of Public Prosecutions
- 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

Other information (unaudited)

1 PAYMENT PERFORMANCE

(a) Payment to creditors

Legal Aid NSW processed 99.10% of invoices received within 30 days during 2018–19, an increase compared to 98.89% in 2017–18.

Period	2018–19		2017–18	
	Invoices	%	Invoices	%
Within 30 days	153,789	99.10%	144,874	98.89%
Over 30 days	1,399	0.90%	1,632	1.11%
Total	155,188	100%	146,506	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	99.22%	66,101	66,751
December	100.00	99.09%	72,646	75,788
March	100.00	98.78%	57,905	58,552
June	100.00	99.27%	52,868	53,363

(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	835	2	0	0
December	3558	57	0	0
March	1325	3	0	0
June	5843	0	0	0

(c) Consultancies

Consultancy projects equal to or more than \$50,000:

Project	Consultant	\$
Strategic Plan	Nous Group	311,700
Resource allocation	Deloitte Touche Tohmatsu	124,200
Private practitioners fees business case	KPMG	156,000
Walama Court business case	Pharink	78,600

Consultancy projects less than \$50,000

Legal Aid NSW engaged 13 consultants for individual projects costing less than \$50,000 per project during 2018–19. The total cost of these consultancies was \$405,000. This was less than the 2017–18 total cost of \$869,000.

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

Legal Aid NSW's CEO attended the International Legal Aid Group conference in Ottawa, Canada between 15 and 20 June 2019.

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* (Cth). 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 the *Government Sector Finance Act 2018* (NSW), 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 icare NSW. The 2018–19 premium for workers compensation insurance increased by 40% to \$440,500 from \$314,600 in 2017–18. The premium for the other insurance types remained constant at \$152,800, compared to \$152,600 in 2017–18.

Motor vehicle claims

The number of motor vehicle claims in 2018–19 was 14, up from 11 in 2017–18. This incurred a net cost of \$39,139, an increase compared with a net cost of \$15,000 in 2017–18. The average number of vehicles in the Legal Aid NSW fleet in 2018–19 is 79, compared with 72 in 2017–18. This results in an average claim cost per vehicle of \$495 in 2018–19 compared with \$208 in 2017–18.

The 2018–19 deposit premium for motor vehicles was \$56,100, an increase compared with the 2017–18 deposit premium of \$49,200.

Workers compensation

There were nine workers compensation claims in 2018–2019 compared to 14 in 2017–2018.

Type of claim	Claims for 2017–18	Claims for 2018–19
Workplace	12	8
On duty (for example at court)	1	1
Recess (authorised break)	1	-
Total	14	9

For 2018–19 the total net incurred costs for the nine workers compensation claims was \$225,046.

The percentage breakdown is as follows:

- 84% of claims were related to physical type of matters accounting for 27% of claim costs, and
- 16% of claims relating to psychological type of matters accounting for 73% of claim totals.

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.

Appendices

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Appendix 1 Human resources information

Staff locations

FTE staff as at 30 June 2019

Central Sydney	601.19
Metropolitan offices	297.33
Regional offices	279.96
Total staff FTE	1,178.48

FTE staff as at 30 June 2019

CEO / Executive	11
Legal officers	595.86
Legal admin support staff	571.62
Total staff FTE	1,178.48

Number of actual staff by employment type

	2016-17	2017-18	2018-19
Ongoing full-time	742	735	829
Ongoing part-time	184	194	239
Temporary full-time	171	198	177
Temporary part-time	46	62	62
Contract executive	14	11	11
Non-executive	0	0	0
Casual	6	3	3
Other	0	0	5
Total	1,163	1,203	1,326

Number of actual staff by type of work

	Central Sydney	Metropolitan	Regional	Total
Lawyers	274	200	199	673
Administraton	392	142	119	653
Total	666	342	318	1,326

Number of executive roles*

Band	Range (\$)	Average remuneration		2017-18		2018-19	
		2017-18	2018-19	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$337,101-\$475,150	\$463,556	\$475,145	0	1	0	1
Band 2 (Executive Director)	\$268,001-\$337,100	\$284,212	\$291,317	1	0	1	0
Band 1 (Director)	\$187,900-\$268,000	\$228,996	\$234,402	6	3	7	2
Total				7	4	8	3

* Note that 2.40% of Legal Aid NSW's employee-related expenditure in 2018-19 was related to senior executives.

Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups*	2016-17	2017-18	2018-19
Men	290	309	327
Women	873	894	999
Aboriginal people	69	63	68
People from racial, ethnic, ethno-religious minority groups	206	234	227
People whose first language is not English	121	151	165
People with a disability	60	76	73
People with a disability requiring a work-related adjustment	15	16	15
Total	1,163	1,203	1,326

* Data includes casual staff

Parliamentary annual report tables

Table 1: Trends in the representation of workforce diversity groups **% Total staff**

Workforce diversity group	Benchmark or target (%)	2016-17	2017-18	2018-19
Women	50	75	74.8	75.5
Aboriginal people and Torres Strait Islanders	3.3	5.9	5.6	5.1
People whose first language spoken as a child was not English	23.2	10.4	12.5	12.5
People with a disability	5.6	5.2	6.2	5.5
People with a disability requiring a work-related adjustment	N/A	1.2	1.4	1.1

Table 2: Trends in the distribution of workforce diversity groups **Distribution index**

Workforce diversity group	Benchmark or target (%)	2016-17	2017-18	2018-19
Women	100	90	93	93
Aboriginal people and Torres Strait Islanders	100	88	88	89
People whose first language spoken as a child was not English	100	94	95	95
People with a disability	100	104	100	100
People with a disability requiring a work-related adjustment	100	N/A	N/A	N/A

Staff numbers as at 30 June 2019.

Table 1 and Table 2 data does not include casual staff.

A Distribution Index of 100 indicates that the centre of the distribution of the EEO groups across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be.

In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels.

The Distribution Index is not calculated where Workforce Diverse group or non-Workforce Diverse group numbers are less than 20.

Appendix 3 Learning and development

	Legal Aid NSW staff	Private lawyers	Other (including not-for-profit)	Total
Legal Aid NSW conferences				
Civil Law conferences	393	0	0	393
Criminal Law conferences	303	50	234	587
Family Law conferences	519	145	211	875
Total	1,215	195	445	1,855
Legal Aid NSW seminars				
Generic continuing professional development				
Face-to-face	1	0	0	1
Online	103	14	8	125
Civil law continuing professional development				
Face-to-face	212	0	10	222
Online	13	16	7	36
Criminal law continuing professional development				
Face-to-face	253	339	184	776
Online	29	16	12	57
Family law continuing professional development				
Face-to-face	55	35	49	139
Online	19	9	4	32
Total	685	429	274	1,388
Legal Aid NSW training sessions				
Business skills				
Face-to-face	69	0	0	69
Online	10	0	0	10
Client service				
Face-to-face	141	0	0	141
Online	12	1	1	14
Diversity and inclusion				
Face-to-face	163	10	30	203
Online	76	2	2	80
Health and wellbeing				
Face-to-face	483	0	0	483
Online	13	0	0	13
Induction and orientation				
Face-to-face	140	0	0	140
Online	356	1	1	358
Leadership and management				
Face-to-face	87	0	0	87
Online	34	0	0	34
Team and culture				
Face-to-face	15	0	0	15
Online	0	0	0	0
Technology skills				
Face-to-face	284	0	0	284
Online	209	1	0	210
Total	2,092	15	34	2,141
Lawyers attending Legal Aid NSW training and seminars				
Legal Aid NSW lawyers				2,777
Private lawyers				444
Other (including not-for-profit)				308
Total				3,529
Total conferences, seminars and training				
Seminars and conferences (face-to-face)				2,993
Training sessions (face-to-face)				1,422
Online training and seminars				969
Total				5,384

