



# Annual Report 2019–2020

Delivering services when and where our clients need them.

## 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 33 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 4.

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 17th Gold Award. This is our 41st annual report. It is available online, along with reports from earlier years, at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

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 June 30, 2020 to you for presentation to Parliament.

Yours sincerely,



**Brendan Thomas**  
Chief Executive Officer  
November 2020

**Legal Aid**  
NEW SOUTH WALES

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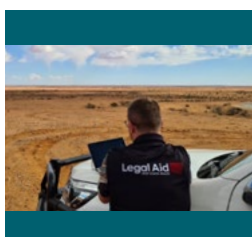


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# 1

## Overview

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



Audit and Risk Committee member Robyn Gray, Legal Aid NSW Board member Ainslie van Onselen, Legal Aid NSW Board member Michael Coleman, Chair of the Legal Aid NSW Board Craig Smith, Legal Aid NSW Board member Sue Gilchrist, Audit and Risk Committee member Peter Whitehead, and Legal Aid NSW Board member Richard Henry at the Legal Aid NSW 40th anniversary event.

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### Key achievements

- ★ We moved our organisation to remote services and working in response to COVID-19.
- ★ We increased fees to private lawyers by securing \$88 million over four years.
- ★ We met the needs of communities affected by bushfires by creating the Disaster Response Legal Service.
- ★ We reduced application processing times to five days.
- ★ We took over the management of LawAccess NSW.
- ★ We introduced a range of digital initiatives to improve accessibility to our services for our clients.
- ★ We increased access to justice by amending our policies on domestic violence, means tests during COVID-19, and in care and protection matters.



### The year ahead

- ➔ We will continue to monitor changes relating to the COVID-19 pandemic and assess whether modified methods of service delivery should be retained or adapted for ongoing operations.
- ➔ We will implement the framework for engaging with private practitioners.
- ➔ We will implement strategic workforce planning across the organisation.
- ➔ We will implement greater automation in the grants process.

## Our vision

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

## 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 and education to disadvantaged and vulnerable clients.

## Our outcomes

Our strategic outcomes will guide our efforts over the five-year period covered by the Legal Aid NSW Strategic Plan 2018–2023. This report highlights initiatives we pursued during 2019–2020 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**

## Chair's report

On behalf of the Board, I am pleased to introduce the Annual Report 2019–2020.

I know I speak for my colleagues on the Board in saying that we are honoured to serve Legal Aid NSW. This year we welcomed two new Board members, Alison McRobert and Brett McGrath.

The Board establishes the broad policies and strategic plans that we think will best meet the statutory functions of Legal Aid NSW and address the duties to be observed in the provision of legal aid. The members of the Board bring a diverse range of backgrounds, expertise and experience to this role. A summary of the decisions made by the Board is published in this report.

### Helping people most in need access their legal rights

Legal Aid NSW helps those most in need access their legal rights by providing a range of services including advice, assistance and legal representation. Our clients include the poor, the vulnerable and the friendless. Unfortunately, the importance of our work is often not understood in the community. According to the United Nations, a common challenge for all 125 countries that guarantee the right to legal aid, is a lack of public support.

This most commonly manifests itself as negative publicity around high profile criminal cases. The nature of the offences and the lack of community support can extract a personal cost from the lawyers working on these matters. This



important, albeit sometimes unpopular, work is not limited to criminal law. Almost all lawyers representing adults in care matters are funded by Legal Aid NSW. These lawyers work towards keeping families safely together. When this can't happen, they ensure the parents understand their legal obligations and are given an opportunity to engage in the process. In civil law, Legal Aid NSW is the only specialist service provider for mental health advocacy services. Our lawyers represent people in mental health inquiries and guardianship matters, that determine not only the person's liberty, but also their fundamental right to determine care and treatment.

On behalf of the Board, I would like to thank both our in-house and panel lawyers for conducting this sometimes thankless work. Your work is essential for any just and fair society and is crucial in upholding the rule of law.

### **Improvements for private lawyers undertaking legal aid work**

In November 2019, Legal Aid NSW celebrated its 40th anniversary. Staff joined dignitaries and alumni at Parliament House to mark this happy occasion. At the celebration the NSW Attorney General, the Hon. Mark Speakman SC, announced additional funding of \$88 million over four years to increase fees for private lawyers undertaking legal aid work in state matters. This is the first increase in fees for over 12 years. I thank the Attorney General for his support of the case for additional funds and the NSW Government for the provision of these funds.

Without the private profession, Legal Aid NSW could not meet demand in regional and remote areas, manage conflicts of interest, and support solicitor-of-choice policies. Each year, private lawyers appear in about 70 percent of our ongoing case work and 40 percent of our duty services. This year, the Board approved a comprehensive framework for private lawyers that sets out a process for engaging more meaningfully with the private profession. This framework will simplify our panels process, make it easier for private lawyers to do business with us, and proactively support panel members to deliver high-quality legal aid services.

### **Recognising the work of the Disaster Response Legal Service**

At the end of 2019, Legal Aid NSW mobilised the Disaster Response Legal Service to assist communities devastated by bushfires. To acknowledge the commitment of staff impacted by the bushfires, the Board proposed to hold our April meeting in Nowra. Unfortunately that did not occur because of the intervening COVID-19 pandemic. In March, with the support of the Board, I wrote to all staff thanking them for their commitment and invited direct contact with me as to any matter relevant to supporting staff and our clients during this crisis.

The Board recognises the excellent work of Legal Aid NSW staff as well as the outstanding contribution of community legal centres, Justice Connect, and the pro bono services of the private profession in assisting people in need of help.

### **COVID-19 pandemic response**

I would like to thank all staff of Legal Aid NSW for your commitment during this pandemic. I appreciate the many challenges you are facing in seeking to provide your usual outstanding service.

The Legal Aid NSW Board has been briefed on the changes made to protect staff and to provide continuity of service during the pandemic. These include the establishment of a pandemic control centre, changes to the methods of service delivery, changes to staff management, work, health

and safety initiatives, contingency plans, and liaison with courts and other agencies. The Board approved a change to the means test to ensure that the temporary changes in Centrelink payments did not adversely impact access to legal aid.

### **Legal Aid NSW Strategic Plan**

I am pleased to say that despite the current environment, most of the actions outlined in the Legal Aid NSW Strategic Plan for 2019–2020 were delivered. The Board monitored the progress of 45 projects under this ambitious plan at each meeting.

The Board has approved a number of initiatives including:

- increases in fees paid to private lawyers undertaking legal aid work
- changes to Legal Aid NSW eligibility and means test policies to ensure older people at risk of abuse can obtain legal assistance
- changes to the means test for the family law property mediation pilot to ensure the service reached those most in need, and
- changes to the means test in primary care and protection matters during the COVID-19 pandemic.

### **Special thanks**

I have been very impressed with the leadership shown by Brendan Thomas, Monique Hitter and the Executive team during a difficult year. I appreciate the outstanding support they have provided to the Board. I also appreciate the resilience and adaptability shown by Legal Aid NSW staff in response to the huge changes caused by the pandemic.

I wish our staff and our partners all the best in the delivery of legal services for 2020–2021.



**Craig Smith**  
*Chair, Legal Aid NSW*

## CEO's report

In an incredibly tough year marked by the worst bushfires on record and the COVID-19 pandemic, I'm pleased to present this Annual Report to you, which displays the incredible strength, resilience and adaptability of Legal Aid NSW staff.

I'd like to congratulate all Legal Aid NSW staff on their extraordinary efforts this year and their continued focus on putting the client at the centre of everything we do.

### Responding to the COVID-19 pandemic

Like everyone, the key challenge we faced this year was responding to the COVID-19 pandemic. Led by our Deputy CEO, we responded immediately by setting up a Pandemic Control Centre, which coordinated changes to service delivery and staffing.

As the pandemic escalated, we adopted screening measures to limit the number of people entering our offices. Within a month, most of our services were being delivered remotely and in-person services were restricted to exceptional circumstances.

The practice areas quickly shifted to new ways of service delivery.

We worked closely with the courts, Corrective Services NSW and NSW Police on process changes for criminal law cases. Examples included staff appearing remotely from Legal Aid NSW offices for bail applications and dealing with procedural applications by email. At all times, we ensured the most vulnerable were represented in the most effective way.

As enquiries about family law issues increased, we set up a COVID-19 telephone mediation service. The service allowed parties to mediate issues such as risk of virus transmission to children, border closures, unavailability of contact supervision and restricted attendance in public places.

Usually averaging 1,000 calls each year, our Domestic Violence Unit received over 1,500 calls in the first few months of the pandemic. To manage this significant shift, we increased staffing and support.

With many more people experiencing job insecurity, financial hardship and housing stress, there was a sharp increase in demand for civil law services. In response, we expanded civil law services, providing assistance with tenancy, employment, social security, financial hardship, credit and debt, immigration, and mental health.

For members of the community, we set up a COVID-19 legal information and advice hotline through LawAccess NSW, a web chat function, and produced several factsheets.

Within Legal Aid NSW, almost all staff shifted to working from home. Our corporate services staff worked tirelessly



to provide extra IT support, increased bandwidth and an improved virtual private network (VPN).

To manage the drastic change in working conditions, particularly the risk of isolation at home, we set up a daily phone service for managers with our Deputy CEO, ensured teams were meeting regularly, made resources available about working flexibly, and offered counselling services remotely.

As we moved towards the easing of restrictions in the community, we established a Recovery Planning Group, led by senior staff. Through consultation with staff and external agencies, the group developed a dynamic framework for staff, client, and stakeholder contact during the pandemic.

### Responding to the bushfires

Over summer, we experienced our worst bushfire season on record, with 6.5 million hectares burnt and almost 2,500 houses destroyed. We responded by establishing a Disaster Response Legal Service. With our justice partners, we led the delivery of frontline, statewide legal services almost immediately.

Sixty-five of our solicitors volunteered to assist, which included staff personally impacted by the fires. Many travelled long distances at night and on weekends to attend community meetings and recovery centres in remote and fire-ravaged communities. Through their efforts, we delivered over 1,000 legal services, deployed solicitors to recovery centres over 180 days, and reached 2,500 community members through community legal education.

### Continuing a client-first approach

We progressed important initiatives to improve how our clients engage with us. We continued our integration with LawAccess NSW to create a single point of entry for clients so they receive the right service at the right time. We successfully launched a Grants Tracker to help our clients track the status of their grant application. And for those in the community keen to



access legal help online, we launched guided pathways about fines and traffic offences.

We also launched our *Best practice standards for representing Aboriginal clients* that will provide guidance to both in-house and private lawyers on the level of knowledge and skills they need to provide effective legal representation to Aboriginal and Torres Strait Islander clients.

### **Work and Development Order Scheme wins the Premier's Award for Tackling Longstanding Social Challenges**

The Work and Development Order (WDO) Scheme won the Premier's Award for Tackling Longstanding Social Challenges. A first of its kind, the WDO scheme is a partnership between Legal Aid NSW, the Department of Communities and Justice, and Revenue NSW. It allows vulnerable people with unpaid fines to clear their debts by participating in activities that benefit them and their community, including drug and alcohol rehabilitation, mental health treatment, and volunteer work. Since 2012, the scheme has cleared over \$217 million in debt (unlikely to ever be recovered) and initiated over 164,000 WDO activities.

### **Celebrating 40 years of legal service delivery**

We paused to celebrate and reflect on 40 years of Legal Aid NSW. Opening our doors a few days before Christmas in 1979, what was then known as the Legal Services Commission was more than a law office. It was a triumph of social justice.

It brought together talented and dedicated lawyers, support staff, social workers and others who shared a commitment to serve those most in need. Today, Legal Aid NSW is rightly acknowledged as a leader in legal excellence and is the largest provider of legal assistance anywhere in Australia.

Joined by the NSW Attorney General and other dignitaries, the celebration offered an opportunity to thank our staff, both past and present, and our partners in the justice sector that included members of the private profession, Aboriginal Legal Service (NSW/ACT), community legal sector, and other advocacy services.

At the celebration, the NSW Attorney General Mark Speakman committed an additional \$88 million over four years to increase the fees we pay to private lawyers. By far the single biggest injection of funds to Legal Aid NSW, the increase in fees will go some way to better reflect the time private lawyers spend preparing cases and representing clients in our matters. I thank the Attorney General and the NSW Government for this funding.

### **Improving our engagement with private lawyers**

We continued our work on responding to concerns raised by private lawyers by developing a comprehensive framework to improve our relationship and engagement with them. Over the coming year, we will simplify our panels process, continue to make our grants process more efficient, and provide support and training so private lawyers can continue to deliver high-quality legal aid services.

### **Reaching the community**

Although in-person contact was restricted this year, we continued to deliver community legal education to the public online. We also launched the Stop Public Threats campaign aimed at empowering diverse communities and stamping out public threats of violence. The easy-to-understand video and website resources will help ensure communities and individuals are aware of how to report threats of violence. The resources also highlight other protections under the law for anyone who experiences hate or discrimination because of who they are.

### **Developing our leaders**

We continued to develop our leaders, with 43 of our senior managers participating in our LEAD program, where they developed their leadership capabilities and skills to manage change and influence culture. We also piloted our career pathways program, which provides staff with resources and tools to help them identify different paths for career progression.

### **Making our processes more efficient**

We continued making our processes more efficient. Significantly, we completed implementation of our Client and Case Management System, which manages client information more efficiently and will allow us to transition to a paper-light office. Support was provided to staff to prepare for this major change, including training 1,000 staff on the new system. We introduced robotics to ensure our business systems are promptly updated with the location of our clients in custody, and we continued reforming our grants processes so we make faster decisions about grants of legal aid, resulting in us now processing applications in days rather than weeks.

### **Special thanks**

I would like to thank our partners in the community and the private legal profession for their work this year. I would also like to acknowledge the work of our Board, particularly our Chair Craig Smith.

Most importantly, I would like to thank our staff. I have been enormously impressed by the resilience, professionalism and dedication you have shown in response to the challenges of this year. You have continued to put our clients at the centre of what we do, despite changes to nearly every part of your everyday work, and during a period that has been emotionally difficult for many people. Your efforts mean that our clients have been able to get the help they need to ensure a just and equitable NSW legal system. Your adaptability to change has also produced ongoing improvement to our systems. As an organisation we are more flexible and responsive, not just to these unique times but also to future challenges. I would like to thank all of you for your tremendous efforts.



**Brendan Thomas**  
CEO, Legal Aid NSW

## Key activities of the Board

### The 10 members of our Board determine our broad policies and strategic priorities.

The Board of Legal Aid NSW consists of 10 members, including the Chair and the CEO of Legal Aid NSW.

#### Meetings of the Board

The Board held six meetings in 2019–2020 and made one out-of-session decision to note Legal Aid NSW's comprehensive response to COVID-19. 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.

#### Engagement with committees

The Board is advised by the Legal Aid NSW Audit and Risk Committee, which advises on budgetary and internal audit matters.

#### Decisions of the Board 2019–2020

##### September 24, 2019

- Approved amendments to the family law, civil law and means test policies to reflect the recommendations of a review of legal aid policies covered by the Elder Abuse Strategy.
- Approved the Private Lawyer Quality Framework.

##### October 29, 2019

- Approved amendments to the means test for the family law property mediation pilot.
- Noted the evaluations of the Refugee Service, Civil Law Service for Aboriginal Communities and Children's Civil Law Service.

##### December 3, 2019

- Approved structural changes to better remunerate private lawyers for local court matters and travel allowances to commence on January 1, 2020.

##### February 25, 2020

- Noted the work of the Disaster Response Legal Service and acknowledged staff who had been personally and professionally affected by the bushfires.
- Noted the progress report for the Private Lawyer Quality Framework.
- Noted the updated report on the conflict of interest policy.
- Approved the recommendation to review eligibility policies for people experiencing domestic and family violence in family law property matters.
- Approved eligibility policy changes to immigration and sexual assault communications privilege matters.
- Approved eligibility policy amendments made following

the commencement of NSW sentencing reforms in October 2018.

- Approved the Diversity and Inclusion Plan 2020–2021.
- Noted the final report on the implementation of the Elder Abuse Strategy 2018–2019.

##### April 28, 2020

- Approved changes to the means test which reflect and recognise the Commonwealth Government's coronavirus economic stimulus package and the impact of COVID-19 on applicants for legal aid.

##### June 30, 2020

- Approved increases to the hourly rate for private lawyers (and equivalent percentage increases for counsel) commencing on July 1, 2020 and increasing over the next four years, and an increase in the fee for jail visits.
- Approved the Legal Aid NSW Strategic Plan 2020–2021.
- Approved amendments to the family law property policy to ensure people who are experiencing or at risk of domestic or family violence or who have a disability, can access grants of legal aid for property settlement matters.
- Approved an amendment exempting parents in primary care and protection matters being subject to Legal Aid NSW's means test during the COVID-19 pandemic.



### The year ahead

- ➔ The Board will oversee the implementation of the third year of the Legal Aid NSW Strategic Plan 2018–2023.
- ➔ The Board will continue to oversee the integration of LawAccess NSW with Legal Aid NSW.
- ➔ The Board will continue to oversee the development of a Private Lawyer Quality Framework that will serve as the foundation for our engagement with private lawyers.

## Board members | July 1, 2019 to June 30, 2020



### **Craig Smith**

*Dip Law (BAB) Dip Crim (SYD)*

#### **Chair**

Craig Smith was appointed by the NSW Attorney General as Chair of the Board in 2013. Mr Smith has been reappointed until September 2, 2022.

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 February 18, 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 May 22, 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 six 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, and has been reappointed until September 2, 2022.

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 four 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, and has been reappointed until September 2, 2022.

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 Board of Automic, a financial services company.

Ms van Onselen is currently the Chief Executive Officer of Chartered Accountants Australia and New Zealand. Prior to this role, she had been with Westpac Group for over six years in a range of senior roles. Most recently she was General Manager of Deposits and Unsecured Lending in Westpac's Consumer Bank, and prior to this, Managing Director of RAMS. She was also the Global Director of Women's Markets, Inclusion and Diversity.

*(Attended four meetings)*

## Board members | July 1, 2019 to June 30, 2020



### 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. Mr Coleman has been reappointed until September 2, 2022.

The Board also reappointed Mr Coleman as Chair of the Audit and Risk Committee for the period June 23, 2019 to June 23, 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 six 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. Mr Henry has been reappointed until September 2, 2022.

He is Emeritus Professor and Pro-Chancellor of the University of New South Wales (UNSW). He was Professor of Paediatrics at both the University of Newcastle and UNSW, and held senior leadership roles in both the university and health sectors. From 2006 to 2012, he was Deputy Vice-Chancellor (Academic) and Vice-President at UNSW. Since his retirement from UNSW, he has worked as a consultant in health and higher education. Current unpaid roles include Pro-Chancellor at UNSW, Director 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. Ms Gilchrist has been reappointed until September 2, 2022.

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)*



### 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, and has been reappointed until September 2, 2022.

Ms Cody is 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 New South Wales Law Faculty. She worked at the centre for more than two decades.

She was the winner of the 2016 Human Rights Commission law award and in 2007 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 five meetings)*

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## Board members | July 1, 2019 to June 30, 2020



### **Brett McGrath**

*LLB (Western Sydney University), GDip LP (Western Sydney University)*

#### **Board member**

Brett McGrath was appointed by the NSW Attorney General as a representative of the Law Society of NSW for the period September 2, 2019 to September 2, 2022.

Mr McGrath is a Registrar with the Family Court of Australia and Federal Circuit Court of Australia.

He began his career in private practice in 2012 at Marsdens Law Group in south-western Sydney, where he also served as the Regional President for the Macarthur Law Society from 2014 to 2018, before joining the national firm, Gadens, to practise exclusively in family law.

In 2017 he sat on the NSW Business Chamber State Council and held various board positions at both the Camden and Narellan Business Chambers, as well as United Way Australia, which focuses on supporting early childhood literacy in disadvantaged communities.

Elected to the Council of the Law Society of New South Wales in 2018, Mr McGrath sits on various committees including the Family Law Committee, Diversity and Inclusion, and is currently the Deputy Chair of the Professional Conduct Committee. He is also currently a sessional lecturer at Western Sydney University.

*(Attended five meetings)*



### **Alison McRobert**

*BA LLB (Wollongong University)*

#### **Board member**

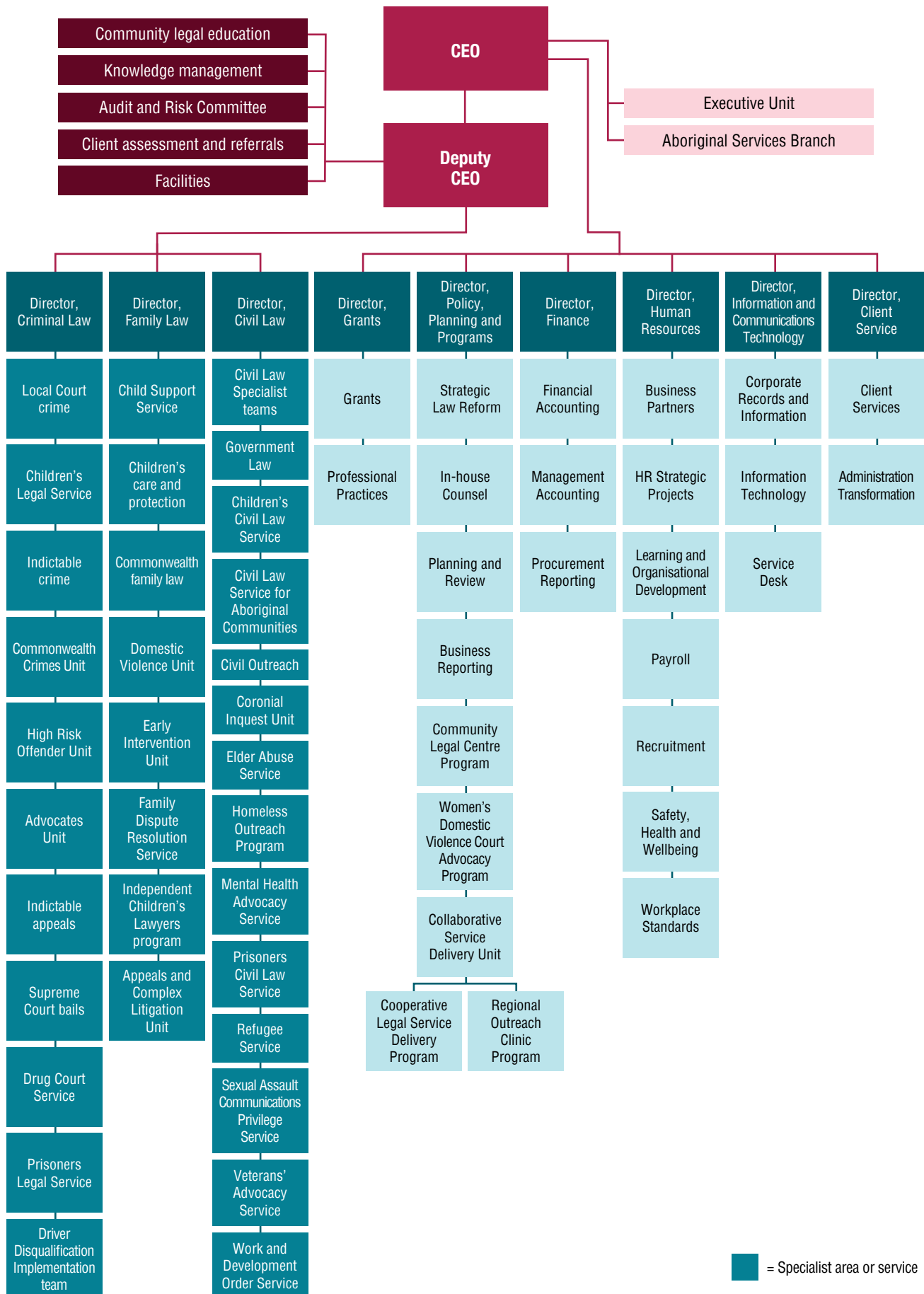
Alison McRobert was appointed by the NSW Attorney General as a representative of Unions NSW for the period September 2, 2019 to September 2, 2022.