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	406,067		407,524
Burwood	Burwood Community Welfare Services	612,664		953,434
Castlereagh	Mission Australia	145,441		395,341
Central Coast	Central Coast Domestic Violence Court Advocacy Service	677,445		1,128,462
Central West	Housing Plus	415,011		682,506
Far South Coast	Southern Women's Group	187,443		458,391
Far West	Far West Community Legal Centre	212,724		482,975
Hunter	Hunter Women's Domestic Violence Court Service	875,527	85,000	1,520,786
Hunter Valley	Carrie's Place Women's and Children's Services	431,766		811,428
Illawarra	Wollongong Women's Information Service	739,949	85,000	1,265,278
Macarthur	Macarthur Legal Centre	498,120		1,394,325
Mid-North Coast	Mid-Coast Women's Domestic Violence Court Advocacy Service	512,100		850,097
New England	Tamworth Family Support Service	629,854		911,407
North Coast	Warrina Women and Children's Refuge Co-operative Society Ltd	699,725		1,169,890
North West	Inverell Refuge Centre	236,870		490,785
North West Sydney	Blacktown Women's and Girl's Health Centre	508,800		932,990
Northern Rivers	Northern Rivers Community Legal Centre	739,150		1,231,377
Northern Sydney	CatholicCare Diocese Broken Bay	419,384		818,662
Parramatta	Western Sydney Community Legal Centre Ltd	515,064	255,000	1,182,208
Riverina	Linking Communities Network Ltd	206,424		459,412
South Coast	YWCA Australia	374,262		652,377
South Eastern	Molonglo Women's and Children's Services	175,206		437,054
South West Sydney	South West Sydney Community Legal Centre	1,517,704		1,845,936
Southern	Women's Centre for Health and Wellbeing (Albury-Wodonga)	332,275		577,409
Southern Sydney	Sutherland Shire Family Services	620,487		1,166,023
Sydney	Redfern Legal Centre	208,536	28,333	447,970
Sydney	South West Sydney Community Legal Centre	420,091	56,667	1,108,143
Wagga Wagga	Wagga Wagga Family Support Service	305,819		1,022,822
Western	Dubbo Emergency Accommodation Project	549,420		1,000,659
Western Sydney	Penrith Women's Health Centre	1,234,440		1,723,722
WDVCAS NSW Inc.	Women's Domestic Violence Court Advocacy Service NSW Inc. (peak representative body for WDVCASs)			314,983
Relationships Australia NSW			150,000	150,000
Total		15,407,768	660,000	28,262,777

WDVCASs received an additional allowance of \$1,646,232 to meet unmet demand as a result of increased referrals from the NSW Police Force. This is included in total funding column.

Macarthur and Wagga WDVCASs received \$917,000 in case management funding for clients with complex needs. This is included in total funding column.

WDVCASs received \$602,000 in Social and Community Services (SACS) Modern Award equal remuneration order supplementation funding. This is included in 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 is included in the total funding column.

FASS funding was provided by the Commonwealth. All other funding was provided by the NSW Government.

There was a change of service provider for Sydney WDVCAS during 2018–2019, from Redfern Legal Centre to South West Sydney Legal Centre.

Appendix 5 Community Legal Centre Program funding

Community legal centre	Commonwealth funding (\$)	NSW Government funding (\$)	Public Purpose Fund funding (\$)	Total payments (\$)
Australian Centre for Disability Law	300,337	235,738	88,913	624,988
Central Coast Community Legal Centre	510,904	54,280	200,832	766,016
Community Legal Centres NSW	0	769,285	91,940	861,225
Court Support Scheme	40,331	7,629	7,451	55,411
Elizabeth Evatt Community Legal Centre	252,551	250,436	99,660	602,647
Environmental Defenders Office	0	266,687	0	266,687
Far West Community Legal Centre	521,179	56,751	68,848	646,778
Financial Rights Legal Centre	595,532	193,694	0	789,226
HIV/AIDS Legal Centre	103,075	187,483	136,504	427,063
Hume Riverina Community Legal Service	179,569	106,408	77,175	363,151
Hunter Community Legal Centre	678,058	368,856	0	1,046,914
Illawarra Legal Centre	560,027	293,876	105,048	958,950
Immigration Advice and Rights Centre	221,064	353,295	0	574,359
Inner City Legal Centre	213,898	230,471	73,551	517,920
Intellectual Disability Rights Service	0	56,751	105,278	162,029
Kingsford Legal Centre	309,193	191,767	0	500,960
Macarthur Legal Centre	513,065	299,336	105,048	917,449
Marrickville Legal Centre	462,748	564,668	0	1,027,415
Mid North Coast Community Legal Centre	532,500	196,820	0	729,320
North and North West Community Legal Service	538,028	234,383	105,278	877,689
Northern Rivers Community Legal Centre	564,034	109,511	146,528	820,073
Public Interest Advocacy Centre	139,482	182,838	0	322,320
Redfern Legal Centre	241,757	339,880	0	581,637
Refugee Advice and Casework Service	0	212,880	105,278	318,158
Seniors Rights Service	188,686	35,850	240,457	464,993
Shoalcoast Community Legal Centre	568,126	397,929	42,440	1,008,495
South West Sydney Community Legal Centre	630,003	502,626	0	1,132,629
Tenants' Union of NSW	91,695	182,479	0	274,174
Welfare Rights Centre	379,408	352,967	0	732,375
Western NSW Community Legal Centre	663,436	274,847	105,278	1,043,562
Western Sydney Community Legal Centre Limited	1,237,855	563,643	392,527	2,194,025
Wirringa Baiya Aboriginal Women's Legal Centre	163,074	606,568	105,278	874,920
Women's Legal Service NSW	992,777	963,827	0	1,956,604
Total	12,392,392	9,644,457	2,403,313	24,440,163