Ms McRobert is currently the Legal Counsel and manager of legal services at the Public Service Association of NSW. She has specialised in employment and industrial law in the NSW public sector since 2002, and previously worked at a number of employment law firms including McNally Jones Staff and Haywards.

Ms McRobert has previously served as a Director at Federation Law Pty Ltd from 2013 to 2016.

*(Attended four meetings)*

# Organisational structure



## Senior Executive | July 1, 2019 to June 30, 2020



**Brendan Thomas**

*BA*

**Chief Executive Officer**  
(Band 3)

Budget total: \$356.0m  
Total staff (full-time equivalent): 1,208.8  
Total actual: 1,360



**Monique Hitter**

*BSW, Dip Law*

**Deputy Chief Executive Officer**  
(Band 2)

Budget total: \$245.6m  
Total staff (full-time equivalent): 1,191.4  
Total actual: 1,342



**Annmarie Lumsden**

*BA, LLB, Dip Bus, EMPA, Accredited Specialist (Criminal Law)*

**Director, Criminal Law**  
(Band 1)

Budget total: \$135.1m  
Total staff (full-time equivalent): 419.5  
Total actual: 466



**Cherie Pittman**

*BA (Hons), LLB (Hons)*

**Acting Director, Policy, Planning and Programs**

(Band 1)  
(May 25, 2020 to June 30, 2020)

Budget total: \$60.5m  
Total staff (full-time equivalent): 33.3  
Total actual: 37

**Gaby Carney** was Director, Policy, Planning and Programs from July 1, 2019 to May 22, 2020.



**Michael Brodie**

*B Ec, CA, GAICD*

**Interim Director, Finance**  
(Band 1)

Budget total: \$356.0m  
Total staff (full-time equivalent): 16.8  
Total actual: 17



**Michelle Jones**

*Dip Community Organisations, BA Community Management, Grad Cert Adult Ed (Community), M Public Administration*

**Director, Human Resources**  
(Band 1)

(August 5, 2019 to June 30, 2020)

Budget total: \$3.7m  
Total staff (full-time equivalent): 28.9  
Total actual: 30

**Vicki Leaver** was Director, People and Organisational Development (Human Resources) from July 1, 2019 to August 9, 2019.

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## Senior Executive | July 1, 2019 to June 30, 2020



### **Kylie Beckhouse**

*BA, LLB, Accredited Specialist (Family Law)*

#### **Director, Family Law** (Band 1)

Budget total: \$58.8m  
Total staff (full-time equivalent): 258.3  
Total actual: 302



### **Meredith Osborne**

*BA (Hons), LLB*

#### **Director, Civil Law** (Band 1)

Budget total: \$28.0m  
Total staff (full-time equivalent): 241.9  
Total actual: 277



### **Jane Cipants**

*BSW, M Social Policy, EMPA*

#### **Director, Client Service** (Band 1)

Budget total: \$3.0m  
Total staff (full-time equivalent): 24.4  
Total actual: 26



### **Jocelyn Flanagan**

*BA, LLB*

#### **Director, Grants** (Band 1)

Budget total: \$9.0m  
Total staff (full-time equivalent): 68.2  
Total actual: 76



### **Wayne Gale**

*BA (Computing) MCom (Accounting)*

#### **Director, Information and Communications Technology** (Band 1)

Budget total: \$11.8m  
Total staff (full-time equivalent): 33.5  
Total actual: 35



# 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.

Legal Aid NSW has a Board that is responsible for establishing its broad policies and strategic plans.

Our daily management is overseen by the CEO, who has a performance agreement with the NSW Attorney General, with assistance from the Deputy CEO and directors listed on pages 13–14. The Deputy CEO and directors report to the CEO. Our CEO is also a member of the Board.

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)*.

## 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 all employees 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.

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.

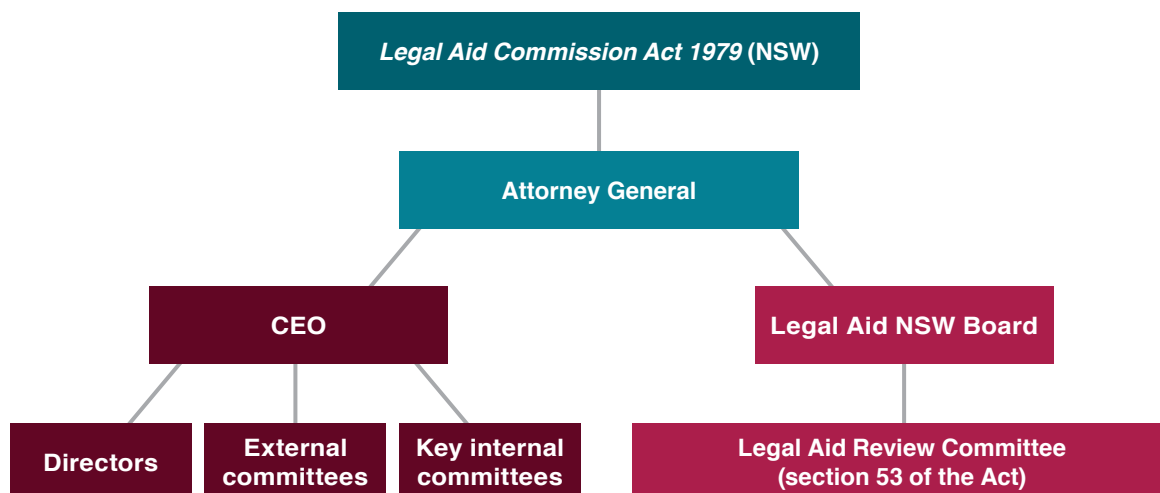
## Financial performance

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.

## Performance audits completed



Target for 2020–2021: 6



**Members of the Audit and Risk Committee**

**Michael 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 the Chair of Legal Aid NSW's Audit and Risk Committee and is also a member on the Legal Aid NSW Board. He also sits on a number of other boards and audit committees, including Macquarie Group and Macquarie Bank. He is currently an Adjunct Professor at the Australian School of Business, University of New South Wales.

**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.

**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 Fraud and Corruption Prevention Framework outlines the steps we take to prevent fraud and other corrupt behaviour.

The framework uses a number of controls including responsibility structures, risk assessment, reporting systems, investigation standards, and conduct and disciplinary standards. It complements related policies such as the Code of Conduct and Protected Disclosure Policy.



**The year ahead**

- ➔ We will conduct six performance audits.
- ➔ We will implement the third year of the Legal Aid NSW Strategic Plan 2018–2023.



## Internal Audit and Risk Management Attestation Statement for 2019–2020

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*
<b>Risk Management Framework</b>	
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
<b>Internal Audit Function</b>	
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
<b>Audit and Risk Committee</b>	
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: June 29, 2016  
Finish term date: June 22, 2019  
Reappointed for the period June 23, 2019 to June 23, 2021
- **Mr Peter Whitehead** – Independent Member  
Start term date: March 11, 2017  
Finish term date: March 11, 2020  
Reappointed for the period March 11, 2020 to March 11, 2023
- **Ms Robyn Gray** – Independent Member  
Start term date: March 11, 2017  
Finish term date: March 11, 2020  
Reappointed for the period March 11, 2020 to March 11, 2023



**Brendan Thomas**  
CEO  
August 2020

## Cyber Security Annual Attestation Statement for the 2019–2020 Financial Year for Legal Aid NSW

I, Brendan Thomas, CEO, 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.

Governance is in place to manage the cyber security maturity and initiatives of Legal Aid NSW.

Risks to the information and systems of Legal Aid NSW have been assessed and continue to be reviewed and managed.

There exists a current cyber incident response plan for Legal Aid NSW which has been tested during the reporting period.

Legal Aid NSW has an Information Security Management System (ISMS) in place.

Legal Aid NSW is doing the following to continuously improve the management of cyber security governance and resilience:

- maintaining a certified Information Security Management System (ISMS) that aligns to the ISO27001:2013 standard, with the objective of continual information security improvement, whilst supporting security policies and objectives
- utilising the Plan-Do-Check-Act (PDCA) model to achieve continuous improvement
- escalating cyber security incidents, should they occur, to Cyber Security NSW as required.



**Brendan Thomas**  
CEO  
August 2020

## Report from the Audit and Risk Committee 2019–2020

The primary objective of the Audit and Risk Committee is to advise the Board, including the Chief Executive Officer, on financial reporting practices, business ethics, policies and practices, accounting policies and internal controls.

Accordingly, the Committee oversees a range of activities, including the financial performance of Legal Aid NSW and the internal audit function.

The Committee comprises three independent members:

Michael Coleman – Chair

Peter Whitehead – Committee Member

Robyn Gray – Committee Member

The Chief Executive Officer, Deputy Chief Executive Officer and Chief Audit Executive, Director 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 2019–2020 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
- Grants management efficiency assessment
- Service disruption plans
- Information security and cyber security
- Client and Case Management System (CCMS)

- Legal Aid NSW risk assessment, risk framework, COVID-19 risk register and safety plan
- Audit and Risk Committee (ARC) Charter and Internal Audit Charter
- Internal audit plan
- NSW Treasury Circulars or policy papers and any NSW Premier's Memoranda and Circulars relevant to the ARC, and any changes to the accounting standards
- Assessment of ARC performance
- Fraud and corruption prevention framework and the legal compliance framework.

The following internal audits were undertaken during the year:

- IT risk assessment
- Procurement
- Client privacy – information and confidentiality management including data and information privacy
- Audit of compliance with the Conflict of Interest Policy
- ISO27001 Information Security Management System Surveillance Review.



**Monique Hitter**

Deputy CEO and Chief Audit Executive

August 2020

## Legislative compliance and fair processes

### 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).

Public interest disclosures 2019–2020	
Public officials who have made a public interest disclosure	1
Public interest disclosures received by Legal Aid NSW	
Corrupt conduct	1
Public interest disclosures finalised by Legal Aid NSW	
Public interest disclosures made by public officials in performing their day-to-day functions as public officials	1

There was one public interest disclosure made during this

reporting period. We notified the NSW Ombudsman and the Independent Commission Against Corruption.

### Significant judicial decisions relating to the *Legal Aid Commission Act 1979* (NSW)

In *Gillies v Legal Aid Commission of New South Wales* [2020] NSWSC 836, Adamson J confirmed that the CEO of Legal Aid NSW does not fall within section 69 of the *Legal Aid Commission Act 1979* (NSW). In that decision, the NSW Supreme Court confirmed that there is no right of appeal to a Legal Aid Review Committee against a determination made by the CEO to refuse legal aid, as the CEO is not a member of staff and occupies a statutory office as per Schedule 3A clause 5 of the Act. Her Honour also confirmed that, subject to an obligation to act reasonably, Legal Aid NSW is entitled to allocate legal aid at its discretion.

In *EIF v Legal Aid New South Wales* [2020] NSWCATAD

113, the Tribunal held that Legal Aid NSW was not required to disclose the identities of the complainants to a panel practitioner who was the subject of a number of complaints, as such a requirement would be likely to prejudice the supply of information that was necessary for Legal Aid NSW to perform its statutory functions with respect to private practitioners appointed to panels.

### 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 the *Health Records and Information Privacy Act 2002* (NSW).

A review of the organisation's compliance with the privacy legislation was completed this year, resulting in the development of a revised Privacy Management Plan that commenced in April 2020. Legal Aid NSW includes privacy notices in all its application forms and other public documents, and provides advice and guidance to staff on dealing with privacy issues.

Two applications for internal review (privacy complaints)

were received during the reporting period. Both internal reviews were conducted in accordance with the privacy legislation and the NSW Privacy Commissioner's Guidelines. Both applicants subsequently applied to the NSW Civil and Administrative Tribunal for external review. One application was later withdrawn, and the other was ongoing at the end of the reporting period.

### Right to information

Legal Aid NSW adopts a proactive approach to the release of information where possible.

The full details of the applications we received under the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act) are set out in Appendix 7. During the 2019–2020 reporting period we received 23 formal GIPA applications. Most of our applications were requests by individuals for their own information.

There were three applications for internal review of a GIPA decision received in the 2019–2020 reporting period, one application for external review by the Information Commissioner, and four applications for review by the NSW Civil and Administrative Tribunal.

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## 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 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 2019–2020, and their work builds confidence in the integrity of our decision-making.

### Legal Aid Review Committee members 2019–2020

#### Legal Aid Review Committee One

- Lucy Pinnock
- Brett Thomson
- Helen Sims (until January 2020)
- Claudia Pendlebury (from April 2020)
- Jeremy Styles
- Jane Sanders
- Andrew Boog
- Maria Good
- Anna Buduls

#### Legal Aid Review Committee Two

- Peter Robinson (until May 2020)
- Kathleen Hainsworth
- Stephanie Koch
- Simon Buchen SC
- Paul Blacket SC
- Anne Healey
- Pauline Mueller
- Rita Zammit

#### Legal Aid Review Committee Three

- Kim Garling (until September 2019)
- Alexandra Brown
- Ellyse McGee (from December 2019)
- Lucy Boyle (from December 2019)
- Pauline David
- Jon Prowse
- Elena Berrocal Capdevila (from December 2019)
- Brian Dalton (from December 2019)
- Miranda Tunica (until November 2019)

#### Family Law Legal Aid Review Committee One

- Penny Csenderits
- Anthea Tomlin
- Leanne Spencer
- Clyllyn Sperling
- Cassie Banks
- Tessa Kelman (until April 2020)

#### Family Law Legal Aid Review Committee Two

- Nick Mitrevski
- Gemma Slack-Smith

- Johanna Geddes
- David Nguyen
- Mark Whelan
- Paul Guterres
- Melanie Faithfull
- Kathleen Lamoureux

#### 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

#### Significant increase in non-appellable matters

We recorded an increase in non-appellable matters and a drop in deferred appeals this year compared with the previous year. This may be attributed to organisation-wide participation in continuous business and quality improvements to Legal Aid Review Committee processes and reporting.



## The year ahead

- ➔ We will continue to implement reforms to Legal Aid Review Committee processes.
- ➔ We will continue to review our compliance with the *Government Information (Public Access) Act 2009* (NSW), the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW), to ensure that we are meeting our obligations.
- ➔ We will develop a range of information resources to provide a first response to recurring legal issues affecting solicitors across the organisation.

### Appeals and outcomes 2019–2020

Law type	Allowed	Disallowed	Deferred	Not appellable	Withdrawn	Total appeals	Appeals allowed
Civil	1	113	7	0	3	124	0.8%
Criminal	10	177	12	96	21	316	3.2%
Family	34	496	18	0	7	555	6.1%
<b>Total</b>	<b>45</b>	<b>786</b>	<b>37</b>	<b>96</b>	<b>31</b>	<b>995</b>	<b>4.5%</b>

### Appeals and outcomes over five years

Review outcome	2015–16	2016–17	2017–18	2018–19	2019–20
Appeal allowed	60	65	66	46	45
Appeal disallowed	879	878	822	882	786
Deferred	14	19	14	51	37
Not appellable	36	58	48	72	96
Withdrawn	180	29	24	12	31
<b>Total</b>	<b>1,169</b>	<b>1,049</b>	<b>974</b>	<b>1,063</b>	<b>995</b>

# Complaint handling

An open and efficient complaints process helps us improve our services and remain accountable to the people we serve.

We received 142 frontline complaints about wait times and customer service issues. These were handled at a local level and did not require a formal response or investigation.

We received 428 escalated complaints. These complaints required further investigation and often a further explanation was required.

We received 211 enquiries from third parties querying another person's grant of aid.

We encourage all types of feedback. Complaints, compliments and suggestions help us improve the quality of the services we provide and identify risks. We received 78 compliments.

**“ I am so relieved that I had the best solicitor. I cannot thank you enough. You treated my case with the utmost respect and did everything possible and more to better my case. I'm hoping that I never have to go to court again but if I did have to, I would have no hesitations in going through this legal process. Thank you so much, I can now move forward in my life.”**

## Complaints Working Group

Key representatives from most Legal Aid NSW divisions met on a monthly basis to identify and discuss complaints and areas of service improvement. This included the development of two tip sheets – Repeat Clients and Verifying Means – aiming to improve the client experience.

## Update to the complaints toolkit

We updated the complaints toolkit with further template letters and factsheets to support staff who may receive or respond to complaints. This aims to create a more consistent approach for clients who make complaints to Legal Aid NSW.

## Implementation of the complaints management system

In June 2019, we implemented a new complaints management system. It offers a single, central place for staff across Legal Aid NSW to record and manage complaints and feedback.

We assisted staff to use this system to record all complaints and compliments, including training and one-on-one support.

**“ My son's solicitor was extremely supportive, professional and helpful at all times. Quick to reply to any questions or concerns, helping to make an extremely difficult time easier.”**

## Complaints response times

Our complaints policy has two performance targets for complaints response times:

- 21 days, or
- 30 days for complaints about private practitioners.

We report on any complaints outside of these response times to the Legal Aid NSW Executive on a monthly basis. We averaged three complaints per month over the 21-day time period and four complaints per month over the 30-day time period. We are managing to resolve complaints within the performance target periods and aim to see further improvement in the next year with greater visibility of outstanding complaints in the complaints management system.

## Complaints by type

Complaints	2019–20
Grants – refusals	28
Grants – contribution policy	1
Grants – costs	4
Grants – section 25 or section 26	8
Grants – termination	5
In-house – customer service	27
In-house – conduct	56
Staff – conduct (other than in-house lawyer)	7
Policy or administrative processes	17
Private lawyer – conduct	118
Private lawyer – section 41	2
Private lawyer – complaints about Legal Aid NSW	6
Independent Children's Lawyer – conduct	37
Mediator – conduct	15
Funding allocations	22
Other	40
To be determined	35
<b>Total complaints</b>	<b>428</b>



## The year ahead

- We will increase staff recording of frontline complaints in the complaints management system to provide a more comprehensive picture of feedback.
- We will develop strategies to manage client expectations of the complaints process to increase client satisfaction.

## Significant events affecting our service delivery

### Our response to COVID-19

In response to directives issued by the NSW Government on March 24, 2020, all Legal Aid NSW offices were temporarily closed, and most staff moved to remote working from home where it was practicable to do so.

We established a Pandemic Control Centre (PCC) to manage and develop organisational changes. The PCC continues to meet on a daily basis to monitor events, brief and advise the CEO and Executive on service delivery and workforce needs and challenges. The PCC developed a service disruption plan to respond to COVID-19 issues, including where there are possible infections in the workplace.

We developed a framework for client and visitor contact based on NSW Health advice. The framework takes a phased approach depending on COVID-19 risk in a particular area or region. This allowed us to remain flexible in setting the restriction levels for each office and regularly assess the risks in each area or region.

We worked closely with legal and non-legal service providers to continue to provide access to legal services throughout the pandemic. We worked with private law firms and other legal colleagues to manage cases and ease pressure on court lists by coming to consent positions and agreeing on directions ahead of time. We worked with Corrective Services NSW and NSW Police in response to changes to existing processes and procedures.

We negotiated a Memorandum of Understanding with Courts and Tribunal Services to manage the risks in court rooms and to ensure the safety of our staff and clients in these locations.

#### Shift in service delivery

The shift in service delivery in response to COVID-19 impacted some areas of our work more than others. For example, the Domestic Violence Unit took over 1,500 calls and 960 email referrals between March 4, 2020 and June 30, 2020, which is a significant increase in enquiries compared to prior years having an average of 1,000 calls per year.

Demand for specialist civil law services also saw a sharp increase in a range of areas of law. As at June 30, 2020, Legal Aid NSW had provided 938 services to clients in

COVID-19 related civil law matters, covering topics such as employment (33.6%), immigration (30.2%), housing (8.3%) and consumer (7.9%). Approximately 23 percent of these services were provided in regional NSW.

We discontinued drop-in clinics at our offices altogether, something we had planned but expedited as a result of the pandemic. We developed a direct referral pathway from LawAccess NSW into our practice areas for clients who required advice or assistance.

Our outreach and specialist services modified their service delivery methods to phone or video to ensure that regional and remote communities continued to be able to access legal services.

We continued to provide legal representation and duty services in line with court requirements in relevant jurisdictions. For example, we appeared remotely via phone or audio-visual link (AVL) and received court papers electronically in some matters. When such arrangements were not practicable, or the vulnerability of a client required it, solicitors appeared in person to represent their clients.



### Contributing to case law about the impact of the COVID-19 pandemic on bail

*Gray (a pseudonym) v R* [2020] NSWSC 390

Legal Aid NSW acted on behalf of a young Aboriginal person who had been convicted of a serious offence and was on remand awaiting hearing of an appeal against that conviction. We applied for bail on the young person's behalf in the Supreme Court, arguing that exceptional circumstances existed to warrant the granting of bail.

The court accepted that the potential delay in hearing the appeal, as a result of the COVID-19 pandemic, was exceptional, particularly where such delay could mean that the young person would end up serving most, if not all, of his jail time before the appeal decision could be determined. In granting bail, the court also accepted that, as an Aboriginal person, his ties to the community were as strong as one's ties to land could ever be.



Due to the increased enquiries about family law and parenting arrangements, a COVID-19 telephone mediation model was developed and implemented in April 2020. This model involves a two-hour streamlined mediation format to allow parties to mediate any family law issues related to COVID-19 without going to court.

The mediations were focused on practical solutions and dealt with COVID-19 issues such as risk of virus transmission to children and others, border closures, unavailability of contact supervision and restricted attendance in public places rather than renegotiating parenting arrangements. More complex matters were referred to Legal Aid NSW's other mediation programs.

Around 90 percent of mediations held have resulted in full or partial agreement, and some matters have resolved prior to mediation. The scheme operates as an Early Resolution Assistance (ERA) service, a low cost service with streamlined processes, which enables a quick turn-around for clients.



### Supporting NSW parents through the pandemic

One father, Michael\*, already had court orders in place that allowed him to spend time with his children, who lived with their mother. However, Michael's ex-partner stopped allowing the children to spend time with him because she believed they might be at risk from COVID-19. We were able to support Michael through telephone mediation and as a result, the mother agreed that he could start seeing his children again.

In another family, one parent had lost their job due to COVID-19, and the two parents could not agree on whether their pre-schooler should continue attending pre-school or should instead stay at home with the out-of-work parent. We encouraged the parents to participate in telephone mediation and supported them to reach an agreement within half an hour.

In both cases, we conducted mediations within 14 days of the parents' first contact with Legal Aid NSW, helping these families resolve their legal issues quickly, and reducing pressure on our court system.

\* Not his real name

### Community legal education resources

We developed a range of COVID-19 factsheets for clients and stakeholders, which included topics like domestic violence, parenting arrangements, and child support and family payments. Four tip sheets were created for family law practitioners including topics related to appearing remotely, parenting orders, and meeting with children via technology. The guide developed for children's lawyers, *Good practice guide for lawyers – meeting with children via technology*, was made available on the national website for independent children's lawyers.

Factsheets were also developed on the impact of Public Health Orders, border closures, mandatory quarantine, social security, housing and evictions, employment, and money worries. Three tip sheets were created for community workers who regularly work with refugees around topics like Centrelink, visas, travel restrictions and citizenship processing.

Resources were developed on topics like apprehended domestic violence orders and for legal practitioners and community workers who work with young people.

The Community Legal Education Branch produced a series of COVID-19 related webinar and podcast content for community and health workers on a range of legal issues. Community and health workers attending the webinars had the opportunity to ask questions directly to solicitors about emerging legal issues facing vulnerable people.

The most popular topic was fines and Work and Development Orders. The Community Legal Education Branch collaborated with staff from the Work and Development Order Service to deliver a session attended by 282 people, an increase of almost 100 from the previous attendance record for webinars presented by Legal Aid NSW.



### Taking Law Week online

We were unable to deliver our regular Law Week events in May 2020 due to COVID-19. The original plan had been to present in-person sessions at libraries across NSW on the topics of Neighbours and the Law and Your Money and the Law.

However, with libraries closed and gathering not possible, Legal Aid NSW moved its Law Week resources online to ensure that NSW libraries had content to share that would support the community to get legal help. We created a video and podcast that was shared by libraries across NSW via their social media and websites. The resources help individuals find legal information and explain where to get legal assistance during the pandemic.

### Changes to Legal Aid NSW policies

We made several changes to Legal Aid NSW policies in response to the impact of COVID-19 on disadvantaged and vulnerable people. These policy changes included:

- Changes to our means test to ensure people experiencing financial hardship as a result of COVID-19 could access legal aid.
- A new discretion under the means test to treat any lump sum Centrelink payments made to households during the pandemic as an excluded asset for the purposes of the means test.
- A recognition that the coronavirus supplement payment is not a windfall for individuals.

Many of our clients, especially parents in care and protection matters, experienced difficulties applying for legal aid due to the COVID-19 restrictions. These clients are often not connected to the internet or find it difficult to complete the financial information required. To ensure some of our most vulnerable clients could continue to access legal aid for their care matters, parents in primary care proceedings were exempted from the means test for the duration of the pandemic.

### **Supporting our staff and ensuring their safety**

Throughout the pandemic we communicated regularly with all Legal Aid NSW staff and stakeholders via email, phone and video conferences, webinars, meetings, and a dedicated intranet site to feature important work, health and safety information and to house all resources.

Support was given to all areas of our business to manage roles and functions that were able to work remotely or, if not reasonably practical to do so, to support those functions continuing to work in our offices.

Webinars were regularly held to train and update staff on a range of evolving legal topics such as Centrelink entitlements, immigration, fines and Work and Development Orders, housing, and police powers. The Community Legal Education Branch also conducted training with Legal Aid NSW staff to educate them in presenting community legal education remotely on virtual platforms.

A COVID-19 risk register, safety plan, and updated resources were developed. COVID-19 site coordinators were established at all regional offices and Central Sydney to ensure that COVID-safe practices were implemented. Work, health and safety resources were developed to assist the site coordinators. A range of operational and client-based resources were also created to support employees who were required to attend courts or tribunals.

Staff were equipped with the necessary Personal Protective Equipment (PPE) and resources in our offices, and at other worksites such as courts. Increased cleaning and disinfecting services were also arranged at offices.

### **A flexible workforce**

Over 800 staff moved to working from home in response to COVID-19. We made several improvements to our network including upgrades to our internet bandwidth and the deployment of a new virtual private network (VPN) solution.

We deployed Microsoft Teams to all staff which proved invaluable for staff staying connected visually in online meetings, informal team catch-ups and one-on-one discussions. We also introduced tools to allow staff to securely share large documents with external partners.

A range of tip sheets was prepared for staff covering topics including connectivity and how to best use technology when working remotely. We also developed a suite of factsheets to assist staff appearing remotely in courts and tribunals, taking instructions from clients remotely, and accessing documents electronically.

We provided guidelines and support to our managers and staff to help them manage remote working and we launched a Healthy Body, Healthy Mind and Healthy Soul campaign to support the physical and psychological needs of staff.



### **Providing immigration advice to a victim of family violence**

Mariam\* held a temporary visa which would expire in September 2020. She had separated from her husband and there had been family violence. She wanted to fly home as soon as possible but was unable to due to COVID-19 restrictions. Mariam wanted to know whether her visa could be cancelled now that her relationship had ended, and how she could stay in Australia legally until she was able to leave. We gave advice to help Mariam navigate both issues, including that her visa should not be cancelled in these circumstances, and about the range of visas for which she could apply if she was unable to leave Australia by September.

*\* Not her real name*

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

We have regularly monitored and reviewed our performance through staff surveys and feedback. We used the data from these surveys to inform our decisions in relation to changes we have made to service delivery and the operation of our workforce. We are now considering the changes we will make, as we transition to a less restrictive environment, in order to retain the gains made in making our services more accessible and our workforce more flexible.

## Our response to the bushfires

The 2019–2020 bushfire season was the worst on record. The scale, duration, and intensity were unprecedented, affecting many individuals, families, and communities across NSW. Legal issues that arose for these communities included insurance, disaster welfare, tenancy and housing, credit and debt, family law, and crime.

### Directing our services to those most in need

Previously, the Legal Aid NSW disaster response work was localised, with solicitors deployed on a short-term basis to provide onsite legal help at a single recovery centre. The scale and spread of this year's bushfires and sheer number of communities affected required us to quickly mobilise resources and provide a rapid, statewide response.

Our experience in managing disasters proved invaluable in adapting our existing model into the Disaster Response Legal Service (DRLS). We harnessed the expertise and knowledge of our staff and expanded the service within days to provide targeted, high-quality legal services.

The DRLS adopted a multi-channel approach. This included:

- establishing a dedicated bushfire legal advice phone line staffed by Legal Aid NSW solicitors
- promoting a 1800 helpline operating on weekdays from 9am to 5pm at LawAccess NSW
- launching a new website with resources and news
- Legal Aid NSW staff attending disaster recovery centres and recovery assistance points to give frontline legal assistance, and

- attending community recovery meetings to provide legal information and education.



***There are certain people I will remember for the rest of my life, and you are one of them. You gave me comfort and help on one of the worst days of my life and for that, I will always be most grateful.***

– Client assisted by the Disaster Response Legal Service NSW

The DRLS staff gave advice about legal rights and how to assert those rights. Many clients were suddenly faced with unexpected trauma, homelessness and acute financial hardship. The DRLS model ensured people who were already vulnerable, including Aboriginal and Torres Strait Islander people, people experiencing family violence, people with disability, and children, received more intensive socio-legal services from legal and allied professional staff.

We provided over 1,000 legal services across NSW and reached 2,500 community members through our community legal education.

The most common issue arising was insurance disputes, comprising 45 percent of total legal services, followed by disaster welfare (12%), tenancy (8%), credit and debt (8%), and neighbour disputes (6%).

### Highlights of the Disaster Response Legal Service NSW (DRLS) work included:



Over **1,000** legal services provided to individuals affected by bushfires and floods



Almost **300** advices provided by the **DRLS telephone legal advice line**



From January 13, 2020, solicitors were deployed to **Recovery Centres and Recovery Assistance Points** for a cumulative **180 days** and provided **534 advice services**

**138** more extensive legal assistances provided



Since September 2019, attendance at

**68** community recovery meetings and mobile hubs

where we presented legal information and community legal education to over 2,500 community members across 19 Local Government Areas



**468** calls on the 1800 helpline run by **LawAccess NSW**

**68** NSW law firms were onboarded to the Justice Connect pro bono portal, and they received 59 requests for pro bono help and made 32 successful referrals





## Helping clients with insurance claims

Our client was evacuating when she had her car stolen along with her belongings. She had been packing her car with the keys inside, and while she turned to say goodbye to her daughter, a man with a tomahawk ran towards the car, jumped in and drove off. She phoned her insurer and was told she had no claim as the keys were inside the car when it was stolen. We reviewed her policy and learned that this interpretation of her exclusion clause was incorrect. We lodged an internal dispute with the insurer. Within a day we were contacted by the insurer who advised that they would allow the claim to proceed.

### Working with our partners

We led the NSW legal assistance sector response to the bushfires by bringing together key partners to coordinate legal service delivery – LawAccess NSW, Community Legal Centres NSW, Justice Connect, Financial Rights Legal Centre, Welfare Rights Centre NSW, Tenants' Union, Law Society of NSW, NSW Bar Association, Ashurst and the Australian Pro Bono Centre.

Clients requiring advice outside the expertise of Legal Aid NSW and community legal centres (such as commercial, property or planning law advice) were referred to pro bono assistance, which was coordinated by Justice Connect through their award-winning online pro bono portal. Justice Connect made 32 referrals to private lawyers for pro bono assistance.

We worked with community legal centres to maximise service delivery, for example, in conjunction with the Financial Rights Legal Centre, we provided training to Shoalcoast Community Legal Centre so that staff could assist clients at recovery centres. Representatives from Legal Aid NSW and community legal centres attended community meetings across the state.

We continued to engage with regulators, industry stakeholders, and the Insurance Council of Australia on systemic issues arising from the bushfires that disproportionately impact vulnerable members of the community.

### Supporting our staff

Sixty-five Legal Aid NSW solicitors supported the bushfire recovery effort. Many travelled long distances to attend community meetings and recovery centres in remote communities. Many regional solicitors were personally impacted by the fires and other staff cancelled leave to assist.

To support these staff, we provided trauma-informed practice training, full safety briefings including additional first aid items, current practice resources and daily debriefing. Subject matter experts were available for assistance with complex legal issues.

Throughout the bushfire response, we communicated with staff working on the recovery effort through regular emails, detailed briefings, regular practice meetings, and via other internal and external publications.

Weekly reports on services delivered during the bushfires were provided to the Legal Aid NSW Executive, the NSW Attorney General's Office, and other stakeholders.



Legal Aid NSW Civil Law Director Meredith Osborne, Legal Aid NSW lawyer Sharlene Naismith and Legal Aid NSW CEO Brendan Thomas at the disaster recovery centre in Ulladulla.

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# What we did over the past year

This year was the second 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.

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

## Streamlining pathways to and between our services

We aim to provide a single, integrated entry point to the legal assistance sector, with one telephone number, digital self-help options and consistent triage of people to the right level and type of service.

This year we took over management of the LawAccess NSW call centre to commence the development of a single entry. This included trialling the diversion of calls from two Legal Aid NSW offices to LawAccess NSW for triage. We also prepared for the formal transfer of LawAccess NSW to Legal Aid NSW in July 2020.

With funding from the NSW Public Purpose Fund, we completed a suite of digital client projects to increase access, reduce stress, and minimise wait times for clients and the public. Read more on page 38.

## Improving how our clients engage with us

We built a scaled-up Grants Tracker that allows all clients to track the status of their grant application. Our aim is to improve our clients' experience of the grant application process and reduce client uncertainty related to the status of their applications.

We launched online guided pathways for people with legal problems relating to traffic matters and fines. Our aim is to assist people to find tailored solutions to deal with their fines and low complexity traffic offences. This will help reduce call volumes and free up staff so their time can be redirected to more disadvantaged and vulnerable clients, while maximising client satisfaction.

We also designed a client portal and explored how online triage could work to connect the public with appropriate services when they have a legal problem. Importantly, we further refined and tested the triage process that will be applied for all people seeking assistance from Legal Aid NSW. It provides a transparent way for people to be directed to the right type and level of service quickly – reducing waiting times and confusion.

Read more about these initiatives on page 38.

## Increasing access to justice for Aboriginal and Torres Strait Islander people

We are strongly committed to providing services for Aboriginal and Torres Strait Islander people in NSW.

The percentage of services provided to Aboriginal and Torres Strait Islander people has increased every year for the last five years. In 2019–2020, 18.3 percent of all casework services were delivered to Aboriginal and Torres Strait Islander people, compared with 15.7 percent for combined case and in-house duty services in 2018–2019.

We also worked to increase access to justice for Aboriginal and Torres Strait Islander people through the development of our Aboriginal Client Services Strategy 2019–2023. We developed a publication, *Best practice standards for representing Aboriginal clients*, to provide lawyers with practical information and guidance on how to be conscious of culture and non-verbal cues when representing Aboriginal and Torres Strait Islander clients. Read more on page 41.

## Supporting private lawyers to deliver quality legal aid services

Members of the private legal profession play a critical role in delivering legal aid services.

Over the last 18 months, we have been talking with private lawyers about how we work together and what we could do better. As a result of those conversations, we reviewed our panel appointment process, sought funding from the NSW Government to increase fees, and developed a comprehensive framework to help us engage with private lawyers better.

We will implement this framework over the year to come. We will simplify our panel appointment process, set clear standards so private lawyers know what we expect of them, provide support and training so private lawyers can continue to deliver high-quality legal aid services, and ensure we intervene early when concerns are raised about the quality of the services being delivered to our clients. We have also received \$88 million from the NSW Government to increase the fees we pay to private lawyers for doing legal aid work. Read more on page pages 58–60.

## Outstanding achievements

This year saw several outstanding staff and team achievements across the organisation:

- The Work and Development Order Scheme was awarded a Premier's Award in 2019 for Tackling Longstanding Social Challenges.
- Civil lawyer Merinda Dutton, a Gumbaynggirr Barkindji woman, was named the National Indigenous Legal Professional of the Year in 2019.

- Refugee Service Community Engagement Officer, Nohara Odicho, received a Humanitarian Award in 2019.
- Port Macquarie Solicitor in Charge Juliana Crofts was recognised as the Government Lawyer of the Year at the 2019 NSW Women Lawyers' Achievement Awards.

Read more on pages 68–69.

### **Working with the Commonwealth Attorney-General's Department to implement improvements to the family law system**

We commenced four major projects in 2019–2020:

- The Family Violence and Cross-examination of Parties Scheme started on September 10, 2019.
- A new small property mediation trial commenced in January 2020 with staff recruitment, training of staff, policies passed by the Board, and new services.
- Full-time men's support services were introduced in all family law court registries.
- Financial support workers were recruited in two Legal Aid NSW locations for multidisciplinary approaches to domestic and family violence.

Ongoing monitoring and reporting is in place in compliance with the reporting requirements of the Attorney-General's Department. Read more on pages 48–51.

### **Establishing a legal service for people to share their stories**

Following the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission), Legal Aid NSW led a consortium of Legal Aid Commissions through National Legal Aid to successfully tender for funding and establish a legal service to support people tell their stories to the Royal Commission.

Your Story Disability Legal Support (Your Story) is a national, free legal service that provides independent information and advice to people with a disability, their families, carers, supporters and advocates to safely share their stories with the Royal Commission. Your Story works in partnership with the National Aboriginal Torres Strait Islander Legal Service (NATSILS) to deliver this service, working closely with disability advocates across Australia. As of June 30, 2020, Your Story provided 1,989 services across Australia.

Your Story is funded until June 30, 2022 and is working closely with the Royal Commission and its program of activities.

Our Community Legal Education Branch also created resources to support the launch of Your Story. Read more on page 55.

### **Creating awareness of the value of our work**

A series of staff podcasts, video interviews and profiles were produced to encourage our staff and partners to reflect on the values they stand for and how their work contributes to a fairer society. It also highlighted the specific expertise of Legal Aid NSW staff, the full range of Legal Aid NSW's services and the many different groups of people we serve.

We promoted the series on our social media platforms, major podcast platforms and our website. Social media promotion of the series was done organically, and overall engagement on all platforms tracked well above our benchmarks.

A strategic plan website was launched on November 1, 2019 for staff and stakeholders to learn more about the Legal Aid NSW Strategic Plan 2018–2023 and its related programs of work. It is a snapshot of our five-year plan and features up-to-date actions and news.

### **Using information technology to deliver our services more effectively**

We implemented the second phase of our Client and Case Management System (CCMS) replacing the legacy system. Over 1,000 staff were trained on the new system.

We also implemented two robotics automations to bring efficiencies to onerous manual processes prone to human error. This resulted in a more efficient audit compliance process in our Grants division and the automatic update of a prisoner's location in CCMS.

The accelerated rollout of Microsoft Teams across the organisation ensured that staff had the necessary collaboration tools in place to foster the remote working environment during the COVID-19 pandemic. Technology stepped in to facilitate remote face-to-face meetings and aided collaboration in a remote space.

We also launched a new, engaging intranet that provides staff with the information and resources they need to work, including tools like the Legal Locator to assist staff in finding information about offices and duty services more easily.

Read more about our information technology achievements on page 70.

## We turned 40



### The provision of legal aid for disadvantaged people in our state enjoys a long history.

Legal Aid NSW was founded in 1979 as the Legal Services Commission, which focused on providing criminal law advice and representation to disadvantaged people. It joined with the Australian Legal Aid Office to form the Legal Aid Commission of NSW, established under the *Legal Aid Commission Act 1979* (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.

From 1979 to 2019, Legal Aid NSW and the people who have worked here have made an incredible contribution to the administration of justice and the lives of the most vulnerable people in NSW. We play a crucial role in creating a fair and accessible justice system for every member of the NSW community.

Over the past 40 years we have grown to an organisation with 25 offices across NSW and more than 1,300 staff providing criminal, family and civil law assistance, as well as non-legal services, particularly in relation to domestic and family violence. We have made a profound difference in the lives of many people.

Today, Legal Aid NSW is recognised as a leader in legal excellence operating one of the largest law practices in Australia.

At the Legal Aid NSW 40th anniversary celebration held in November 2019, attended by staff, alumni and our justice sector partners, the NSW Attorney General Mark Speakman SC announced a significant funding boost of \$88 million over four years to support an increase in fees paid to private lawyers who do legal aid work for us.

We welcomed the additional funding and recognised it as the single biggest injection of funds for private lawyers doing legal aid work in the 40-year history of Legal Aid NSW. This significant commitment to Legal Aid NSW will enable us to build greater partnerships with the private profession, ensuring our clients get the best legal service possible.

The funding has resulted in new fee scales that better reflect the time that private lawyers spend preparing cases and representing clients in legally aided matters. In addition, structural changes introduced progressively for pre-hearing work will allow lawyers to spend more time with their clients and preparing for cases, as well as promoting the timely finalisation of criminal matters.

The funding boost will secure the future of crucial legal services for the state's most disadvantaged and vulnerable communities for the foreseeable future. The structural reforms started on January 1, 2020, and private lawyers' fees will increase from July 1, 2020.



Legal Aid NSW's 40th celebrations. Top left: Brian Sandland, Merinda Dutton, Katie Kelso, Bev Lazarou, and Teresa O'Sullivan. Top right: NSW Attorney General Mark Speakman SC. Bottom right: Legal Aid NSW CEO Brendan Thomas.

## Fact file

### Our clients\*



**Aboriginal and Torres  
Strait Islander**  
18.3%



**Born in non-English  
speaking countries**  
9.9%



**Interpreter required**  
3.8%



**Female**  
33.3%



**Under 18**  
15.8%



**Aged 18–60**  
80.7%



**Over 60**  
3.5%



**On Commonwealth  
benefits**  
47.0%



**With dependants**  
17.7%

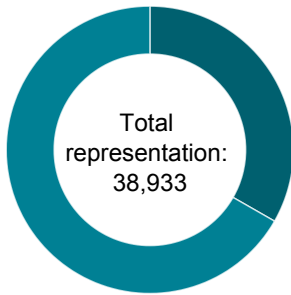


**Rural and regional \***  
58.2%  
(includes Newcastle  
and Wollongong)

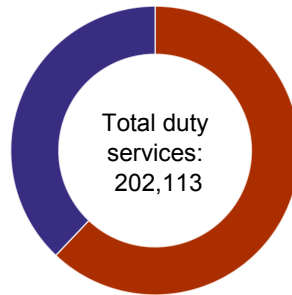
\* Client profile data is for casework, being total grants of legal aid, extended legal assistance services, and early resolution assistance. This year's client profile data does not include in-house duty services. This should be taken into consideration when comparing it to data published in prior years.