The above funding excludes funding of \$448,875 provided to 12 CLCs for Care Partner arrangements under the Safe Home for Life Reforms.

The Public Purpose Fund funding includes allocations for the Children's Court Assistance Schemes run by four community legal centres.

Both NSW and Commonwealth funding includes the

Social and Community Services Equal Remuneration Order supplementation.

Excludes Commonwealth funding for Telephone Interpreter Services (TIS) and NSW Government funding for Interpreter Services.

Excludes fees paid to National Association of Community Legal Centres for the CLASS Database.

Excludes \$300,000 in funding provided to CLCNSW and the Law and Justice Foundation of NSW to support implementation of the Review of NSW Community Legal Centre Services (Cameron Review).

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

	2016-17	2017-18	% change from previous year	2018-19	% change from previous year
Case matters					
Applications received	47,529	48,364	1.8%	45,442	-6.0%
Applications refused	8,824	9,242	4.7%	9,161	-0.9%
In-house grants	12,610	12,351	-2.1%	11,413	-7.6%
Assigned grants	25,264	27,034	7.0%	25,666	-5.1%
Total case grants	37,874	39,385	4.0%	37,079	-5.9%
Grant rate	81.1%	81.0%	-0.1%	80.2%	-1.0%
Applications determined	46,698	48,627	4.1%	46,240	-4.9%
Applications undetermined at year end	2,430	2,385	-1.9%	1,669	-30.0%
Grants finalised	35,985	34,953	-2.9%	40,754	16.6%
Current grants on hand at year end	42,174	46,238	9.6%	42,708	-7.6%
Duty services					
Inhouse duty services	117,598	120,296	2.3%	133,177	10.7%
Assigned duty services	73,903	76,742	3.8%	79,951	4.2%
Total duty services	191,501	197,038	2.9%	213,128	8.2%
Other services					
Advice	106,747	111,491	4.4%	107,105	-3.9%
Minor assistance	34,253	34,277	0.1%	31,534	-8.0%
Extended legal assistance	-	515	N/A	847	64.5%
Information	517,888	520,479	0.5%	325,156	-37.5%
Total other services	658,888	666,762	1.2%	464,642	-30.3%
Total client services	888,263	903,185	1.7%	714,849	-20.9%

	2016-17	2017-18	% change from previous year	2018-19	% change from previous year
Criminal law					
Case matters					
Applications received	29,129	30,252	3.9%	28,172	-6.9%
Applications refused	4,526	4,835	6.8%	4,513	-6.7%
In-house grants	9,237	8,968	-2.9%	8,244	-8.1%
Assigned grants	14,783	16,588	12.2%	15,776	-4.9%
Total case grants	24,020	25,556	6.4%	24,020	-6.0%
Grant rate	84.1%	84.1%	-0.1%	84.2%	0.1%
Applications determined	28,546	30,391	6.5%	28,533	-6.1%
Applications undetermined at year end	1,226	1,207	-1.5%	892	-26.1%
Grants finalised	21,757	22,402	3.0%	25,462	13.7%
Current grants on hand at year end	18,904	21,651	14.5%	20,280	-6.3%
Duty services					
Inhouse duty services	107,586	107,439	-0.1%	119,346	11.1%
Assigned duty services	58,528	61,294	4.7%	64,453	5.2%
Total duty services	166,114	168,733	1.6%	183,799	8.9%
Other services					
Advice	32,322	35,114	8.6%	32,240	-8.2%
Minor assistance	7,415	8,423	13.6%	7,410	-12.0%
Extended legal assistance	-	-	N/A	2	N/A
Information	214,387	210,328	-1.9%	115,660	-45.0%
Total other services	254,124	253,865	-0.1%	155,312	-38.8%
Total client services	444,258	448,154	0.9%	363,131	-19.0%