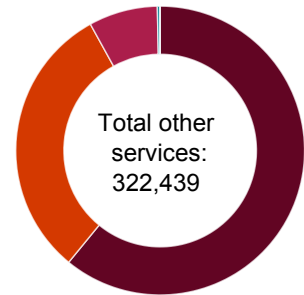
## Services to clients



- In-house: 12,955
- Private lawyers: 25,978



- In-house: 125,463
- Private lawyers: 76,650



- Information services: 196,435
- Legal advice: 100,121
- Minor assistance: 24,880
- Extended legal assistance: 950
- Early resolution assistance: 53

**Total services: 563,485**

## Our staff



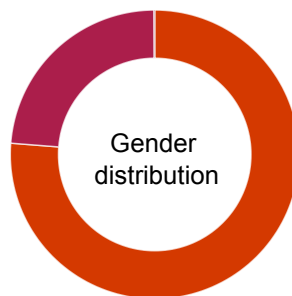
- Regional NSW offices: 653
- Central Sydney offices: 707



- Lawyers: 703
- Administrative and corporate services staff: 657



- Lawyers: 25
- Field officers and other Aboriginal and Torres Strait Islander staff: 58

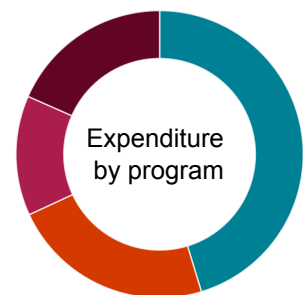


- Women: 1,037
- Men: 322
- Gender diverse\*: 1

**Total staff: 1,360**

\* We will be reviewing the way we ask employees about their preferred gender identity or gender expression, including their preferred pronouns, to ensure we promote a positive workplace culture of inclusion and safety where diversity is valued.

## Our finances



- Criminal law services: 45.3%
- Family law services: 22.8%
- Civil law services: 13.5%
- Community partnerships: 18.4%

**Our total income was \$379.0 million and we spent \$372.1 million.**

See the financial overview on page 73 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 3 and Appendix 4.

## Measuring our performance

We measure our performance against a range of key performance indicators to determine our effectiveness in providing community awareness, in ensuring accessibility to legal aid, and in upholding our service standards.

Key performance indicators	2017–18	2018–19	2019–20
<b>Community awareness of legal rights and responsibilities</b>			
Client satisfaction*	N/A	84%	<b>N/A</b>
Information services we provided	520,479	325,156**	<b>196,435</b>
Advice and minor assistance services we provided	145,768	138,639	<b>125,001</b>
Number of publications distributed	681,798	588,536	<b>495,680</b>
<b>Accessibility of legal aid</b>			
Means test income limit as a percentage of national minimum weekly wage	57.6	55.6	<b>54.0</b>
Percentage of Local Court sittings served by duty solicitor schemes	100	100	<b>100</b>
<b>Representation service standards</b>			
Percentage of satisfactory comprehensive in-house file reviews	97.8	96.8	<b>97.9</b>
Number of Legal Aid NSW lawyers with specialist accreditation	79	63	<b>60</b>
Number of Legal Aid NSW lawyer attendances at training sessions	2,577	2,777	<b>5,118</b>
Number of private lawyer attendances at Legal Aid NSW training sessions	512	444	<b>312</b>

\* We measure client satisfaction through surveys conducted every two years. The next survey is due to be conducted in 2020–2021.

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

### 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.

We reported to the Commonwealth on our performance against the performance indicators, benchmarks and milestones outlined in the National Partnership Agreement.

### Selected National Partnership Agreement performance indicators and benchmarks, July 2019 to June 2020

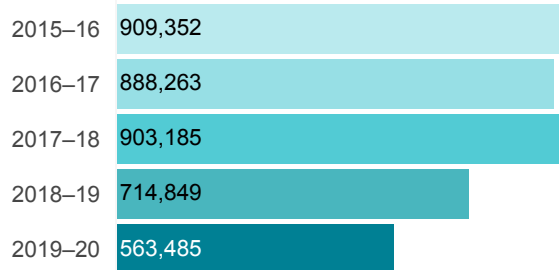
Performance indicator	Percentage
Proportion of Legal Aid NSW Commonwealth representation services delivered to people experiencing financial disadvantage	97.9%
Proportion of facilitated resolution conferences held by Legal Aid NSW that resulted in either partial or full settlement	75.6%*

\* Commonwealth conferences only. The combined total for NSW and Commonwealth conferences was 76.1 percent.

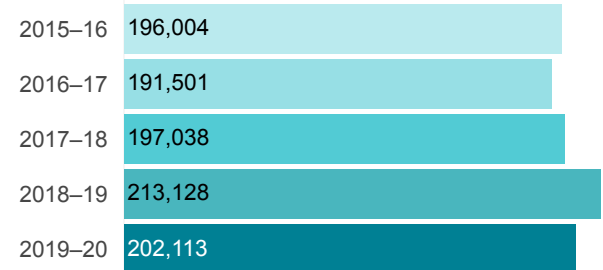
# How our key services tracked over the last five years

These five-year comparisons illustrate trends in our service provision.

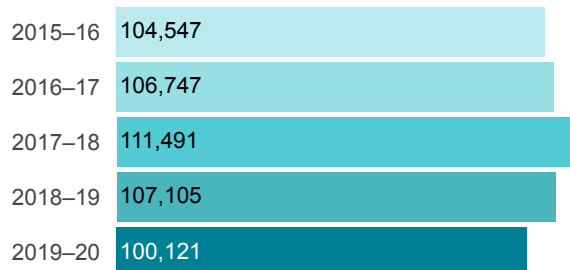
## Total client services\*



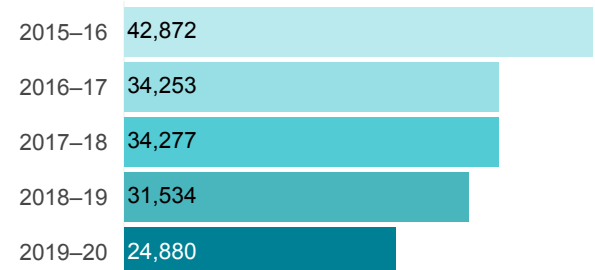
## Duty services at courts and tribunals



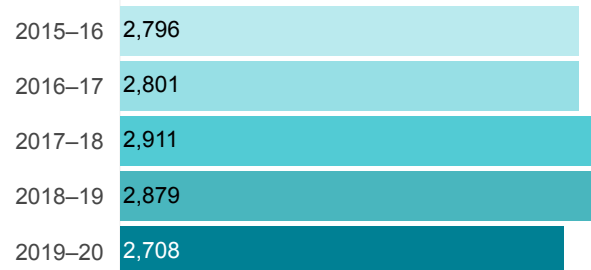
## Legal advice services



## Minor assistance services



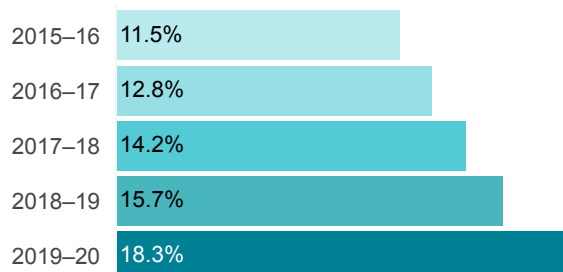
## Family law mediations



## Community legal education sessions



## Aboriginal and Torres Strait Islander clients\*\*



\* Total client services include legal representation, duty services, legal advice and assistance, and information services. The way we have calculated information services changed in 2018, resulting in a lower number of services reported.

\*\* This graph shows the proportion of casework services (including extended legal assistance services) and in-house duty services provided to Aboriginal and Torres Strait Islander clients for the years 2015 to 2019. For 2019-2020, in-house duty services are not included in the calculation due to the temporary unavailability of data following a system change.

## Year-on-year trends – a snapshot

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

### Resources and community legal education



We distributed

**495,680** factsheets,  
brochures and other publications,

a 15.8% decrease on the previous year.



Resources were viewed online

**719,100** times,

an 8.4% decrease on the previous year.



We provided

**1,789** community  
legal education sessions,

a 34.3% decrease on the previous year.

We presented our community legal education sessions to 44,517 participants. Provision of resources and our community legal education sessions this year were impacted by the effects of the COVID-19 pandemic.

### Legal advice and assistance



We provided

**125,001** advice and minor  
assistance services,

a 9.8% decrease on the previous year.

We offer free, targeted legal advice across many areas of law at our 25 offices and 243 regular outreach locations around the state. In some circumstances, our lawyers will also provide minor assistance by writing a letter or helping clients fill out court documents.



We provided

**950** extended legal  
assistance services,

a 12.2% increase on the previous year.

Extended legal assistance was introduced in 2017–2018 with the aim of achieving early legal resolution for people with multiple legal problems, or vulnerable people who have legal problems in priority areas of law.

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## On-the-spot help in courts and tribunals

 We provided **202,113** duty services, a 5.2% decrease on the previous year.

 Of these services, **125,463** were provided by Legal Aid NSW lawyers, and we funded private lawyers to provide the remaining 76,650 services.

We make duty lawyers available in courts and tribunals throughout NSW to provide free legal help and representation to eligible clients.

## Family dispute resolution

 We held **2,708** conferences, a 5.9% decrease on the previous year.


We helped parties reach an agreement in 76.1 percent\* 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, such as parenting, adoption or property matters, early on in proceedings and without the need to go to court.

*\* This includes family law conferences in both NSW and Commonwealth jurisdictions. The Commonwealth-only rate was 75.6 percent.*

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## Legal representation

 We provided representation in **38,933** matters, a 5.0% increase on the previous year.

 We acted in **12,955** matters, and we funded private lawyers to act in 25,978 matters.

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

## Hotline for young people

 We answered **18,878** calls to our hotline for young people, a 14.9% increase on the previous year.

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.

# 2

## Client services

Our clients come from diverse backgrounds and have diverse needs. This year, our services assisted new arrivals, Aboriginal and Torres Strait Islander people, people in regional NSW, families affected by domestic violence, and children and young people.



## In this section

- 38 Highlights this year: how we made a difference
- 39 Providing services to those who need them the most
- 40 Meeting the needs of diverse clients
- 44 Highlights from our practice areas
- 55 Community legal education

Legal Aid NSW lawyer Steven Wright setting up a client conference via audio-visual link at an unlikely service point between Wilcannia and Broken Hill.



### Key achievements

- ★ We took over the management of LawAccess NSW.
- ★ We introduced phone advice services across Legal Aid NSW.
- ★ We completed a suite of digital projects for clients – FineFixer NSW, a guided pathway for traffic offences, and a Grants Tracker.
- ★ We introduced a new service type, early resolution assistance, which refers to quick, low-cost services that can be administered efficiently and cost-effectively.



### The year ahead

- ➔ We will embed phone advice as a preferred option and increase client options for access to legal help, including digital options.
- ➔ We will consistently and quickly triage people to the right level and type of service.
- ➔ We will simplify the pathway to a grant of aid.



### Key challenge

- ▶ We want to learn from the rapid service changes made in response to COVID-19, so that we can design an enhanced, client-focused service model for the future.

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

## Putting clients at the centre of everything we do

Our client-first approach puts our clients at the centre of everything we do by involving them in the design and testing of new service models and processes.

## Streamlining legal pathways: our work with LawAccess NSW

Legal Aid NSW took over management of LawAccess NSW this year, with a formal transfer scheduled for July 2020. LawAccess NSW is a contact service providing assistance to people via phone and its website. The integration of LawAccess NSW provides us the opportunity to improve telephone services for the public with one clear entry point, as well as options for those who want to get legal help online.

The integration commenced with the implementation of a service model and the diversion of calls to LawAccess NSW from two trial offices, Blacktown and Port Macquarie. Staff examined the service flows for clients and identified the opportunities for streamlining entry to legal services.

A key element included the adoption of the Legal Aid NSW triage model, which aims to increase the availability of services to those who have a high-impact legal matter or are from a priority client group. It also encourages the referral of those who have the ability to self-help and may not be eligible to receive legal aid assistance towards other agencies.

The trial was paused when the COVID-19 pandemic commenced.

## Consistent triage

We refined our new triage model to enable us to consistently match individual clients to the level of service they need. The triage model channels clients with high-impact legal matters and priority clients to legal advice. It also allows a flexible safety net for those who lack the capability to self-assist. All other clients are referred to information or other services.

The model is ready for implementation across all Legal Aid NSW offices in 2020–2021.

## Designing digital tools with our clients

In 2018, we held workshops with clients to explore how people want to be helped when they have a legal problem, and how and when they would like us to communicate with them about their legal aid application. These projects were the result:

### 1. Grants Tracker

We piloted a Grants Tracker – an online tool enabling clients to track the status of their grant application and see all stages of their application including refusals, appeals and terminations.

The pilot was successful with 80 percent of clients giving the Tracker a rating of 4 out of 5 stars. We will launch an improved Grants Tracker with increased functionality next year.

### 2. Client portal

We designed a prototype client portal to allow clients to deal with us electronically. The portal includes:

- a secure log-in
- tracking of new legal aid applications and current or old cases
- a calendar that enables clients to manage their appointments, and
- the ability to upload documents.

An operating portal is the next stage.

### 3. Online triage

In 2020, we engaged digital agency Code for Australia to undertake discovery and initial stages of the design of an online triage tool. It has been designed so that the public can use their own words to describe their legal issue or problem. The tool will then guide them to the right pathway, which could include:

- self-help tools, resources and guided pathways
- web chat with a paralegal or lawyer
- an appointment with a lawyer, or
- link through to a client portal with information about their ongoing matter or application for aid.

User testing was positive so we will commence the build for this tool in 2020–2021.

### 4. Online self-help tools launched

In June 2020, we launched two new online self-help tools, also known as guided pathways, to assist people to find tailored solutions to deal with their fines and low-complexity traffic offences.

Having access to these tools means that people can get the help they need without seeing a lawyer or are able to have a more focused discussion with their lawyer if they do need further advice.

The two guided pathways are:

- **FineFixer NSW\***: takes people through a series of questions and provides useful, ranked options to deal with their fines. A wide variety of fine types are covered.
- **Traffic Offences**: takes people through a series of questions and provides options to help people make a decision about what to do next with common traffic offence problems.



The tools have been developed with input from clients and lawyers and are available on the LawAccess NSW website.

\* *Legal Aid NSW partnered with Moonee Valley Legal Service (Victoria) to adapt their existing Victorian online resource, FineFixer, for the NSW jurisdiction.*



### Providing a more holistic legal service

Sylvie\* is a young Indigenous woman who was referred to Legal Aid NSW's Early Intervention Unit through the hospital's social worker. Her mother had been killed and she wanted advice about the will. Our Early Intervention Unit lawyer gave practical advice about locating the will and finding out the balance of accounts. Most importantly, the Early Intervention Unit lawyer was able to spend time with the client and put the will issue in context given the care and protection matter she was also helping Sylvie with, and the grief Sylvie was experiencing as a result of her mother's death. This assistance was far better than being referred to a separate civil law clinic where she would have had to retell her story to get basic information.

\* *Not her real name*

#### Advice framework

This year we continued to refine a consistent advice framework for the organisation. We delivered the advice framework

training package and quality assurance mechanism (QAM) for Legal Aid NSW solicitors who regularly provide advice.

#### Generalist lawyers

The Generalist Lawyer Project is Legal Aid NSW's operational response to evidence that disadvantaged people often have multiple and serious legal problems which may go unaddressed.

The Generalist Lawyer Project was trialled with the family law Early Intervention Unit and the civil law Elder Abuse Service this year. The project allowed lawyers to assist clients across all law types by providing information, advice, and warm referrals. This project has produced positive outcomes for clients and staff and will be refined and rolled out to another five of our services in 2020–2021.



### The year ahead

- ➔ We will consistently and quickly triage people to the right level and type of service.
- ➔ We will continue to simplify the pathway to a grant of aid.
- ➔ We will continue to simplify client entry through our integration with LawAccess NSW.
- ➔ We will increase client options for access to legal help, including digital options.
- ➔ We will continue to implement the generalist lawyer model across the organisation.

## Providing services to those who need them the most

### 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 made changes to our policies in response to emerging demand in certain areas of law.

#### A new service type – Early Resolution Assistance

We introduced a new service type called Early Resolution Assistance (ERA), which is:

- legal representation provided to a person participating in an established, independent dispute resolution process
- available to applicants who satisfy the eligibility criteria, and
- available for disputes which can be resolved quickly and cost-effectively.

This will be achieved through more streamlined application and administration processes.

The focus on early intervention is particularly important in family law matters. Providing representation through ERA rather than under a grant of aid treats family dispute resolution as a discrete service that provides finality, rather than a required step along the path to litigation.

ERA is subject to means and merit tests. We will evaluate the effectiveness of ERA in the next financial year.

#### Property mediation pilot

As part of the Commonwealth Government's Women's Economic Security Statement, all legal aid commissions were funded to administer the Commonwealth Property Mediation Pilot to help separating couples use mediation to divide a small amount of property.

We are conducting this pilot over two years and aim to assist 100 families. Our policies are targeting people who have experienced domestic and family violence, people with disabilities, and people who have cultural issues that may affect their ability to negotiate a reasonable property settlement. Eligibility for the pilot includes meeting the Early Resolution Assistance means and merit tests.

The pilot will be evaluated by the Australian Institute of Family Studies.

### Improving access to legal aid for people experiencing elder abuse

As part of the Legal Aid NSW Elder Abuse Strategy, we conducted a comprehensive review of the client eligibility policies to address barriers in accessing legal services for people who are experiencing, or at risk of, elder abuse.

We made several changes including amendments to the means test and to the family and civil law policies which address these barriers. We trained our staff, partners and community workers to ensure awareness of eligibility for people experiencing elder abuse.

### Changes to our Contributions Policy

We implemented changes to the Contributions Policy in July 2019. The changes included expanding the discretions available to directors, exempting child support and Centrelink back payments from contributions, and waiving the initial \$75 contribution for people in custody.

The changes mean the Contributions Policy better aligns with the Legal Aid NSW Client Service Strategy and supports an efficient grants administration process.

### A more flexible Forum Test

Legal aid commissions across Australia apply a Forum Test to determine which legal aid commission is responsible for assessing an application for legal aid and for funding the grant.

A Cross-Border Justice Report commissioned by Legal Aid NSW and Victoria Legal Aid (VLA) found some vulnerable people living in border regions of NSW and Victoria were facing barriers when seeking timely legal assistance for their family law matters. Legal Aid NSW and VLA commenced a

trial of a more flexible approach to the Forum Test to ensure vulnerable clients living in the border regions of NSW and Victoria are represented in family law proceedings.

### Expanding our work under extended legal assistance

Extended legal assistance (ELA) was introduced as a new service type in 2017–2018 with the aim of achieving early legal resolution for people with multiple legal problems, or vulnerable people who have legal problems in priority areas of law.

In July 2019, we expanded the matters conducted as an ELA service to include State Parole Authority and Serious Offenders Review Council matters. ELA funding is available where the applicant satisfies the ELA means and merit tests.



## The year ahead

- ➔ We will undertake a review of the allowable deductions and excluded assets under our means test to ensure these thresholds properly reflect the cost of living in 2021.
- ➔ We will implement changes to the Family Law Property Policy which will ensure applicants who are experiencing, or are at risk of domestic and family violence, can access grants of legal aid for their property settlement matters.
- ➔ We will implement policy changes approved by the Board that will remove the barriers Aboriginal and Torres Strait Islander people face in accessing legal aid services.
- ➔ We will continue to ensure our eligibility policies are targeted to disadvantaged people who require legal assistance.

## Meeting the needs of diverse clients

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

The Legal Aid NSW Diversity and Inclusion Plan 2020–2021 was approved by the Legal Aid NSW Board in February 2020. It is an inclusive plan that has two main objectives: achieving a diverse and inclusive workforce (see page 67) 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 people with disability, people from culturally diverse communities, and people from LGBTIQ communities.

### Fact file

- Proportion of grants delivered to clients born in non-English speaking countries: 9.9%
- Amount spent on interpreters and translators: \$1,048,893
- 30.5% of our community legal education sessions were presented to multicultural audiences
- Number of languages other than English spoken by private lawyers on our panels: 54

Guided by the plan, this year we:

- provided targeted programs and community events working with clients from diverse communities, and
- undertook a review of accessibility resources available across all our offices.

### Targeted programs fill the gaps

Legal Aid NSW provided a number of targeted programs working with clients from diverse communities, including:

- our Refugee Service provided legal education and assistance to clients on refugee or humanitarian visas, and
- our Immigration Service provided advice to clients on immigration issues, including bringing family members to Australia and the process of seeking asylum for those fleeing persecution.

### Raising awareness of our services with clients from diverse communities

Legal Aid NSW participated in community events and festivals such as Refugee Week, where we provided information and raised awareness of our services.

We delivered the following community legal education:

- 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.

We also delivered community legal education in targeted areas in regional NSW where refugee clients have settled.

### Embarking on evidence-driven planning

Legal Aid NSW undertook a comprehensive review of the extent to which clients from non-English speaking backgrounds are accessing legal services through panel lawyers. Nine recommendations will be delivered under the Diversity and Inclusion Plan 2020–2021.

### Aligning our geographic coverage of NSW

To make sure we deliver services in the areas our clients live, we consulted with Community Legal Centres NSW and the Aboriginal Legal Service NSW/ACT through a NSW Legal Assistance Forum collaborative service planning working group.

Participants in this working group agreed on 20 geographic catchments for collaborative service planning across regional and metropolitan areas in NSW. We will also use these catchments for internal service planning activities.

## Aboriginal and Torres Strait Islander clients

### Increasing our services to Aboriginal and Torres Strait Islander clients

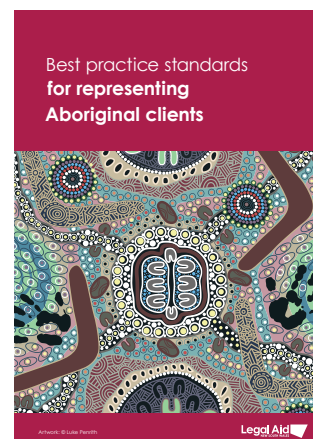
We have made improving services for Aboriginal and Torres Strait Islander clients one of our major strategic priorities, aiming to increase the number of Aboriginal and Torres Strait Islander clients we serve and ensure they get the best service possible. This year we launched our new Aboriginal Client Services Strategy.

The percentage of services provided to Aboriginal and Torres Strait Islander people has increased every year for the last five years. In 2019–2020, 18.3 percent of all casework services were delivered to Aboriginal and Torres Strait Islander people, compared with 15.7 percent for combined case and in-house duty services the previous year.

### Launching new standards for representing Aboriginal and Torres Strait Islander clients

This year, Legal Aid NSW launched its *Best practice standards for representing Aboriginal clients* to provide guidance to lawyers on the level of knowledge and skills they need to provide effective legal representation for their Aboriginal and Torres Strait Islander clients, including:

- General standards that apply to practitioners covering cultural, community, historical and policy issues, kinship structures, and unconscious bias.
- Criminal law factors including overrepresentation in the criminal justice system, police powers and limitations, bail applications, and sentencing.
- Family law factors including care and protection proceedings, domestic and family violence, family law court proceedings, and interaction with the Department of Communities and Justice.
- Civil law factors including service delivery models, common civil law problems facing Aboriginal and Torres Strait Islander people, the Stolen Generations Reparations Scheme, housing issues, and community legal education.



The launch of the *Best practice standards for representing Aboriginal clients* is intended to increase the knowledge and skills of lawyers to provide effective representation to Aboriginal and Torres Strait Islander clients.

## Youth Koori Court youth caseworker

We engaged an Aboriginal-identified youth caseworker in our Children's Civil Law Service to support clients in the Youth Koori Court with a range of non-legal needs, including housing, drug and alcohol dependence, mental health, and support with culture and identity.



### Multidisciplinary practice supports civil work

When Jessie\* first started at the Youth Koori Court, she was transient and her civil lawyer from the Legal Aid NSW Children's Civil Law Service was having trouble keeping in touch. The Aboriginal youth caseworker in the Children's Civil Law Service commenced working with Jessie as well. The youth caseworker spoke with Jessie about family, country and kinship, and also advocated for her with government services. Now Jessie is seeing an Aboriginal counsellor and sticking to her other appointments.

The caseworker says: "I truly believe that young people having a worker who can relate to them in a culturally safe way is breaking down barriers of systems that fail them in their lives. It gives them the hope and self-empowerment to achieve outcomes in their way".

\* Not her real name

## Expanded outreach to Aboriginal communities

### 1. Newcastle/Ungooroo Aboriginal Corporation

Our Newcastle team developed a health justice partnership with the Ungooroo general practice and health service to provide a fortnightly legal advice service for the local Aboriginal community in Muswellbrook.

We collaborated with the Wanaruah Local Aboriginal Land Council, the Hunter Community Legal Centre, the Cooperative Legal Service Delivery Program, and Muswellbrook and Upper Hunter Shire Councils' interagency meetings to provide referral pathways for the service.

### 2. Wagga/Narrandera

Our civil lawyers in the Riverina-Murray region provided outreach to Aboriginal clients at the Narrandera courthouse on monthly list days to address unmet legal needs in the community.

We also helped members of the community with their fines – the average fine debt for people in Narrandera being \$2,832, compared to the NSW average of \$1,830.

### Stolen Generations Reparations Scheme

Our civil lawyers continued to secure access to the NSW Stolen Generations Reparations Scheme for Stolen Generations survivors, having assisted 315 clients with claims as at June 30, 2020.

Our advocacy led to the reassessment of previously rejected claims, resulting in at least \$6,642,000 of reparations

payments made to members of the Stolen Generations.

We also issued proceedings in the Supreme Court on behalf of Stolen Generations survivors seeking judicial review of adverse decisions.

### Funeral insurance

The Civil Law Service for Aboriginal Communities and consumer law team worked together to address systemic issues in the funeral insurance industry.

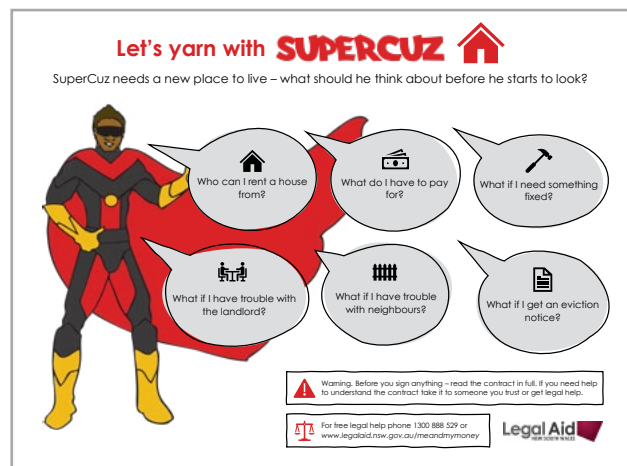
We currently represent 38 clients in matters lodged with the Australian Financial Complaints Authority (AFCA) involving funeral insurance disputes and continue to report misconduct and systemic issues to regulators.

### New resources for Aboriginal and Torres Strait Islander communities

We developed new resources to engage with regional Aboriginal and Torres Strait Islander communities to discuss common civil law problems they might experience.

#### 1. Let's yarn with SuperCuz

To make the resources engaging and fun, the Community Legal Education branch revived SuperCuz, a popular cartoon character that we have previously featured. SuperCuz is a superhero who helps people understand legal issues and what they can do about them.



#### 2. Me and My Money Tree

In the spirit of storytelling and interactive delivery, we designed a portable resource called Me and My Money Tree that uses the metaphor of a tree to explore the different types of financial responsibilities that a person might have.

### Coronial services for Aboriginal and Torres Strait Islander families

Legal Aid NSW's Coronial Inquest Unit collaborated with the Law and Justice Foundation to produce a report investigating how coronial services can be improved for Aboriginal and Torres Strait Islander families in NSW. The report will identify barriers that exist for Aboriginal and Torres Strait Islander families when participating in the coronial system, and what culturally sensitive practices and strategies can overcome those challenges.

### 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 and Torres Strait Islander clients.

This year we coordinated training for Legal Aid NSW staff, private practitioners and key partners like the Aboriginal Legal Service (NSW/ACT) in delivering services to Aboriginal and Torres Strait Islander people across the state. This included face-to-face workshops and webinars. We delivered sessions on cultural safety in the workplace, kinship and trauma-informed practice, Aboriginal cultural awareness training, and training on our new *Best practice standards for representing Aboriginal clients*.

Some examples of these cultural competency training sessions included:

- Implementing our locally-oriented Aboriginal cultural awareness program in regional areas including Coffs Harbour and Wagga Wagga.
- Training for approximately 60 in-house and private criminal lawyers at the National Centre of Indigenous Excellence. The session gave participants a powerful and often confronting insight into intergenerational trauma suffered by Aboriginal and Torres Strait Islander people due to past child welfare laws, policies and practices, and


aims to help lawyers provide more effective services to Aboriginal and Torres Strait Islander clients.

- Training for senior civil law managers on cultural safety in the workplace.
- Foundational cultural competency training as part of corporate induction for new starters.

### The year ahead

- ➔ We will deliver our objectives under the Legal Aid NSW Diversity and Inclusion Plan 2020–2021.
- ➔ We will undertake a range of initiatives to deliver services that are responsive to the needs of diverse clients, such as:
  - better matching clients with disability with panel lawyers who have relevant skills and experience
  - improving training on working with interpreters and translators, and
  - developing and implementing initiatives to respond to the findings of the 2019 Client Satisfaction Survey.
- ➔ We will continue to increase the services provided to Aboriginal and Torres Strait Islander clients and communities.



 Criminal law staff participated in a walking tour of Redfern to hear more about the rich social history of what has been described by prominent community figure Aunty Donna Ingram as Australia's original black capital.

# Highlights from our practice areas

We have three areas of legal practice: criminal law, family law, and civil law. Each practice includes specialist services. 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.

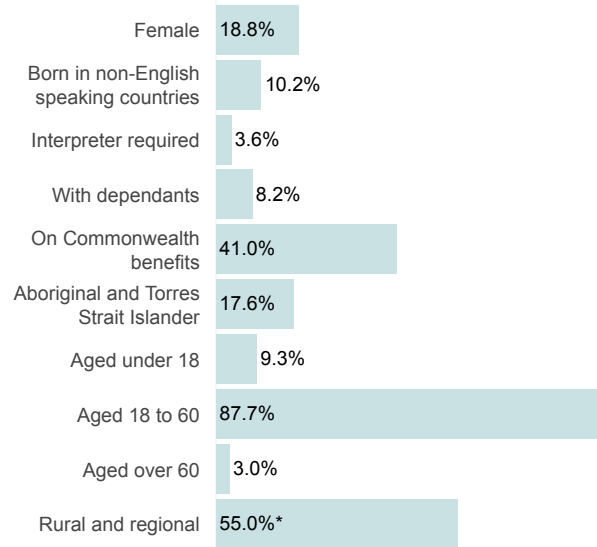
## Criminal law

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, Drug Court Service, High Risk Offender Unit, Indictable Appeals Unit and Commonwealth Crime Unit provide specialist services. The practice offers community legal education throughout NSW and contributes to law reform initiatives.

### Criminal law client profile

Based on total casework, including extended legal assistance services.

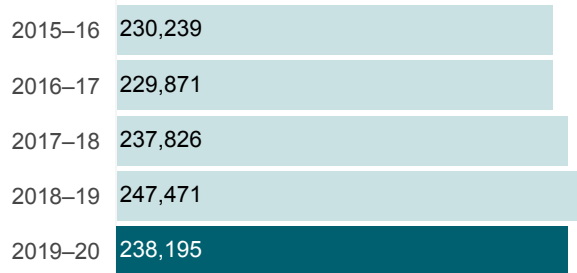


\* Includes Newcastle and Wollongong

## Fact file

- Total staff: 466
- Total expenditure on criminal law services: \$168.5 million
- Proportion of overall expenditure on criminal law services: 45.3%

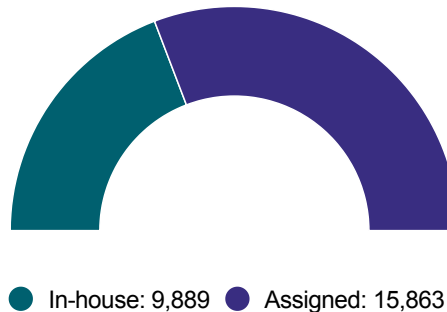
### Criminal law services over five years



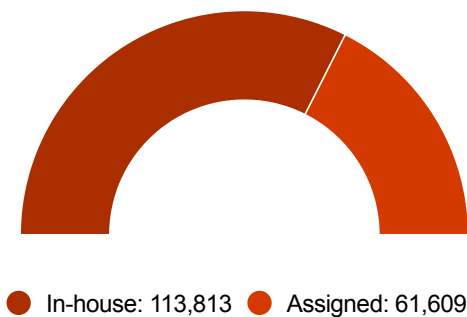
**We provided 238,195 criminal law services to clients in 2019–2020.\***

\* Information services are not included in service counts in this section.

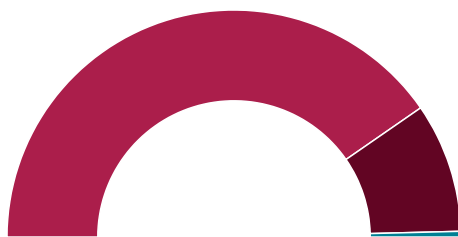
### Total legal representation: 25,752



### Total duty services: 175,422



Total other services: 37,021



- Legal advice: 30,062
- Minor assistance: 6,875
- Extended legal assistance: 84



### Legal Aid NSW High Risk Offender Unit successfully opposes extended supervision order application

*State of New South Wales v RC (No.2)* [2019] NSWSC 845

Our High Risk Offender Unit has represented a number of Aboriginal and Torres Strait Islander offenders facing applications under the *Terrorism (High Risk Offenders) Act 2017* (NSW) to keep them in custody or under strict supervision after their sentence has expired.

In one such case, we acted for a young Aboriginal man with a complex mental health condition and a previously undiagnosed cognitive health condition. He had spent a substantial portion of his life in juvenile and adult custody as a result of what the court described as “the lower end of the scale of seriousness of criminality.”

Our client had never been convicted of any terrorist offence and there was no evidence of violent extremism in the community, but the State argued that he had been radicalised in juvenile detention and should be classified as a high risk terrorist offender. The State pointed to provocative statements and threats made by our client while in juvenile detention as well as pictures he drew in his cell representing Islamic State, Arabic writing and weapons.

The unchallenged evidence of court-appointed experts was that our client did not have a serious commitment towards any extremist ideology that promotes violence. In dismissing the State’s application, the court said that RC’s statements could be seen as those of an individual trying to build up a reputation, and to give the appearance of toughness. The State’s application was dismissed.

### New High Risk Offender Unit

To meet the significant increase in the volume and complexity of high risk offender and high risk terrorist offender applications, Legal Aid NSW established a specialist High Risk Offender Unit in October 2019.

High risk offender applications are dealt with in the NSW Supreme Court and invariably involve large amounts of complex evidence, and clients with histories of significant disadvantage and underlying mental or cognitive impairment. Legal aid is available to provide advice, minor assistance and representation to defendants who are (or may be) the subject of these applications.

### Expansion of the Prisoners Legal Service

The Prisoners Legal Service is the only statewide representative defence body in State Parole Authority (SPA) proceedings and represents the vast majority of individuals appearing before SPA.

Sentencing reforms introduced in 2018 included an expansion of intensive corrections orders (ICOs). ICOs are a term of imprisonment of up to two years that the court decides can be served in the community under supervision by a corrections officer. Any breaches are reported to the SPA and the SPA can decide to revoke an ICO which results in the offender being sent to prison. The Prisoners Legal Service appears in these matters.

As a result of these changes, the Prisoners Legal Service has seen an unprecedented increase (close to 200 percent) in ICO-related appearances before SPA. The Prisoners Legal Service was therefore expanded in February 2020 with the addition of two senior lawyers.

### Case Conferencing Hub to support lawyers and clients

Mandatory criminal case conferencing between parties is a key component of the 2018 Early Appropriate Guilty Pleas (EAGP) reforms. The EAGP reforms were designed to facilitate the appropriate early resolution of serious criminal law matters, and to reduce court time for those matters that do proceed to trial.

In July 2019, we opened a new, purpose-built facility in Legal Aid NSW’s Central Sydney office to provide a dedicated space for case conferences. The Case Conferencing Hub is available to both private practitioners and Legal Aid NSW lawyers who need to conduct a mandatory criminal case conference. It can also be booked for EAGP case conferences in non-legally aided matters.

### Police charge papers delivered electronically

As a response to COVID-19, we worked with NSW Police Prosecutions to change the way in which charge papers in fresh custody matters were delivered by police to defence lawyers, to ensure we had access to client papers while providing assistance remotely in first appearance matters. While this change was implemented to meet our operational needs during the short-term bail hub court model, the centralised provision of client papers is one aspect we will continue to use.

The early receipt of papers means that we can conference with clients who have been refused police bail, obtain instructions on the charges, and appear for them in court to apply for bail as quickly as possible. Physical copies of client papers will remain available at court.



## Defence of mental illness

*R v M* (unreported)

A Legal Aid NSW Solicitor Advocate appeared in a trial for a client charged with recklessly wounding his father, a charge which carries a maximum of seven years' jail. At the time of the conduct giving rise to the charge, our client, a middle-aged man, was living on a property with his parents in remote NSW. His parents provided statements to the police indicating that he had been behaving aggressively and erratically at the relevant time and that this conduct had resulted in significant conflict between our client and the complainant, his father. This conflict escalated to the point where our client physically attacked his father and caused him serious injury.

Our client had previously faced charges in the Local Court which were diverted under the *Mental Health (Forensic Provisions) Act 1990* (NSW). Our advocate obtained historic and updated psychiatric material to support the defence of not guilty by reason of mental illness. Such defence carries the inherent risk of an accused being detained indefinitely as a forensic patient, sometimes for a significantly longer time than any sentence at law would be. Fortunately, however, our client had entered full-time residential rehabilitation pending his trial. The psychiatrist retained by the defence ultimately concluded that the defence of not guilty by reason of mental illness was available. The Crown expert agreed, and the trial proceeded on that joint position. Fortunately for the client, his successful completion of 12 months of rehabilitation and an opinion from the defence expert that he was not a serious risk to himself or any member of the public, resulted in his release to the community.

## Major criminal law events in 2019

Our criminal law conference and the annual criminal law dinner were held in the first week of August 2019. It was the most well-attended criminal law conference to date with 590 attendees. For the first time we used a mobile app to enable easy access for booking tickets, conference papers and information about the speakers. An impressive variety of speakers presented on topics ranging from practical advocacy to unconscious bias, and the broader political context in which the criminal justice system and criminal lawyers operate. The keynote speech was delivered by Kerry O'Brien which, together with his subsequent interview with Bret Walker SC, was both inspiring and thought-provoking.

## Introducing our Digital Learning Series

Legal Aid NSW plays an important role in the delivery of continuing professional development (CPD) to both in-house and private criminal lawyers. With the cancellation of the annual criminal law conference in 2020 due to the pandemic, CPD has instead been delivered via our Digital Learning Series.

The series provides remote learning modules through a variety of platforms including podcasts, live webinars, and recorded video presentations with complementary resources. Topics covered include prosecutorial disclosure, appearing in court during the pandemic, social media evidence, and the role of neuropsychologists in criminal law matters.

## Automated processes for allocation of private duty work

We commenced design on a new work offer system for allocating criminal law duty work and urgent casework to private practitioners called the Back Up Duty Scheme Allocation System (BUDSAS). It will automate the process for offering Back Up Duty Scheme (BUDS) work to private practitioners and will replace existing manual processes, saving our staff time and creating a more efficient, transparent



Our biggest criminal law conference was held in August 2019. Pictured left are Human Rights Commissioner Rosalind Croucher AM, Legal Aid NSW Criminal Law Director Annmarie Lumsden and barrister Kate Eastman SC at the 2019 Criminal Law Conference. Pictured right are Legal Aid NSW lawyer Emma Manea and journalist Kerry O'Brien, who delivered the keynote speech at the conference.



system for all stakeholders. BUDSAS will be introduced in August 2020.



### Recognising the impact of intellectual disability on moral culpability

*R v LR (name redacted)* (Unreported, NSWDC, May 29, 2020, Judge Culver)

The Legal Aid NSW Commonwealth Crime Unit acted on behalf of an intellectually disabled, Canadian indigenous woman who had suffered extreme social deprivation. Following her arrest at Sydney International Airport with 7.5723 kg of cocaine in her suitcases, she was convicted of importing a commercial quantity of cocaine – a charge which carries a maximum penalty of life imprisonment. She was a single mother of three young children, one of whom had a developmental delay. As a result of her incarceration, the children were placed with a relative, whom they had not previously known, in a remote island community. Two of the children were in counselling and one child was at risk of being placed with a foster carer, which would have meant separation from his siblings and dislocation from his indigenous community.

At the sentencing hearing, we argued for a significant reduction in our client's sentence due to her indigeneity, her intellectual disability and the hardship to third parties (her children) that a lengthy jail term would bring. We presented a significant amount of evidence from Canada regarding her background and the plight of her children.

Judge Culver remarked that this was one of the most compelling cases she had seen and that the extraordinary subjective features of our client's case distinguished it from the typical commercial quantity importation case. The court found that there was a causal connection between our client's intellectual disability and her moral culpability. Her naivety and vulnerability to the organisers of the crime were further confirmed by her volunteering information to authorities which was against her own interests. The court was of the view that our client's experience in custody was more onerous due to her mental health and dislocation from her children. The court considered that a significant reduction in the non-parole period from the overall term was appropriate and imposed a term of imprisonment of four years, with a non-parole period of 18 months.



## The year ahead

- We will continue to adapt to provide effective and continuous criminal law services to our clients, while balancing the safety of staff and other court users. This will be achieved by working closely with our key criminal justice agency partners, including the heads of jurisdiction, courts administration, NSW Police, the private profession, and the Office of the Director of Public Prosecutions.
- We will pilot ways to triage advice at court listing days by placing a registration desk staffed by a duty lawyer at the front of the court. This system aims to reduce spontaneous client contact, improve the client experience, reduce delays and increase efficiency.
- We will develop and use a simplified Crime Resource Allocation Model to inform resource allocation decisions.
- We will explore opportunities to provide advice and representation to prisoners at the new Clarence Correctional Centre in Grafton.

## Family law

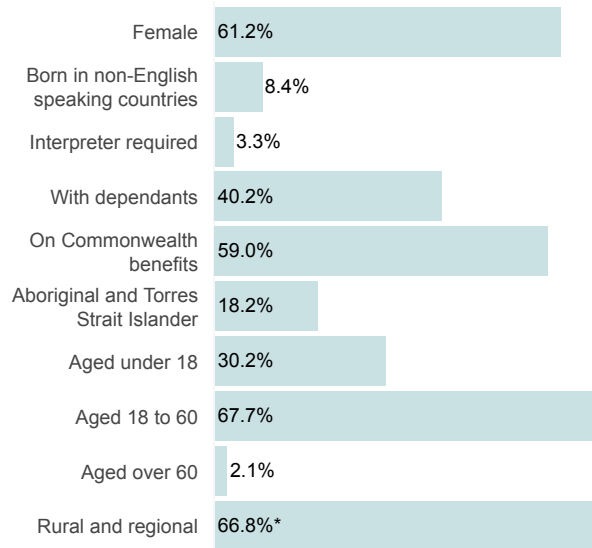
Legal Aid NSW is home to the largest family law practice in Australia. It provides legal information, advice and minor assistance, extended legal assistance, early resolution assistance, duty services, dispute resolution and case representation in family law matters. Its work includes child support,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

### Fact file

- Total staff: 302
- Total expenditure on family law services: \$84.8 million
- Proportion of overall expenditure on family law services: 22.8%

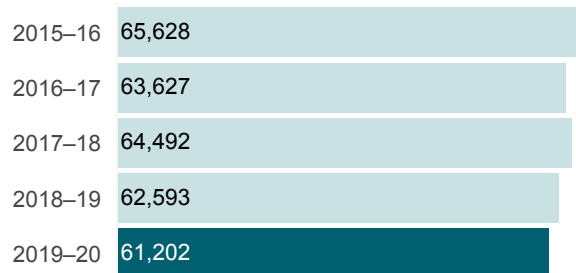
### Family law client profile

Based on total casework, including extended legal assistance services.



\* Includes Newcastle and Wollongong

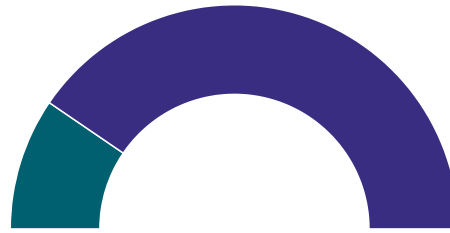
### Family law services over five years



**We provided 61,202 family law services to clients in 2019–2020.\***

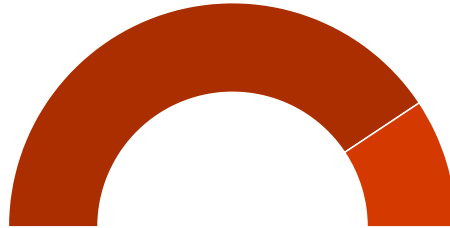
\* Information services are not included in service counts in this section.