Civil law	2016-17	2017-18	% change from previous year	2018-19	% change from previous year
Case matters					
Applications received	1,950	2,178	11.7%	2,171	-0.3%
Applications refused	731	846	15.7%	908	7.3%
In-house grants	674	804	19.3%	781	-2.9%
Assigned grants	527	540	2.5%	506	-6.3%
Total case grants	1,201	1,344	11.9%	1,287	-4.2%
Grant rate	62.2%	61.4%	-1.3%	58.6%	-4.5%
Applications determined	1,932	2,190	13.4%	2,195	0.2%
Applications undetermined at year end	71	79	11.3%	63	-20.3%
Grants finalised	1,408	1,377	-2.2%	1,375	-0.1%
Current grants on hand at year end	1,764	1,730	-1.9%	1,663	-3.9%
Duty services					
Inhouse duty services	2,155	2,732	26.8%	2,625	-3.9%
Assigned duty services	12,805	12,937	1.0%	13,181	1.9%
Total duty services	14,960	15,669	4.7%	15,806	0.9%
Other services					
Advice	41,733	44,317	6.2%	43,140	-2.7%
Minor assistance	18,983	18,543	-2.3%	18,640	0.5%
Extended legal assistance	-	515	N/A	756	46.8%
Information	177,424	181,403	2.2%	127,454	-29.7%
Total other services	238,140	244,778	2.8%	189,990	-22.4%
Total client services	254,301	261,791	2.9%	207,083	-20.9%

Family law	2016-17	2017-18	% change from previous year	2018-19	% change from previous year
Case matters					
Applications received	16,450	15,934	-3.1%	15,099	-5.2%
Applications refused	3,567	3,561	-0.2%	3,740	5.0%
In-house grants	2,699	2,579	-4.4%	2,388	-7.4%
Assigned grants	9,954	9,906	-0.5%	9,384	-5.3%
Total case grants	12,653	12,485	-1.3%	11,772	-5.7%
Grant rate	78.0%	77.8%	-0.3%	75.9%	-2.5%
Applications determined	16,220	16,046	-1.1%	15,512	-3.3%
Applications undetermined at year end	1,133	1,099	-3.0%	714	-35.0%
Grants finalised	12,820	11,174	-12.8%	13,917	24.5%
Current grants on hand at year end	21,506	22,857	6.3%	20,765	-9.2%
Duty services					
Inhouse duty services	7,857	10,125	28.9%	11,206	10.7%
Assigned duty services	2,570	2,511	-2.3%	2,317	-7.7%
Total duty services	10,427	12,636	21.2%	13,523	7.0%
Other services					
Advice	32,692	32,060	-1.9%	31,725	-1.0%
Minor assistance	7,855	7,311	-6.9%	5,484	-25.0%
Extended legal assistance	-	-	N/A	89	N/A
Information	126,077	128,748	2.1%	82,042	-36.3%
Total other services	166,624	168,119	0.9%	119,340	-29.0%
Total client services	189,704	193,240	1.9%	144,635	-25.2%

Commonwealth and NSW allocation of Legal Aid services	State matters	State matter %	Commonwealth matters	Commonwealth matter %	Total
Family law					
Grants	4,087	34.7%	7,685	65.3%	11,772
Duty appearances	5,438	40.2%	8,085	59.8%	13,523
Advice	4,193	13.2%	27,532	86.8%	31,725
Minor assistance	1,203	21.9%	4,281	78.1%	5,484
Extended legal assistance	16	18.0%	73	82.0%	89
Information services*	-	-	-	-	82,042
Total	14,937	23.9%	47,656	76.1%	144,635
Criminal law					
Grants	23,693	98.6%	327	1.4%	24,020
Duty services	181,642	98.8%	2,157	1.2%	183,799
Advice	31,785	98.6%	455	1.4%	32,240
Minor assistance	7,377	99.6%	33	0.4%	7,410
Extended legal assistance	-	0.0%	2	100.0%	2
Information services*	-	-	-	-	115,660
Total	244,497	98.8%	2,974	1.2%	363,131
Civil law					
Grants	1,013	78.7%	274	21.3%	1,287
Duty services	15,294	96.8%	512	3.2%	15,806
Advice	28,797	66.8%	14,343	33.2%	43,140
Minor assistance	12,925	69.3%	5,715	30.7%	18,640
Extended legal assistance	363	48.0%	393	52.0%	756
Information services*	-	-	-	-	127,454
Total	58,392	73.3%	21,237	26.7%	207,083
Legal Aid NSW total					
Grants	28,793	77.7%	8,286	22.3%	37,079
Duty services	202,374	95.0%	10,754	5.0%	213,128
Advice	64,775	60.5%	42,330	39.5%	107,105
Minor assistance	21,505	68.2%	10,029	31.8%	31,534
Extended legal assistance	379	44.7%	468	55.3%	847
Information services*	-	-	-	-	325,156
Total	317,826	81.6%	71,867	18.4%	714,849