### Total legal representation: 11,797



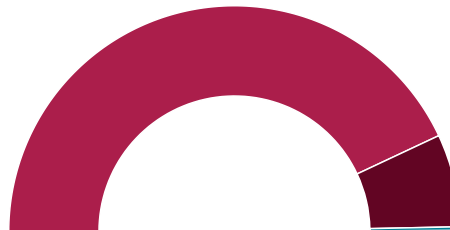
● In-house: 2,248 ● Assigned: 9,549

### Total duty services: 11,714



● In-house: 9,528 ● Assigned: 2,186

### Total other services: 37,691



● Legal advice: 32,432  
 ● Minor assistance: 5,009  
 ● Extended legal assistance: 197  
 ● Early resolution assistance: 53

### New models of service delivery

Legal Aid NSW implemented a new model for the delivery of in-house advocate services including developing a model where an advocate becomes involved earlier in a matter. This led to earlier settlement in several matters, narrowing issues, and increasing the confidence of junior solicitors leading up to trial.

We expanded our multidisciplinary service models of legal service delivery for families experiencing domestic and family violence by embedding financial counsellors and full-time men's support workers in our domestic violence services.

We implemented and commenced the administration of the Family Violence and Cross-examination of Parties Scheme and we developed a lawyer-assisted mediation program for

small asset pool property disputes which protects those impacted by domestic and family violence.

### Changes to processes and procedures

We made it easier for our clients to apply for legal aid services. Parents in care and protection matters were exempted from the means test and we introduced paralegals into the service delivery model who assist by contacting clients and helping them to complete their legal aid applications.

We saw an increased reliance on telephone mediation and other technological means of conducting family dispute resolutions. This meant working with mediators to ensure home offices were equipped to support additional telephone mediation needs and trialling virtual mediations using a video conferencing platform.

Similarly, our lawyers commenced conducting litigation practices electronically, for example, taking instructions over the phone, preparing and collating documents electronically, and appearing in court by telephone and audio-visual link.



### Giving children a voice in child protection cases

Our lawyer was appointed by the Children's Court of NSW to act as the independent legal representative for a child who had been taken from her mother at birth.

Children's legal representatives have a special role in child protection cases and help to ensure that children's voices are heard during proceedings. An independent legal representative does not act for parents, carers or caseworkers, but instead helps advocate for the best interests of young children.

In this case, the child's mother has an intellectual disability, and the caseworkers who were assigned to the child believed the child's grandmother was too old to be able to help the mother take care of her.

Our lawyer was concerned that the caseworkers were not following court orders, which required that the child be allowed to spend time with her mother, with supervision. Our lawyer was also concerned that the caseworkers were not keeping adequate records about the child's care.

After our lawyer took steps to ensure all the relevant information was available to the court, the court agreed to allow the child to return to live with her mother and grandmother, who now have shared responsibility for her. Following the finding, the child transitioned from out of home care placement, back to the home of her mother and maternal grandmother.

### Working together in care and protection

We have worked closely with Victoria Legal Aid to enhance the delivery of care and protection services in the Far West and Wentworth/Dareton area.

Some other initiatives included:

- A pro-bono partnership between Legal Aid NSW's Domestic Violence Unit and Broun Abrahams Burreket for specialised and urgent interim property relief for victims of domestic violence.
- A referral pathway with Western Sydney Community Legal Centre.
- A legal services partnership was formed with the South West Sydney Legal Centre to meet every two months to share information.
- Establishing a Community of Practice for practitioners who undertake secure accommodation order matters to ensure good outcomes for children.
- We convened child support liaison meetings attended by representatives from Services Australia's Child Support program and lawyers from Legal Aid NSW and community legal services. We also worked closely with Centrelink due to the interaction between child support and the family tax benefit.
- As part of our involvement in the Greater Sydney Family Law Pathways Network, representatives from Legal Aid NSW actively assisted in the writing and producing of the *Our Kids* film which tells the story of the way that Aboriginal and Torres Strait Islander families participate in the Aboriginal and Torres Strait Islander families list in the Federal Circuit Court.
- We played a role in the development and launch of the Parent Peer Support Project run out of the Broadmeadow Children's Court. This program provided support to particularly vulnerable parents to assist them with petitioning for their children to be restored to their care.
- The family litigation team at Legal Aid NSW's Newcastle office collaborated with the civil lawyers to commence a fortnightly advice clinic at the Tomaree Neighbourhood Centre in Nelson Bay.

### Implementation and administration of the cross-examination scheme in family law courts

In 2019 the *Family Law Act 1975* (Cth) was amended to include section 102NA which provides for direct cross-examination to be banned in certain circumstances. The Act aims to protect victims of family violence by requiring that cross-examination must be conducted by a legal representative, either a privately retained lawyer or one funded through this scheme.

Legal Aid NSW administers the scheme in NSW on behalf of the Commonwealth Government. We commenced funding the representation of eligible parties for hearings from September 2019. This year we provided funding for the representation of 142 parties impacted by the scheme.

### Implementation of the Commonwealth Small Property Mediation Pilot

We commenced the small property mediation pilot in February 2020, created to support separating couples who may not otherwise qualify for legal aid to go through

mediation to divide property worth up to \$500,000 (or claim up to \$250,000).

Legal aid commissions around Australia were funded to pursue these property mediation pilots, as they are among a series of measures included in the Commonwealth Government's Women's Economic Security Package that aim to support women's economic independence.

### Adoption mediations

We developed and trialled a post-filing adoption mediation model with good results. A new model is being developed in consultation with the Department of Communities and Justice in pre-filing matters to attempt to resolve any outstanding disputes prior to a court application being made.

### Development of a best practice guide

We developed a best practice guide for the representation of children in care and protection proceedings. The guide is essential reading for all lawyers undertaking child representation work in the care and protection jurisdiction. It will be launched in 2020–2021.

### Formation of a Property Network Group

The Property Network Group was formed as a means of bringing together family law solicitors with experience in conducting property matters from across the state. The Property Network Group meetings are a forum for discussion and a means to generate ideas in relation to issues, such as proposed training for staff on changes to Legal Aid NSW policies relating to property and the new small property mediation pilot.

### Conferences and continuing professional development in 2019–2020

We held an in-house family law conference for Legal Aid NSW staff in August 2019, which was attended by 178 staff.

We also held our annual care and protection conference in August 2019, which was attended by 195 in-house staff and 128 panel lawyers working in care and protection.

In September 2019, we engaged the Australian Advocacy Institute to deliver specialised training for child representatives on developing case theory. This high-level training was delivered to 12 in-house staff and six of our panel lawyers.

We have provided monthly webinars on topics relevant to family lawyers.

### Training and accrediting Independent Children's Lawyers

Legal Aid NSW manages the national Independent Children's Lawyer (ICL) website on behalf of National Legal Aid. Through this website, all Australian legal practitioners seeking to represent children in the family law jurisdiction must register and complete an online training program.

Ninety-six lawyers from across Australia completed the online program with 45 of those lawyers being from NSW.



## Our casework clarifies an important area of adoption law

*Hackett (a pseudonym) v Secretary, Department of Communities and Justice* [2020] NSWCA 83

Belinda\* had been taken into care as a baby. In 2018, the Secretary of the NSW Department of Communities and Justice began proceedings in the NSW Supreme Court to allow Belinda to be adopted by her carer. Throughout these proceedings, both the Department of Communities and Justice and Belinda's biological father, Hackett\*, agreed that she was an "Aboriginal child" under the meaning included in the *Adoption Act 2000* (NSW).

Under the Act, a court must consider the Aboriginal child placement principles set out in the legislation – and it must not make an adoption order unless it is satisfied that those principles have been properly applied.

Before the court delivered its decision about Belinda's adoption, judgment was delivered in another case, *Fischer v Thompson (Anonymised)* [2019] NSWSC 773, which held that before a child can be considered an Aboriginal child under the Adoption Act, it must be shown that an ancestor of the child satisfied the so-called "three-limb" test of Aboriginality.

Under that test, a person is considered Aboriginal only if they can show they are of Aboriginal descent, they identify as Aboriginal, and they are accepted as Aboriginal by their community.

In light of *Fischer*, the NSW Supreme Court accepted an argument that Belinda was not an Aboriginal child under the meaning of the Act and made orders allowing Belinda's adoption to go ahead without first considering the Aboriginal child placement principles.

Hackett, represented by Legal Aid NSW, appealed against these orders, arguing that the interpretation of "Aboriginal child" in *Fischer* was incorrect. The NSW Court of Appeal unanimously agreed.

Its decision clarifies that where the evidence shows that a child is descended from people who lived in Australia before British colonisation, a court may treat the child as an "Aboriginal child" for the purposes of the Adoption Act. The *Children and Young Persons (Care and Protection) Act 1998* (NSW) contains an identical definition of Aboriginal child, so this decision will have important consequences for child protection casework practices.

The Court of Appeal also emphasised the importance of considering a broad range of material when determining a child's ancestry.

\* Court-assigned pseudonyms



## Tailoring our services to meet families' unique needs

Barbara\* looks after her granddaughter Nadine\*, who has complex, lifelong medical needs that require ongoing specialist care.

Nadine's mother Leila\* is Aboriginal, and her family's past experiences had left her reluctant to formalise the care arrangements for Nadine. When Barbara came to us for help, she was struggling to navigate Nadine's educational and healthcare needs because of the absence of any formal family law or guardianship orders. As a pensioner, she was also struggling to provide for Nadine. Formalising Nadine's care arrangements would entitle Barbara to carer payments and would help her better meet Nadine's needs.

Nadine's parents were both hesitant to participate in mediation or to engage with the legal system generally. Our staff worked with the family, and with the help of one of Leila's trusted older relatives, we prepared an application for consent orders that would allow Nadine's care arrangements to be formalised in the family law courts.

We worked to ensure that the role and identity of Nadine's parents – and especially Leila – were properly acknowledged and that all members of the family felt supported and respected throughout this process.

\* Not their real names

Face-to-face workshop training events were attended by 52 participants in Sydney and 38 in Brisbane.

We delivered Phase 3 Nuts and Bolts training for ICLs new to the Legal Aid NSW panel. This training helps new ICLs understand the practicalities of starting ICL work, providing them with access to current resources and updating them on relevant practices and processes. This training was adapted to an online program and delivered via Microsoft

Teams in May 2020. It was attended by 56 NSW lawyers and resulted in the appointment of 27 new ICLs on the NSW panel and 27 new in-house ICLs.

## Streamlining our processes

The Board approved changes to allow parents in new care and protection matters to be exempt from the means test during COVID-19 to ensure highly vulnerable clients continued to be serviced. This change streamlined the application process for clients in care and protection matters and reduce the amount of documentation and paperwork required.

We are working on a new process for family dispute resolution matters which will streamline the process of obtaining completed checklists and other information from the client's solicitor. The aim of the change is to implement efficiencies in scheduling mediations.



## The year ahead

- ➔ Clarify our priority client guidelines and trial a multi-disciplinary team-based approach to the provision of casework services to high-priority clients.
- ➔ Develop a suite of high-quality training resources for legal practitioners seeking to enter family law specialist panels including domestic and family violence and child representation in care and protection cases.
- ➔ Continue to promote and develop the effectiveness of the Commonwealth's small property mediation pilot in order to meet the referral and mediation targets.
- ➔ Implement the familyproperty.com software program along with the use of videoconferencing for mediations.
- ➔ Collaborate with other teams to develop and implement the next phase of the Client and Case Management System (CCMS) for family dispute resolution lawyers, including a transition from the current mediator booking system into a new, integrated system.



2019 Legal Aid NSW Family Law Conference. Left to right: Family Law Director Kylie Beckhouse, Gosford Solicitor in Charge Gabrielle Cantrall, Deputy CEO Monique Hitter, Director CCMS Susannah O'Reilly, and Director Client Service Jane Cipants.

## Civil law

Ours is the largest publicly funded civil law practice in Australia and the work of our civil lawyers is wide-ranging. We practise in diverse areas of law including housing, human rights, social security, consumer protection, disaster recovery and insurance, employment, immigration, NDIS, mental health, fines, coronial inquests, and the sexual assault communications privilege. The civil law practice includes dedicated services for Aboriginal and Torres Strait Islander communities, children, refugees, prisoners, and older people experiencing elder abuse.

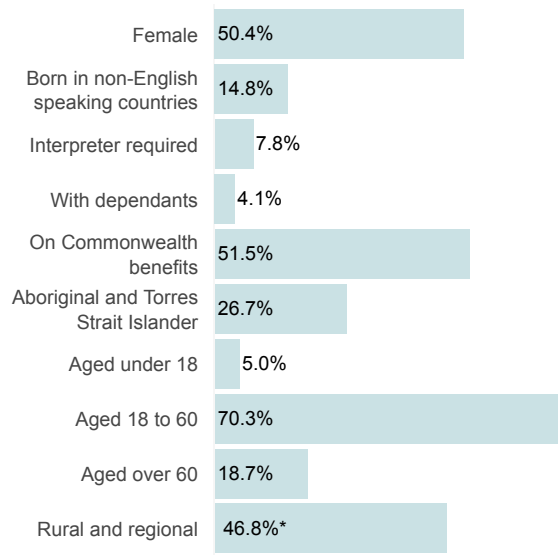
We provide civil law advice in our offices and at 181 outreach locations. We also provide duty services at the Administrative Appeals Tribunal, the NSW Civil and Administrative Tribunal, the Mental Health Review Tribunal, and the Youth Koori Court.

### Fact file

- Total staff: 277
- Total expenditure on civil law services: \$50.1 million
- Proportion of overall expenditure on civil law services: 13.5%

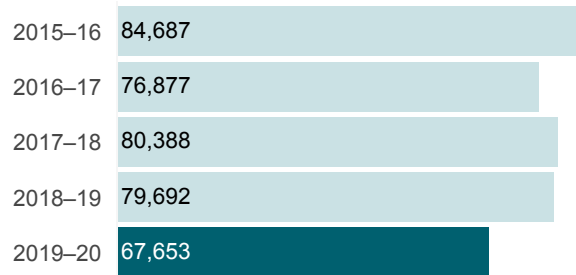
### Civil law client profile

Based on total casework, including extended legal assistance services.



\* Includes Newcastle and Wollongong

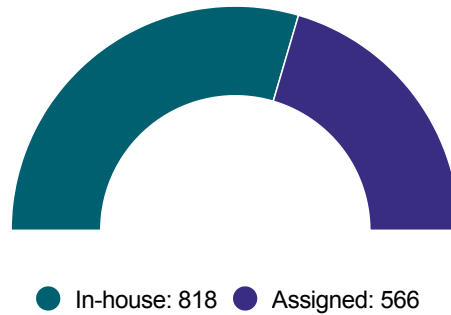
### Civil law services over five years



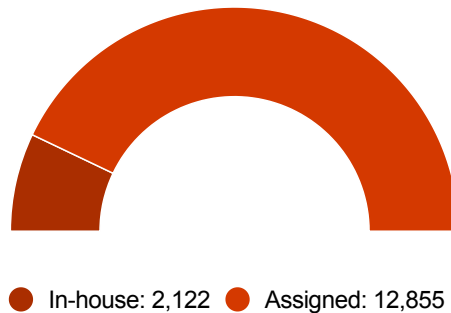
We provided 67,653 civil law services to clients in 2019–2020.\*

\* Information services are not included in service counts in this section.

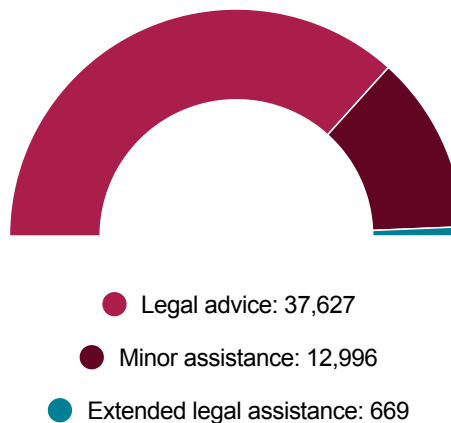
### Total legal representation: 1,384



### Total duty services: 14,977



### Total other services: 51,292



## Disaster Response Legal Service

For over a decade, we have provided legal help to communities affected by disasters. The 2019–2020 bushfire season was the worst on record. In response, we rapidly mobilised our Disaster Response Legal Service (DRLS) and deployed 65 civil lawyers to frontline recovery efforts. Our staff provided over 1,000 legal services and presented information sessions to more than 2,500 people at community recovery meetings. Read more about the work of the DRLS at pages 25–26.



### Elder Abuse Service provides tailored support during crisis

Alice\* was a 73-year-old who had helped her granddaughter, Jess\*, over the years by letting her stay in her home. Jess had struggled with mental health and employment issues and did not contribute financially. When Jess moved out, COVID-19 struck and she lost her job. Alice let Jess back into her home knowing Jess had nowhere else to go. Jess's behaviour quickly deteriorated, and she became verbally abusive, with Alice locking herself in the bedroom to stay safe.

The social worker from our Elder Abuse Service provided ongoing support to Alice, helping her to develop a safety plan, and boundaries for the granddaughter's behaviour. Alice was then able to work with our lawyer to give formal notice to the granddaughter and draw up a behavioural "contract". This prompted different discussions between Alice and Jess, with Jess voluntarily agreeing to leave the house.

\* Not their real names

## Establishment of the Elder Abuse Service

A specialist Elder Abuse Service (EAS) was established in our Gosford office, to support older people on the Central Coast who are at risk of, or who are experiencing, elder abuse, with a particular focus on supporting older Aboriginal and Torres Strait Islander clients.

The EAS adopts a multidisciplinary service model that includes generalist lawyers and a social worker. Referrals are accepted from local stakeholders in the health and community sectors.

Older people face significant challenges in calling out the behaviour of their family members, especially where the older person is dependent on their abuser.

Elder abuse reported to the EAS included 75 percent financial abuse, 52 percent emotional abuse, 40 percent more than one type of abuse and 40 percent reported that they were experiencing a risk to stable housing.

## National Disability Insurance Scheme (NDIS) expansion and advocacy

We provided legal representation to over 130 clients with National Disability Insurance Scheme (NDIS) cases before

the Administrative Appeals Tribunal and expanded service delivery by placing specialist NDIS solicitors in our Penrith and Coffs Harbour offices.

Our advocacy assisted clients to gain access to the NDIS, to increase the level of their NDIS funding and supports, and to help clarify the legislation and policy governing the NDIS.



### Accessing the National Disability Insurance Scheme (NDIS)

We successfully represented a client at the Administrative Appeals Tribunal to obtain access to the National Disability Insurance Scheme (NDIS) in the matter of *MHZQ v the National Disability Insurance* [2017] AATA 810.

The Tribunal decided that the client's borderline personality disorder qualified as a disability, concluding that our client had a permanent psychiatric impairment with a substantial reduction in her functional capacity, resulting in her limited social and economic participation. Our client's psychiatric condition was found to be sufficient for her to have access to the scheme.

## Implementing recommendations from specialist team evaluations

### 1. Civil Law Service for Aboriginal Communities

We implemented a number of community-based recommendations following the evaluation of this service.

This included developing generalist lawyer capabilities, strengthening referral pathways, and collaborating with teams throughout Legal Aid NSW and externally.

### 2. Children's Civil Law Service

We implemented recommendations from the evaluation of this service, which included reviewing and amending its objectives and eligibility criteria, and confirming existing referral partnerships with the Legal Aid NSW Children's Legal Service, the Aboriginal Legal Service NSW/ACT, and Shopfront Youth Legal Centre.

Guidelines and principles have also been developed on how to exit young people from the service.

### 3. Refugee Service

The Refugee Service was made permanent in 2019 following an external evaluation that found the service to be highly valued by refugee clients and community partners.

Comprising three civil lawyers and one family lawyer, the Refugee Service fills a critical gap in legal support for newly-arrived refugees. The service provides meaningful, culturally appropriate and holistic support to clients from many countries around the world, including Tibet, Eritrea, Syria, Myanmar, Iraq, Ethiopia, and the Democratic Republic of the Congo.

The Refugee Service has delivered over 1,200 community

legal education sessions to settlement workers and members of refugee communities on a range of topics, including housing, immigration, domestic violence, social security, discrimination and general family law.

### **Increased in-house representation in Sexual Assault Communications Privilege Service matters**

We employed two additional solicitors in our Sexual Assault Communications Privilege Service, allowing us to significantly increase our in-house representation of clients. The proportion of clients with in-house representation increased from 10 percent in 2017–2018 to around 65 percent this year due to these additional resources.

### **Premier's Award for Tackling Longstanding Social Challenges in 2019**

The Work and Development Order (WDO) scheme received a Premier's Award in 2019 for Tackling Longstanding Social Challenges.

The award recognised the successful collaboration between Legal Aid NSW, Revenue NSW and the Department of Communities and Justice, to create better social outcomes for the most vulnerable people in our community.

Over 2,300 WDO sponsors across NSW provide activities in government, community and health settings to help vulnerable people clear unpaid fines through activities such as education, counselling, volunteering, and health treatment.

Since the program commenced, more than 164,503 WDOs have been approved, clearing over \$213 million in fines debt and diverting vulnerable people from the fines enforcement system.

### **Superannuation Insurance Referral Project**

Clients with chronic health conditions who are unable to work are often unaware of insurance policies attached to their superannuation funds. These policies can include significant financial benefits for the client.

We piloted the superannuation insurance referral project with two private firms to identify and refer eligible clients to obtain expert legal assistance to access these benefits.

We referred over 100 clients to Maurice Blackburn and Berrill & Watson. These included clients impacted by the bushfires, prisoners, clients experiencing homelessness, and clients experiencing mental health issues.

### **Responding to the civil law needs of prisoners in High Intensity Program Units (HIPUs)**

HIPUs provide intensive therapeutic programs to prisoners serving short sentences (six months or less) who are considered at high risk of reoffending. The aim is to address factors that contribute to reoffending and reimprisonment including homelessness, unemployment, debt and family

breakdown. Ten HIPUs have been established across seven prisons in NSW where regional civil lawyers provide outreach services and community legal education.

### **Health conditions and insurance report**

We published a report, *What's the Risk? Access to insurance for people living with health conditions*, that surveyed 281 people with health conditions and experience with insurance to better understand the challenges associated with accessing general and life insurance products.

The report found that two-thirds of people surveyed, reported difficulties obtaining insurance and called for a review of all insurance policies that exclude coverage for health conditions to ensure they comply with the law.

### **Outstanding achievements by civil law staff**

Civil lawyer Merinda Dutton, a Gumbaynggirr Barkindji woman, was named the National Indigenous Legal Professional of the Year in 2019 and Refugee Service Community Engagement Officer, Nohara Odicho, received a Humanitarian Award in 2019. These prestigious awards recognise the skill, dedication and commitment to excellence of our staff. See pages 68–69 for more information about these achievements.