* A breakdown of information services by jurisdiction is not available.

In-house and private practitioner allocations of legal work	In-house practitioner	In-house practitioner %	Private practitioner	Private practitioner %	Total
Family law					
Duty services	11,206	82.9%	2,317	17.1%	13,523
Grants of legal aid	2,388	20.3%	9,384	79.7%	11,772
Total	13,594	53.7%	11,701	46.3%	25,295
Criminal law					
Duty services	119,346	64.9%	64,453	35.1%	183,799
Grants of legal aid	8,244	34.3%	15,776	65.7%	24,020
Total	127,590	61.4%	80,229	38.6%	207,819
Civil law					
Duty services	2,625	16.6%	13,181	83.4%	15,806
Grants of legal aid	781	60.7%	506	39.3%	1,287
Total	3,406	19.9%	13,687	80.1%	17,093
Legal Aid NSW total					
Duty services	133,177	62.5%	79,951	37.5%	213,128
Grants of legal aid	11,413	30.8%	25,666	69.2%	37,079
Total	144,590	57.8%	105,617	42.2%	250,207

Community legal education	2016-17	2017-18	% change from previous year	2018-19	% change from previous year
Criminal law	757	514	-32.1%	715	-5.5%
Family law	535	571	6.7%	739	38.1%
Civil law	881	870	-1.2%	1,268	43.9%
Total	2,173	1,955	-10.0%	2,722	25.3%

Family dispute resolution	2016-17	2017-18	% change from previous year	2018-19	% change from previous year
Number of conferences	2,801	2,911	3.9%	2,879	2.8%
Agreements reached	2,261	2,311	2.2%	2,262	0.0%
Agreement rate	80.7%	79.4%	-1.7%	78.6%	-2.7%

Appendix 7 Law reform submissions

In 2018–19, Legal Aid NSW made 32 law reform submissions to a range of government and non-government bodies on issues that affect our clients and our organisation.

- NSW Law Reform Commission review of Open Justice, June 2019
- Ernst & Young Australia NDIS Thin Markets Project, June 2019
- Australian Financial Complaints Authority consultation on changes to Rule A.14.5, June 2019
- Special Commission of Inquiry into the Drug 'Ice' – Issues Paper, May 2019
- Australian Banking Association consultation on the Better Banking for Vulnerable Customers Guideline, May 2019
- Australian Securities and Investment Commission consultation on RG 209: Credit licensing: Responsible Lending Conduct, May 2019
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Terms of Reference, April 2019
- Productivity Commission Inquiry into Mental Health, April 2019
- NSW Sentencing Council Review of Sentencing for Repeat Traffic Offenders, March 2019
- Senate Legal and Constitutional Affairs Committee Inquiry into Resolution of Disputes with Financial Service Providers within the Justice System, March 2019
- Special Commission of Inquiry into the Drug 'Ice' – Terms of Reference, February 2019
- NSW Law Reform Commission Review of Consent in relation to Sexual Offences, February 2019
- NSW Sentencing Council Review of Sentencing for Bushfire and Destroying Property by Fire, February 2019
- Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces, February 2019
- The Treasury Review of Early Release of Superannuation Benefits, February 2019
- The Treasury Review of Disclosure in General Insurance: Improving Consumer Understanding, February 2019
- Productivity Commission Draft Report on A Better Way to Support Veterans, February 2019
- Financial Services Council, Life Insurance Draft Code of Practice 2.0, January 2019
- Australian Human Rights Commission Issues Paper on Human Rights and Technology, submission 1, December 2018
- Legal and Constitutional Affairs Committee Inquiry into the Migration Amendment (Strengthening the Character Test) Bill 2018, November 2018
- Senate Standing Committee on Economics Inquiry into Credit and Financial Services Targeted at Australians at Risk of Financial Hardship, November 2018
- Australian Human Rights Commission Issues Paper on Human Rights and Technology, submission 2, October 2018
- NSW Department of Justice consultation on Mandatory Disease Testing, October 2018
- Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry: Interim Report, October 2018
- Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Round 6 Hearing, October 2018
- Legislative Council's Inquiry into the implementation of the NDIS and the provision of disability services in NSW, September 2018
- The Treasury Proposal to Extend Unfair Contract Terms to Insurance Contracts, August 2018
- Communications Alliance Review of the Telecommunications Consumer Protection Code, August 2018
- The Treasury consultation on Design and Distribution Obligations and Product Intervention Powers, August 2018
- Productivity Commission Inquiry into Compensation and Rehabilitation for Veterans, July 2018
- Australian Financial Complaints Authority Consultation on Proposed AFCA Rules, June 2018
- National Security Legislation Monitor Review of the Prosecution and Sentencing of Children for Terrorism Offences, June 2018

Appendix 8 Right to information

Obligations under the *Government Information (Public Access) Act 2009 (NSW)*

Under section 7 of the *Government Information (Public Access) Act (NSW)*, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

Our agency's program for the proactive release of information involves providing information on the Legal Aid NSW website. During the reporting period, we uploaded additional documents to the site and will continue to update the site regularly.

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 no formal access applications (either wholly or partly) because the information requested was information referred to in Schedule 1 to the *Government Information (Public Access) Act (NSW)*.

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 or deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	1	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	8	4	3	1	0	0	0	1
Total	8	4	3	2	0	0	0	1

* 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 or deny whether information is held	Application withdrawn
Access applications (other than personal information applications)	0	1	1	1	0	0	0	0
Access applications that are partly personal information applications and partly other	2	3	2	0	0	0	0	0
Personal information applications*	6	0	0	1	0	0	0	1
Total	8	4	3	2	0	0	0	1

* 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	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	0
Application 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	1
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	3
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
Total	4

* 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	5
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	2
Exempt documents under interstate Freedom of Information legislation	0
Total	9

Table F: Timeliness**Number of applications**

Decided within the statutory timeframe (20 days plus any extensions)	21
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	21

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	2	1	3
Review by Information Commissioner*	1	1	2
Internal review following recommendation under section 93 of the Act	0	0	0
Review by NCAT	0	0	0
Total	3	2	5

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)**Number of applications for review**

Applications by access applicants	1
Applications by access applicants	0
Total	1

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
Total	0

Appendix 9 Report on multicultural and disability-related matters

The report 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 Legal Aid NSW Diversity and Inclusion Plan 2018–2019 is an inclusive plan that has two main objectives of achieving

a diverse and inclusive workforce and providing services that recognise and respond to the legal and support needs of diverse clients. Our diverse clients cover a broad range of groups including women, young people, older people, people with disability, people from culturally diverse communities, people from rural and regional areas and people from LGBTIQ communities.

Focus Area	Key outcome areas	What we achieved
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 2,722 community legal education sessions to clients across NSW. 864 (31.7%) were presented to multicultural audiences.</p> <hr/> <p>We spent \$828,309 on interpreting and translation services.</p> <hr/> <p>Our key information brochure, <i>How Legal Aid NSW can help you</i>, is available in 22 languages.</p>
	Targeted programs fill the gaps	<p>We delivered community legal education for interpreters to develop their skills for court interpreting. Workshops were provided for:</p> <ul style="list-style-type: none"> • refugees, asylum seekers and newly arrived migrants • older people, and • young people.
	People from culturally diverse backgrounds are aware of NSW Government (funded) services, programs and functions	<p>We participated in community events and festivals such as Refugee Week, where we provided information and raised awareness of our services.</p> <hr/> <p>We delivered community legal education at:</p> <ul style="list-style-type: none"> • Settlement Services International Orientation training sessions • Let's Talk: Australian law for new arrivals workshops, and • Your Rights at Work: employment law for new arrivals sessions. <hr/> <p>We delivered community legal education that targeted areas in regional NSW where refugee clients had settled.</p>
Planning	Strong plans to deliver services	Our Domestic and Family Violence Strategy 2019–2020 includes measures targeted to migrant communities.
	Evidence-driven planning	The Executive receives quarterly progress reports on the Diversity and Inclusion Plan 2018–2019.
Leadership	Demonstrated leadership in culturally inclusive practices	The Legal Aid NSW Equity and Diversity Committee is chaired by the CEO. The Deputy CEO and Director of People and Organisational Development are members of the committee.
		The Director of Policy, Planning and Programs oversees equity and diversity in the organisation.
		We celebrated Harmony Day, International Day Against Homophobia, Biphobia, Interphobia and Transphobia (IDAHOBIT) with internal staff events.
		We acknowledge days of cultural significance internally, such as Chinese New Year, Ramadan and World Refugee Day.