### **Moving professional development online**

We launched a series of fortnightly Civil Brush-Up webinars featuring expert panellists on a range of topics related to COVID-19 and other areas of professional development, including the new Public Health Orders, changes to Centrelink, and the jurisdiction of the Mental Health Review Tribunal.

In the final three months of 2019–2020, we delivered 12 webinars to staff with expert speakers, and over 80 staff members attended each webinar to obtain their CPD points. The webinars were particularly suited to our regional staff members.



## **The year ahead**

- ➔ We will develop a framework for multidisciplinary practice in partnership with our family law colleagues.
- ➔ We will expand the generalist lawyer model to the Civil Law Service for Aboriginal Communities, Refugee Service and outreach.
- ➔ We will implement the recommendations from the evaluations of our specialist services.
- ➔ We will pilot virtual outreach in two locations.
- ➔ We will develop and implement new Extended Legal Assistance (ELA) business rules.
- ➔ We will deliver trauma-informed practice training.



# 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.

The number of community legal education (CLE) services to community members decreased this year due to the limitation placed on face-to-face CLE delivery caused by COVID-19. The delivery of CLE to community and health workers continued for those who could be reached online. The number of online sessions increased eight-fold when it became unsafe to present in person.

We delivered 1,789 community legal education services, a 34.3 percent decrease on the previous year.

Area of law	2017–18	2018–19	2019–20	Change from previous year
Criminal law	514	715	470	-34.3%
Family law	571	739	427	-42.2%
Civil law	870	1,268	892	-29.7%
<b>Total</b>	<b>1,955</b>	<b>2,722</b>	<b>1,789</b>	<b>-34.3%</b>

## Launch of the Stop Public Threats campaign

We were approached by the Community Safety and Cohesion team at the Department of Communities and Justice to create an education campaign about a newly created offence of public threats or inciting violence based on race, religion, sexual orientation, gender identity, intersex status and HIV/AIDS status. Through stakeholder consultation, the Community Legal Education Branch created the Stop Public Threats campaign that was launched by the NSW Attorney General on May 25, 2020.

The campaign comprises a video series, posters, factsheets in multiple community languages, and a podcast and a webinar for community workers that helps the community understand what the law is and how they can report incidents.

It was promoted on our social media platforms and through our network across government, community, cultural and religious organisations.

## Community legal education in the north west

Our civil lawyers based in Dubbo, Walgett and Bourke delivered 55 community legal education events across the north west region of NSW.

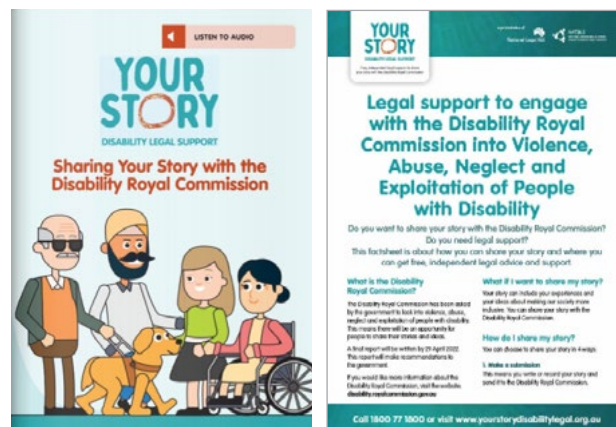
The sessions focused on legal issues commonly experienced by clients living in the communities, including fines, Work

and Development Orders and the Stolen Generations Reparations Scheme. For older people in the community, we provided sessions on planning ahead.

## Collaboration with Your Story Disability Legal Support

We supported Your Story Disability Legal Support and worked with legal aid commissions across the country to create community legal education materials for individuals, support workers and community workers to better understand how to engage with the Disability Royal Commission.

We coordinated the creation of a comic book story presented as a flip book and cartoon video that explains how Your Story Legal Support can help people who want to engage with the Disability Royal Commission. With a focus on accessibility, inclusion and empowerment, these resources show how innovation and clever design can meet the needs of our clients.



## Updating our systems

We updated our data management system and provided training to the organisation to ensure that data collected about our community legal education activities was accurate and accessible. The changes improved confidence in the way we collect data.



## The year ahead

- ➔ We will focus on developing content for prisoners to make it easy for solicitors and workers to deliver effective and relevant legal information.
- ➔ We will launch new versions of the *How can Legal Aid NSW help me?* video series for young people and people in prison.
- ➔ We will create new resources for people with an intellectual disability and/or cognitive impairment.

# 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

58 Private lawyers

61 Programs

Stephen Manton and Kat Price from NSW Health, Marlena Pitrone from Shoalcoast Community Legal Centre, Jenny Robbins and Diana Patterson from Red Cross, Debi Hutchinson from Bega Valley Shire Council, Sue Wilson from Service NSW and Beck Minear from Bega Valley Shire Council working together in Wonboyn.



### Key achievements

- ★ We revised our panels and grants processes to make it easier for private lawyers to do legal aid work.
- ★ We secured additional funding to increase fees paid to private lawyers who do legal aid work.
- ★ We worked with our partners to pilot a more formal approach to collaborative service planning.
- ★ We increased the coverage of Women's Domestic Violence Court Advocacy Services to all Local Courts across the state.
- ★ We managed the transition to a new funding model for community legal services in NSW.



### The year ahead

- ➔ We will implement greater automation in the grants process to further reduce the time taken to determine the outcome of a grant.
- ➔ We will deliver a clear and consistent approach to managing and supporting the quality of services provided by private lawyers.
- ➔ We will develop a suite of 15 online training modules for private lawyers who do legal aid work.



### Key challenge

- ▶ We will ensure the seamless delivery of services to our clients while continuing to reform our processes for private lawyers who complete legal aid work.

# 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). This year, private lawyers provided 66.7 percent of all Legal Aid NSW casework services, and 37.9 percent of all Legal Aid NSW duty lawyer services. Further details appear in Appendix 5.

## Number of private lawyers on Legal Aid NSW panels 2019–20\*

### General panels

General Civil Law Panel	155
General Family Law Panel	806
Summary Criminal Law Panel	1,450

### Specialist panels

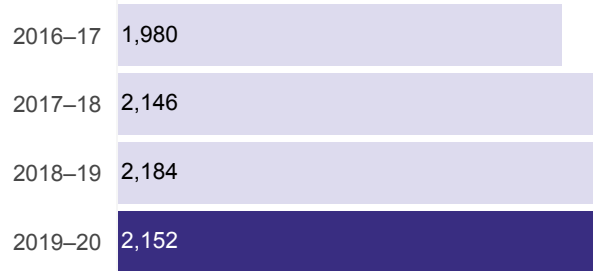
Appellate Criminal Law Barrister Panel	87
Care and Protection Panel**	227
Children’s Criminal Law Panel	186
Complex Criminal Law Barrister Panel	105
Complex Criminal Law Solicitor Panel	222
Domestic Violence Panel	92
Independent Children’s Lawyer Panel	153
Indictable Criminal Law Panel	277
Indictable Criminal Law Barrister Panel	440
Mental Health Advocacy Panel	189
Veterans’ Law Panel	4

\* Some lawyers are active members of more than one panel

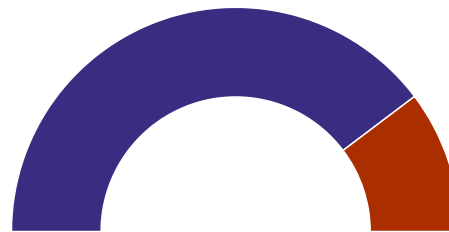
\*\* Of the 227 Care and Protection Panel members, 145 are appointed to act for children as well as adults

Figures include current active panel members whose appointment start dates were before June 30, 2020.

## Total individual panel members

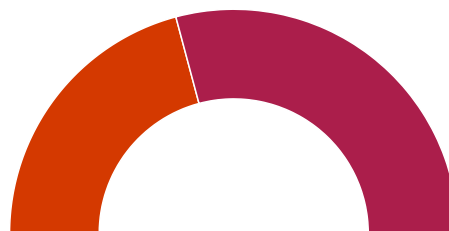


## The lawyers who sit on our panels



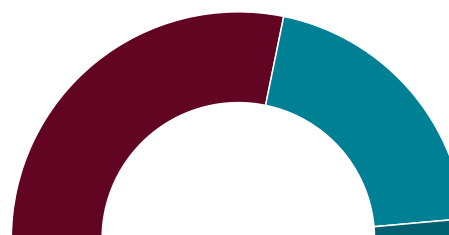
● Solicitor: 1,709 ● Barrister: 443

## The lawyers who sit on our panels



● Female: 897 ● Male: 1,255

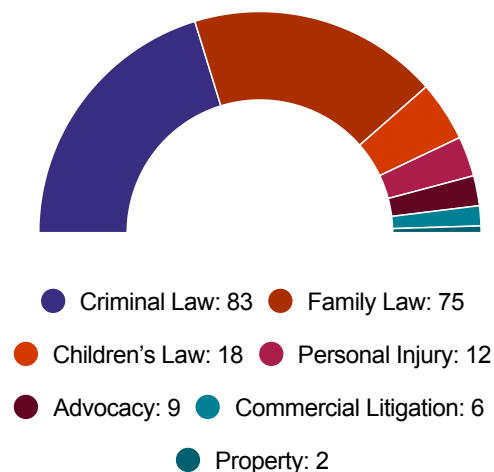
## Where our panel lawyers are located\*



● Sydney metropolitan area: 1,214  
● Regional: 877 ● Interstate: 61

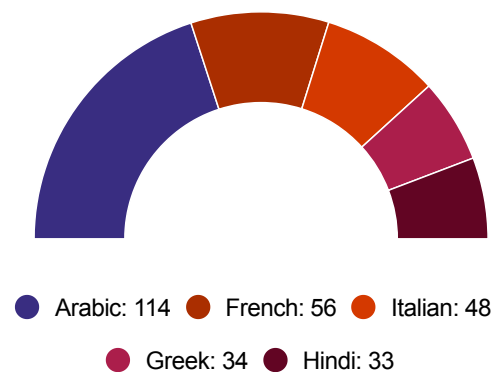
\* Based on the panel member’s primary office location

### 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.



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

Panel 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 specialist barrister briefing panels covering indictable, complex, and appellate criminal law matters.

There are 2,152 individual lawyers and 1,712 registered firms who make up Legal Aid NSW panels throughout NSW.

There were 165 appointments and 102 reappointments made to Legal Aid NSW panels.

### Improving the way we engage with private lawyers

Our relationship with the private profession is critical to delivering legal aid services across NSW. Two-thirds of all grants of aid are assigned to private lawyers. In some regional areas, private lawyers undertake 100 percent of all legal aid matters.

We received feedback from private lawyers about the way we support them to deliver services across NSW. Some of

the things we heard included:

- that they do not feel valued by Legal Aid NSW, and they are concerned we allocate work inequitably
- the fees we pay are too low
- our panels process is cumbersome and time consuming, and
- we do not intervene early enough when concerns are raised about the quality of services being delivered.

We have responded to these concerns by reviewing our panels and grants process, and carrying out targeted consultation with the private profession.

We have also developed a comprehensive framework that sets out a process for engaging more meaningfully with the private profession that will include:

- communicating clear quality standards
- simplifying our panels process
- proactively supporting panel members to deliver high-quality legal aid services, and
- ensuring we intervene early when concerns are raised about the quality of the services delivered.

We started implementing the framework in 2019–2020 and will continue to do so next year. A key area of reform already underway is simplifying our panels process. To do this, we sought amendments to the *Legal Aid Commission Act 1979* (NSW), which were passed in November 2019. The amendments will commence in July 2020. They will streamline our panels process and allow:

- the principal of a law firm (including sole practitioners) to join on behalf of their practice
- a single application form to join all panels, which can be made at any time, and
- no reappointment process.

The amendments to the legislation will also remove the following requirements for our panels selection and removal process:

- mandatory periods of appointments to panels
- convening selection committees for appointment, reappointments, suspension and removal of panel lawyers, and
- mandatory participation of the Law Society of NSW and the NSW Bar Association on those selection committees.

As well as simplifying our panels process, we will be implementing better quality assurance processes to ensure we provide more support and training, and that we intervene early where concerns are raised about the quality of services being delivered to our clients.

### Review of fees paid to private lawyers

Last year we conducted a review of the fees we pay private lawyers who undertake legal aid work and submitted a business case to the NSW Government seeking additional funding to enable us to reform our fee scale.

In November 2019, the NSW Attorney General announced an allocation of \$87.7 million in additional funding to Legal Aid NSW over four and a half years to support an increase in fees for panel lawyers for matters covered by state law.

*This increase represented the single biggest injection of additional funds for private lawyer fees in the 40-year history of Legal Aid NSW.*

The first of the private lawyer fee changes included a change to the Local Court state summary crime and Children's Court summary crime fees. From January 1, 2020, Local Court and Children's Court defended hearings were paid as a lump sum, which means private lawyers can claim the fees in one application, making the grants administration for private lawyers much more efficient.

Other changes included increasing the mileage rate in state matters and replacing the \$100 lump sum for travel for grants of aid in state matters with a time-based payment.

On June 30, 2020 the Legal Aid NSW Board approved the first round of hourly rate increases in state matters. From July 1, 2020 the base hourly rate for solicitors in state matters will increase from \$150 per hour to \$160 per hour, with further yearly increases until fees reach \$195 per hour by 2023–2024. Counsel's fees and fees not based on the hourly rate will increase by 6.67 percent, and the funding of jail visits will increase.

During the year, we also worked with the profession to develop a fee scale for preparation in indictable crime matters. The final fee scale will be submitted to the Board for approval in the second half of 2020.

### Reforms in our grants process

We continue to improve services to our clients by reforming our grants processes and making faster decisions about whether to grant legal aid. We increased our utilisation of automation in 2019–2020, resulting in less time taken to process applications for legal aid. We are now processing applications in days rather than weeks.

A number of reforms were implemented to improve the grants process this year, including:

- Changes were made to the means test exemption rules for clients in custody, which allowed applications to be granted without requiring a discretion to be exercised to waive the contribution.

- A new Commonwealth family law template was created to merge four existing application and extension templates.
- We introduced bundled grants from criminal appeal and criminal trial matters, which resulted in increased automation for initial grants of aid and reduced determination times.
- We commenced a work allocation pilot with four regional offices. The pilot changed how we manage applications submitted by private practitioners and resulted in increased automation and reduced determination times.
- Amendments were made to increase approval levels and autonomy for legal officers, reducing the need to seek approval from senior solicitors and directors, therefore reducing the time taken to process tasks.
- We reviewed our refusal clauses and updated them all to plain English to make it easier for clients to understand why a request for aid is refused.

### Establishing the Private Lawyer Advisory Committee (PLAC)

This year we established a Private Lawyer Advisory Committee (PLAC) to improve the way we engage with the private profession. The PLAC is a forum for private lawyers to provide feedback about their engagement with Legal Aid NSW. It allows us to proactively work with private lawyers to better understand their needs and ensure our processes have no detrimental impact on their work.

The PLAC comprises three solicitors nominated by the practice areas, a solicitor nominated by the Law Society of NSW, and a barrister nominated by the NSW Bar Association. The PLAC meets with members of the Legal Aid NSW Executive, with our first of four-yearly meetings held in March 2020.



## The year ahead

- ➔ We will implement greater automation in the grants process to further reduce the time taken to determine the outcome of a grant.
- ➔ We will finalise a clear and consistent approach to managing and supporting the quality of services provided by private practitioners.

# Programs

## Community legal centres

Legal Aid NSW administers funding on behalf of the NSW Government, Commonwealth Government, and the Public Purpose Fund for the Community Legal Centres (CLC) Program in NSW.

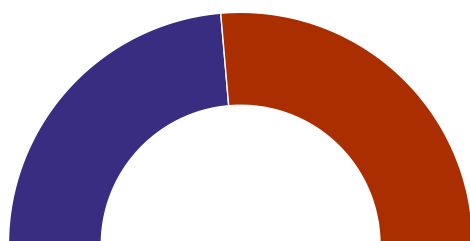
The Program funds 33 centres and the state peak body Community Legal Centres NSW (CLCNSW). The CLC Program also funds the Aboriginal Legal Access Program, Children's Court Assistance Scheme, and Court Support Scheme.

Community legal centres (CLCs) are independent, non-government organisations that provide accessible legal services to the general public, with a focus on vulnerable people facing disadvantage.

### Funding

A total of \$26,578,263 was paid to centres and Community Legal Centres NSW through the Program. This included:

- \$12,563,192 in Commonwealth funding, and
- \$14,015,071 in NSW Government and Public Purpose Fund funding.



- Commonwealth funding: \$12,563,192
- NSW Government and Public Purpose Fund funding: \$14,015,071

More details about funding can be found in Appendix 4.

### A new funding model for community legal services in NSW

The CLC Program Unit managed the community legal sector's transition to the new funding model recommended by the Cameron Review.

The new application-based process ensures that government funding is invested based on evidence of greatest need and aligned with changing demographics and community demand. In total, 33 community legal centres received funding through the new application process.

## Fact file

CLCs funded through the Community Legal Centres Program:

- Assisted 38,783 people
- Provided 47,149 advice services and 8,770 legal tasks for clients
- Opened 4,721 representation services and closed 4,121 representation services, including closing 1,101 for court and tribunal services
- Provided 2,064 duty lawyer services
- Delivered 932 community legal education activities and created 339 resources
- Made 59,818 referrals



### More CLC services in the Mid North Coast

A Law and Justice Foundation report found that there was legal need in Bellingen, Coffs Harbour and Nambucca, due to its demographic of older people, higher average fines than the NSW average, high rate of people who experience financial disadvantage, a large culturally and linguistically diverse population, and a significant number of disengaged young people.

With additional funding from the NSW Government and the Public Purpose Fund, the Mid North Coast Community Legal Centre opened an office in Coffs Harbour and expanded its services to the local government areas of Coffs Harbour, Bellingen, and Nambucca. These services included providing information, legal advice, representation, and community legal education.



### The year ahead

- ➔ We will support the community legal sector in implementing the new National Legal Assistance Partnership 2020–2025.
- ➔ We will administer dedicated disaster recovery and COVID-19 funding to CLCs to increase frontline services and technological capacity.
- ➔ We will review and strengthen the Aboriginal Legal Access Program Guidelines.

# Women's Domestic Violence Court Advocacy Program

Legal Aid NSW administers NSW Government funding for Women's Domestic Violence Court Advocacy Services across the state, and Women's Safety NSW\*, through the Women's Domestic Violence Court Advocacy Program.

Women's Domestic Violence Court Advocacy Services (WDVCASs) cover all NSW Local Courts and every police area across NSW. They provide information, court advocacy, safety planning and referrals to women experiencing domestic violence. They also play a key role in the NSW Government's Safer Pathway program.

The Women's Domestic Violence Court Advocacy Program (WDVCAP) administers the social support services component of the Family Advocacy and Support Service (FASS) at the Sydney, Parramatta, Wollongong and Newcastle Family Courts. This year FASS social support workers assisted 1,862 clients.

*\* In August 2019, the Women's Domestic Violence Court Advocacy Service NSW Inc became Women's Safety NSW*

## Funding

This year, \$29,718,884 was paid in grants through the WDVCAP to incorporated, not-for-profit, non-government service providers under a funding agreement with Legal Aid NSW. These services hosted WDVCASs across the state.

For further details regarding WDVCAP funding, see Appendix 3.

## Increased coverage for people affected by domestic and family violence

This year we worked to increase the coverage of WDVCASs, culminating in the extension of services to all NSW Local Courts starting July 1, 2020. This represents an increase of over 20 locations, many of which are in small and remote communities.

## More support for people affected by domestic and family violence

WDVCASs supported 53,527 clients, an 11.7 percent increase from last year. Referrals made included counselling, accommodation and health services.

In 2019–2020, 1,246 Safety Action Meetings were conducted across NSW. These meetings 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. Of the 12,509 matters referred to Safety Action Meetings, 90.6 percent were for women and 9.4 percent for men.

## Fact file

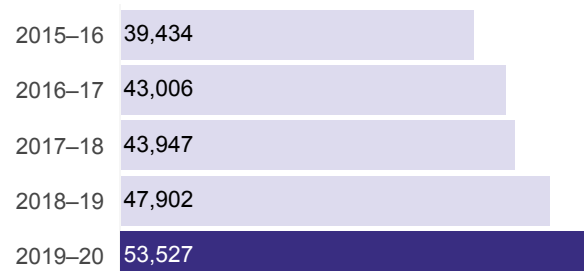
- An 11.7% increase in the number of clients supported compared with the previous year
- A 34.7% increase in the number of service events provided from the previous year
- A 16.3% increase in referrals made for clients
- 13.7% of WDVCAS clients identified as being Aboriginal or Torres Strait Islander
- 20% of WDVCAS clients identified as being from culturally diverse backgrounds
- 9.6% of WDVCAS clients identified as having a disability

## Building towards the future

The WDVCAP Unit conducted a tender and recontracting process to appoint WDVCAS providers for the period July 2020 to June 2024. An open tender was conducted for 12 locations and a recontracting process was conducted for 15 locations.

A realignment of WDVCAS boundaries with NSW Police boundaries was also completed, which will streamline and improve service delivery for victims.

## Number of women supported by Women's Domestic Violence Court Advocacy Services



## The year ahead

- ➔ We will support WDVCASs to adapt to new boundaries and new service agreement requirements.
- ➔ We will progress recommendations from the recent Domestic Violence Death Review Team report and Safer Pathway evaluation.





Members of the Women's Domestic Violence Court Advocacy Program (WDVCAP) and workers from Women's Domestic Violence Court Advocacy Services (WDVCAS) participated in an Aboriginal cultural competency training program in 2019. The training program was presented by lecturers Dr Lynette Riley and Karen Menzies.

# 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

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Graduates of the LEAD program in 2019.



### Key achievements

- ★ We launched a new staff intranet to improve access to resources and organisational information.
- ★ We finalised our implementation of the new Client and Case Management System (CCMS).
- ★ We developed and fitted out a client-centred office in Tamworth to meet client and staff needs.
- ★ We achieved an employee engagement score of 76 percent in the NSW People Matter Employee Survey (PMES), one of the highest response rates in the public service.
- ★ 43 senior managers across the organisation participated in the LEAD development program.
- ★ We revised our Human Resources structure to ensure it is more client focused. We established two new roles to manage the payroll and recruitment teams.
- ★ We completed the rollout of Office 365 across the organisation.
- ★ We implemented a new Information and Communications Technology (ICT) structure, including uplifting our business partnership, project management and cyber security functions.