Focus area	Key outcome areas	What we achieved
Engagement	Collaboration with diverse communities	The Legal Aid NSW Refugee Service employs a community engagement officer to support refugee clients and manage stakeholder relationships with community organisations.
	Understanding the needs of people from diverse backgrounds	We achieved outcomes under the Diversity and Inclusion Plan 2018–2019 including: <ul style="list-style-type: none"> • access to justice for diverse groups through legal services, and • increasing the proportion of casework services that clients reported met their personal and cultural (as recorded in our 2019 client satisfaction survey).

Disability

These achievements are reported against the key outcome areas of the Family and Community Services NSW Disability Inclusion Action Plan Guidelines.

Key outcome areas	What we achieved
Liveable communities	Our 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 is a consultative forum to provide a disability perspective on policies and practices in the organisation. Our CEO is the Disability Champion and Chair of the Equity and Diversity Committee.
Employment	In December 2018, we conducted a staff disability survey.
	We provided workplace adjustment and disability-confident training for managers through our membership with the Australian Network on Disability (AND), covering disability awareness and inclusive management capabilities.
	We updated our internal workplace adjustments guidelines.
	We participated in the AND Stepping Into Internship program to improve accessibility to jobs for law students with disability.
Systems and processes	We developed a Conference Checklist to ensure Legal Aid NSW conferences are accessible to all staff, irrespective of ability.
Community attitudes and behaviours	We celebrated International Day of People with Disability in December 2018.
	We delivered community legal education on topics including: <ul style="list-style-type: none"> • the National Disability Insurance Scheme • the Disability Service Pension • fetal alcohol spectrum disorder • My Health Record, and • elder abuse.

Other actions

These achievements are performance highlights that are not covered in the Legal Aid NSW Strategic Plan 2018–2023 outcomes or actions.

Focus area	What we achieved
Women in the legal profession	Legal Aid NSW has adopted the Law Council of Australia's 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 2018–19, the number of files with female barristers was 36%.
	Legal Aid NSW is a member of the Law Society of 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 legal profession.
	The Crime Women's Mentoring Program ran over the first half of 2019. This involved Legal Aid NSW criminal lawyers being matched with barristers, who support and encourage solicitors' career progression through a mutually beneficial mentoring relationship.

Appendix 10 Private law firm expenditure

Based on payments made for case and duty services during 2018–19

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 Ross Hill & Associate Solicitors	1,683,314	221			1,683,314	
2 Ramsland Laidler Solicitors	1,072,108	187	39,875	358	1,111,983	
3 Ryan & Payten Criminal Law Specialists	797,301	186	109,638	757	906,938	
4 Bannisters Lawyers	830,428	88			830,428	
5 Blair Criminal Lawyers	829,290	169			829,290	
6 O'Brien Solicitors	784,581	219	30,013	337	814,594	
7 George Sten & Co	770,294	93			770,294	
8 Cardillo Gray Partners	763,973	1			763,973	
9 Birchgrove Legal	745,081	36			745,081	
10 Oxford Lawyers	723,461	151			723,461	
11 Scott Mackenzie Lawyers	667,416	172	53,657	611	721,073	
12 Voros Lawyers	674,565	150	34,550	262	709,115	
13 Sydney Criminal Lawyers	680,445	130			680,445	
14 Matouk Joyner Lawyers	675,260	62			675,260	
15 Acorn Lawyers	644,215	240	9,725	46	653,940	
16 Morrisons Law Group	645,935	205	4,575	35	650,510	
17 Younes + Espiner Lawyers	597,612	107			597,612	
18 Toomey Defence Lawyers	593,284	147			593,284	
19 Rice More & Gibson	554,901	199	18,775	110	573,676	
20 Maguire & McInerney	514,475	207	8,200	97	522,675	

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