### The year ahead

- ➔ We will prepare to make all roles in our organisation more flexible.
- ➔ We will increase the number of Aboriginal and Torres Strait Islander people and people with disability working at Legal Aid NSW.

# Supporting our staff to provide outstanding customer service

We continued to invest in our people, to ensure they are well supported to deliver the best results for our clients.

## 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
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
<b>2019–20</b>	<b>1,208.79</b>	<b>1,360</b>

\* Under the Government Sector Employment Act 2013 (NSW)

## Workforce analytics to enable more effective workforce planning

We built several new reporting mechanisms to ensure managers and the Executive have more current and detailed information when making strategic decisions about their workforce. We partnered with the Public Service Commission to develop monthly workforce planning dashboards utilising the Qlik Sense business intelligence tool.



## The year ahead

- ➔ We will prepare to make all roles in our organisation more flexible.
- ➔ We will continue to implement the recruitment review recommendations.
- ➔ We will continue to implement PMES Action Plans across the organisation.

# Programs aim to keep staff healthy and safe at work

## Supporting our staff to stay safe and be well

This year saw a focus on further embedding the new work, health and safety management initiative, Being Well, to support our long-term vision of a healthy workplace that supports staff.

We started the expansion of the Being Well framework to include Recover at Work, a component to cover staff recovery and rehabilitation from workplace injuries.

## Delivering flexible work practices

We completed three flexible work pilots in early 2019 and the consultants' reports were received in July and August 2019. Insights from the reports informed drafts of our core flexible work documents including:

- Flexible Work Policy
- Flexible Work Procedure
- Flexible Work Managers' Guide
- Flexible Work Toolkit, and
- a range of forms and factsheets to support both managers and employees.

## Introducing new safety and wellbeing initiatives

We commenced our implementation of the Safety, Health and Wellbeing Policy and Strategy.

Employees continue to be supported through the provision of early intervention with non-work-related health matters and reasonable adjustments such as ergonomic assessments.

New ergonomic processes and resources were developed to support employees and were soft launched in June 2020.

Other initiatives included:

- Promoting a positive and proactive approach to mental health through our employee assistance program (EAP), Benestar. Usage of the EAP during 2019 was 6.71 percent, with an increased rate of 15.31 percent in 2020.
- Supporting 92 employees through the provision of reasonable adjustments.
- Coordinating support for 51 employees with non-work-related health matters.

## Mental health first aid officers

We increased the number of mental health first aid officers (MHFAO) across the organisation, now with 57 trained MHFAO across 21 office locations. These officers maintain their knowledge and skills through weekly updates on mental health topics and by attending webinars.

## Unreasonable client behaviour

We partnered with the Centre for Corporate Health to write a face-to-face training program on working with clients with (or who demonstrate) unreasonable behaviours. This content will be converted into an eLearning course for all client-facing employees to undertake.

The Centre for Corporate Health will be engaged to conduct the face-to-face training with employees who have been nominated as subject matter experts and to provide annual masterclass refresher sessions.

### Workers compensation claims and associated costs

Staff recorded 156 workplace incidents this year. There were 28 injury/illness notifications reported to the insurer, of which 15 were cost-impacting workers compensation claims.

### Mechanism breakdown for injury/illness notifications

Mechanism	2017–18	2018–19	2019–20
Chemicals and other substances	1	-	-
Vehicle incidents and other	7	3	3
Falls, trips and slips	8	6	9
Hitting objects with a part of the body	1	2	2
Being hit by moving objects	1	4	3
Body stressing	7	5	7
Mental stress	3	3	4
<b>Total</b>	<b>29</b>	<b>23</b>	<b>28</b>

Of these claims, 63.4 percent were related to unreasonable client conduct and/or threats from clients, which is a decrease of 5.5 percent since 2018–2019.

There was an overall 24 percent reduction in incidents recorded since last year.

Fifteen workers compensation claims were accepted. The total net incurred cost of these claims was \$160,514.

- 73 percent of claims (11 claims) related to physical injuries, accounting for 20 percent of claim totals, and
- 27 percent of claims (4 claims) related to psychological injuries, accounting for 80 percent of claim totals.

### The year ahead

- ➔ We will create a framework and resources relating to a mentally healthy workplace.
- ➔ We will develop a policy around managing vicarious trauma.
- ➔ We will create and distribute a Connect to Support Guide to all staff that details how they can access support and assistance.

## Workforce diversity and equity

We aim to have a diverse workforce that reflects our diverse client base.

### Recognition as a disability confident recruiter

Legal Aid NSW achieved Disability Confident Recruitment status for a second year, awarded to 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 2020–2021, we aim to lift the proportion of employees identified as having disability to 8 percent by 2021. This year we successfully conducted our first disability-targeted recruitment action. The proportion of staff with disability is 6.3 percent.

### Increasing the proportion of Aboriginal and Torres Strait Islander staff

The proportion of Legal Aid NSW staff who identify as Aboriginal and Torres Strait Islander in 2019–2020 was 6.1 percent. As part of the Legal Aid NSW Aboriginal Employment and Career Development Strategy 2018–2023, we aim to increase this to 11 percent.

We undertook the following activities to help us achieve this:

- Maintained our partnership with the Aboriginal Employment Strategy and placed two administrative trainees at our Tamworth and Lismore offices.

- Promoted our Judge Bob Bellefleur Pathways to Legal Careers Program, recruiting two graduate program positions, two paid Professional Legal Training positions, and five cadetship program positions.
- Maintained our Aboriginal Employment Steering Committee to help drive the implementation of the strategy.
- Held two Aboriginal Staff Network meetings.
- Held monthly meetings to manage the Aboriginal and Torres Strait Islander-targeted talent pool process.
- Convened recruitment to create Aboriginal and Torres Strait Islander-targeted talent pools for a range of roles.
- Partnered with TAFE NSW to develop a pre-employment program for legal support officer roles at Legal Aid NSW. Five students completed the program and attained a Statement of Attainment for Office Skills.

### The year ahead

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

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## Legal education and capability development

### Legal Aid NSW conferences are among the premier events on the legal professional development calendar

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.

- Our annual criminal law conference held in August 2019 was well attended with 590 participants.
- Our annual in-house family law conference was held in August 2019 and attended by 178 staff.
- Our annual care and protection conference was held in August 2019 and attended by 195 in-house staff and 128 panel lawyers.
- Our annual civil law forum was scheduled for March 2020 but was postponed due to COVID-19.
- We worked with the Department of Communities and Justice and the Children's Court of NSW to deliver an inaugural joint child protection conference which has been rescheduled to February 2021.

### Developing future leaders

In 2019, 43 senior managers across our three legal practices participated in the LEAD program. The program is designed to develop organisation-wide future leaders by building leadership capabilities and skills to manage change and influence culture.

### Career Pathways project

The Learning and Organisational Development team worked with the three practice areas to define pathways for career progression at Legal Aid NSW to assist staff in career planning. This project is called Career Pathways. The Career Pathways resources will provide a valuable tool to assist in career conversations and engage staff in their own career planning at Legal Aid NSW.

The Civil Law Career Pathways were completed this year and will be piloted with civil law staff next year. The Career Pathways resources for the family and criminal law practices will be completed next year.



### The year ahead

- ➔ We will pilot the Legal Aid NSW Management Development Program.
- ➔ We will continue to develop our Career Pathways resources for all staff including non-legal staff.
- ➔ We will plan events that support the professional development of our staff, private lawyers and the broader justice sector.

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## Professional and personal achievements

### Specialist expertise

There are 60 lawyers working for Legal Aid NSW who are accredited specialists. Two of our civil lawyers have specialist accreditation, 22 of our family lawyers have specialist accreditation, and 36 of our criminal lawyers have specialist accreditation.

### Significant appointments

Two Legal Aid NSW lawyers, Sally McLaughlin and Jillian Kiely, were appointed NSW Local Court magistrates in October 2019.

Sally McLaughlin was working in the Indictable Team at Legal Aid NSW's Campbelltown office at the time of her appointment to the bench. She joined Legal Aid NSW in 2009 as a criminal lawyer and represented clients for 10 years in the Local, District, Children's and Supreme Courts, as well as the High Court of Australia. Ms McLaughlin was sworn in on October 8, 2019.

Jillian Kiely was the Solicitor in Charge of Legal Aid NSW's Sutherland office at the time of her appointment to the

bench, having worked for Legal Aid NSW since 2018. She had previously worked for 14 years as a lawyer with the NSW Director of Public Prosecutions on a range of matters from drink driving offences to murder. Ms Kiely was sworn in on October 28, 2019.

### Outstanding staff achievements

Three Legal Aid NSW staff members, office manager Leanne Greenham, office manager Julie Ausburn, and family lawyer Allan Scally, received the NSW Service Medallion in 2020 presented by the Premier and awarded to employees who have completed 40 or more years of excellent service in the NSW Government.

Civil lawyer Merinda Dutton, a Gumbaynggirr Barkindji woman, was named the National Indigenous Legal Professional of the Year in 2019, in recognition of her outstanding advocacy for the rights of Stolen Generations survivors and Aboriginal people over the duration of her legal career. Merinda is a Senior Solicitor in the Civil Law Service for Aboriginal Communities.

Refugee Service Community Engagement Officer, Nohara Odicho, received a Humanitarian Award in recognition of her tireless advocacy for people who have experienced significant trauma and persecution. In particular, she was recognised for her work with young people and newly-arrived refugees living in regional areas. Nohara is herself a Syrian refugee and works in Legal Aid NSW's Refugee Service.

Legal Aid NSW Port Macquarie Solicitor in Charge Juliana Crofts was the winner of the Government Lawyer of the Year at the 2019 NSW Women Lawyers' Achievement Awards. Juliana has 17 years' experience as a legal practitioner. During that time, she has been a champion for women in the profession, and a leader in the Women's Mentoring Scheme. She regularly speaks at schools and encourages girls to consider a career in law.

Crime lawyer Teela Reid, a Wiradjuri and Wailwan woman, was named the UNSW Young Alumni of the Year in June 2020. Teela is a passionate advocate for abolishing systemic racism in the criminal justice process and the Australian Constitution. Most recently, Teela has been a researcher and lawyer working with the Walama Working Party on a proposal to establish a Walama diversionary sentencing court in the NSW District Court.

Manager of Legal Aid NSW's Community Legal Centre program and NSW Public Service Commission scholarship recipient, Mia Zahra, was awarded an Executive Master in Public Administration through the Australia and New Zealand School of Government.

Family lawyers Tereza Seric and Skye Hayward successfully passed their respective bar exams.

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## An efficient and capable Legal Aid NSW

### Designing an office in Tamworth that fits the needs of our staff and clients

A new Tamworth Legal Aid NSW office was the first to be built using the Legal Aid NSW Design Principles and Guidelines. The design guidelines are based on the particular needs of our staff and clients and were developed by researchers at Designing Out Crime, based at the University of Technology, Sydney (UTS).

Central to the design guidelines is the understanding that our clients arrive at our offices at stressful times of their lives and the physical environment plays an important role in allowing them to tell their stories in a welcoming and safe place. We have therefore included approachable waiting areas with chilled drinking water and natural light. Also included in the design was a dedicated staff lunchroom, a prominent Acknowledgement of Country plaque, and a focus on reuse principles.

### A client-centred reception area in Sydney

We used client-centred design principles and COVID-19 safety precautions to redesign our Central Sydney office reception area in June 2020. The refurbished area incorporates recommendations about the use of non-governmental design features to provide a welcoming space for our clients.

### Expanding Legal Aid NSW offices to meet the needs of staff and clients

To accommodate our expanding regional and metropolitan workforce, we secured additional office space at Gosford, Liverpool, Tamworth and Wollongong.

We also completed upgrades and works at our offices in Campbelltown, Coffs Harbour, Fairfield, Lismore and Wollongong, to ensure that they are fit for purpose and continue to meet the needs of our staff and clients.

### Reviewing our corporate services

We implemented monthly surveys to capture staff experiences with corporate services including Facilities, Finance and Information and Communications Technology (ICT).

Corporate service units used the feedback to identify areas for improvement and to implement service changes such as updated information on the intranet about corporate services, proactively managing facilities and ICT issues, and replacing our legacy VPN provider.

### Business partner project

Legal Aid NSW's Corporate Services Executive Sub-Committee led the business partners project which focused on developing a consistent framework across corporate services for our business partners. The framework aims to ensure Legal Aid NSW's business partners are engaging with staff in a way that supports them to do their job successfully.

The project involved extensive consultation with all business partners and large numbers of staff across metro and regional offices.



## The year ahead

- We will continue to arrange for Acknowledgement of Country plaques to be prominently displayed in reception areas at all offices.
- We will continue to implement people-centred design principles in the new office fitouts.
- We will offer increased research support and legal research training to panel lawyers.
- We will continue to work on creating new organisational reports and dashboards.

# Information technology

## Information technology played a key role in improving online services to our clients and supporting staff working from home during the COVID-19 pandemic.

This year we completed the implementation of our new Client and Case Management System (CCMS), replacing our legacy CASES system. We also progressed a range of client-facing digital initiatives and introduced a number of technology solutions to support staff delivering services remotely during the COVID-19 pandemic.

### Digital tools helped our clients engage with us

We provided support for the development of new digital client tools, such as the Grants Tracker, client portal and guided pathways, to improve our clients' experience of Legal Aid NSW's grant application process, improve access to our services and legal information, and to reduce client uncertainty.

### Introducing Office 365 to the organisation

We completed the initial rollout of Office 365 across Legal Aid NSW, providing a range of benefits to our staff. Aligning with our strategy towards moving to cloud-based services, this implementation reduced our dependency on our own infrastructure for email and document management services. Most significantly, this rollout laid the foundations for new collaboration tools to be used by staff to improve both our internal business processes and our services to clients.

### Putting clients at the centre of our Client and Case Management System (CCMS)

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 first phase of the CCMS rollout was implemented in February 2019. 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 as the source of truth, such as whether a client requires an interpreter or needs to be contacted in a certain way for safety reasons.

The CCMS allows 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 also better captures the services we provide to meet clients' non-legal needs.

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

Support and training was provided to staff in readiness for the deployment of the second release of the CCMS, which went live on February 10, 2020, fully replacing the CASES system.

CCMS is a cloud-based system, which proved its immediate benefit to Legal Aid NSW when we were able to transition case management relatively smoothly to online working during the pandemic. Enhanced reporting capabilities have allowed the organisation to closely examine the effects of COVID-19 on clients and adjust our services.

Regular improvements to CCMS continue and further investments are planned.

### Launch of a new, modernised staff intranet

Legal Aid NSW's Knowledge Management team launched a new staff intranet in 2020 using a contemporary design making it easier for staff to find the information they need. It provides staff with a single portal to access knowledge resources, staff communications, business systems and a range of online forms.

The modern design and increased functionality has proved to be very popular with staff. The intranet features the following new applications:

- The Legal Locator map is an interactive map developed to assist our solicitors to find the nearest legal service or duty service for our clients wherever they are located across the state.
- An organisation-wide calendar that provides a consolidated view of major events such as diversity days and legal conferences.
- A dynamic news app to engage and update our staff on key news.

We will continue to take on feedback to adapt the intranet to be suitable for the organisation's changing needs.

### Introducing robotics technology

This year we implemented several robotics initiatives to improve business efficiency and outcomes for our clients. We've implemented a robotics solution to ensure our business systems are promptly updated with the location of our clients in custody and a solution to improve our audit compliance process in the Grants division.





## The year ahead

- We will continue to enhance our Client and Case Management System (CCMS).
- We will launch our new business intelligence platform providing enhanced reporting and data analysis capabilities about the services provided to clients.
- We will develop new ways to exchange and sign documents with clients as we move to new service delivery models.
- We will continue to implement additional robotics process automation initiatives to improve business efficiency.
- We will launch web chat on our client-facing LawAccess NSW website and determine the future strategy for the LawAccess NSW website.

## Environmental responsibility

Legal Aid NSW is committed to becoming more environmentally sustainable.

### Reducing our environmental footprint

Goal	Target	Achievements in 2019–20
Reduce electricity consumption	Install energy-efficient lighting in our premises	Zoned sensor lighting systems were installed across all Legal Aid NSW offices to ensure that lights automatically switch off when not required. At our Nowra office, we negotiated for lighting to be upgraded to LED fluorescent which is 60% more efficient and will reduce electricity consumption.
Increase green paper purchasing	Minimum 85% of copy paper to contain recycled content	Of the paper we purchased, 38% was recycled, compared with 14% in 2018–19.
Reduce overall paper purchasing	We aim to reduce our paper purchasing by 10% each year	Our paper purchasing remained steady between 2018–19 and 2019–20.
Increase use of green electricity	Green electricity to represent 6% of electricity consumed	We continued to work closely with the NSW Government's preferred electricity provider to ensure that all office tenancies were covered under the 6% green energy consumption agreement. All new leased spaces were transferred over to the green power agreements as stipulated by NSW Government guidelines.
E10 fuel	Only cars that run on E10 and regular unleaded fuel may be purchased as fleet vehicles	Only E10 fuel was used in our fleet vehicles. All fuel cards were restricted to payment of E10 fuel only. Payment for any other fuel type was not accepted and can only be paid for by the driver of the vehicle.
Green fleet	Meet NSW Government fuel efficiency standards for new light vehicles	We only leased vehicles that are included in the NSW Government pre-qualification scheme. This ensured that only vehicles that meet the fuel efficiency standards were leased.



## The year ahead

- We will deliver an accommodation solution that will reduce our footprint in Central Sydney.
- We will continue to implement principles of reuse and recycle in our office fitouts.
- We will continue to aim for reduced paper purchasing and of that purchasing, a larger proportion of our paper to contain recycled content.

# Financial summary

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### Key achievements

- ★ Our total income was \$379.0 million.
- ★ Our total expenses were \$372.1 million.
- ★ Our net equity was \$33.1 million.



### 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

## Financial summary

Our net financial result was a surplus of \$6.9 million.

	2018–19 (\$M)	2019–20 (\$M)	Change %
Operating revenue	349.3	379.0	8.5%
Operating expenses	374.5	372.1	(0.6%)
Total assets	69.3	143.9	107.7%
Total liabilities	43.2	110.8	156.5%
Surplus (deficit)	(25.6)	6.9	127.0%
Net equity	26.2	33.1	26.3%

## Funding

Legal Aid NSW receives its government funding as a grant from the NSW Department of Communities and Justice. The grant comprises income from the NSW Government and the Commonwealth. In addition, income is received from the Public Purpose Fund and client contributions.

Total income for 2019–2020 was \$379.0 million and expenditure was \$372.1 million.

## Key developments

Our financial result was a surplus of \$6.9 million which is \$9.1 million more than the budgeted deficit of \$2.2 million.

We ended the year with net equity of \$33.1 million. Payments of \$119.6 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 2019–20	(\$M)
State appropriation including Commonwealth funding provided under the National Partnership Agreement	274.2
Public Purpose Fund grant	37.7
Other grants	51.8
Acceptance by the Crown Entity of employees' benefits and other liabilities	6.0
Other sources	9.3
<b>Total</b>	<b>379.0</b>

## How we spent our money (\$M)

Employee-related expenses	153.8
External legal services	119.6
Grants and subsidies	62.6
Other	36.1
<b>Total</b>	<b>372.1</b>

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

Criminal law	168.5
Family law	84.8
Civil law	50.1
Community partnerships	68.7
<b>Total</b>	<b>372.1</b>

# Financial performance

Our financial result was a surplus of \$6.9 million which is \$9.1 million more than the budgeted deficit of \$2.2 million.

## Income

Total income for 2019–2020 was \$379.0 million and expenditure was \$372.1 million.

Funding from the State was \$192.1 million.

Funding from the Commonwealth under the National Partnership Agreement was \$82.1 million.

Acceptance by the Crown entity of employees' benefits and other liabilities was \$6.0 million.

Funding from other sources includes \$37.7 million from the Public Purpose Fund, \$51.8 million from other grants received and \$9.3 million from other sources. Further details may be found in the notes to the financial statements that begin on page 75.

## Expenses

Our major expenses for 2019–2020 were:

- employee-related expenses of \$153.8 million (\$145.6 million in 2018–2019); and
- payments to private lawyers of \$119.6 million (\$118.7 million in 2018–2019).

## Our financial performance over five years

### Total expenses (\$M)

2015–2016	283.4
2016–2017	306.4
2017–2018	318.9
2018–2019	374.5
2019–2020	372.1

## Budget outline 2020–2021

Due to COVID-19, the State Budget and related 2020–2021 Appropriation Bill has been delayed. However, pursuant to section 4.10 of the *Government Sector Finance Act 2018* (NSW), the NSW Treasurer has authorised Ministers to spend specified amounts from the Consolidated Fund. This authorisation is current from July 1, 2020 until the release of the 2020–2021 Budget or Appropriation Bill.

Balance sheet	(\$M)
Current assets	33.9
Non-current assets	110.0
Total assets	143.9
Current liabilities	41.5
Non-current liabilities	69.3
Total liabilities	110.8
Net assets	33.1
Equity	33.1

### Surplus or (deficit) (\$M)

2015–2016	(10.2)
2016–2017	1.4
2017–2018	0.3
2018–2019	(25.6)
2019–2020	6.9

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# Financial statements

## Legal Aid Commission of NSW

The Legal Aid Commission of NSW (Legal Aid NSW) economic entity consists of two separate reporting entities; being the Legal Aid Commission (a statutory body) and the Legal Aid Commission Staff Agency (a government department). The Legal Aid Commission Staff Agency provides personnel services to the Legal Aid Commission.

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## Statement by members of the Board

### LEGAL AID COMMISSION OF NEW SOUTH WALES

#### Statement by Members of the Board

Pursuant to the *Public Finance and Audit Act 1983*; and in accordance with a resolution of the Board of the Legal Aid Commission of NSW, we declare on behalf of the Legal Aid Commission of NSW that in our opinion:

1. The Legal Aid Commission of NSW's financial statements are prepared in accordance with:
  - applicable Australian Accounting Standards (which include Australian Accounting Interpretations).
  - the requirements of the *Public Finance and Audit Act 1983*, and *Public Finance and Audit Regulation 2015*; and
  - the 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 2020 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

Date: 6/10/2020



Brendan Thomas  
Chief Executive Officer

Date: 6/10/20



## 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 2020, the Statement of Financial Position as at 30 June 2020, 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 2020, 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 (including Independence Standards)' (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 2020 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.

## **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](http://www.auasb.gov.au/auditors_responsibilities/ar3.pdf). The description forms part of my auditor's report.



The scope of my audit does not include, nor 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 flourish extending to the right.

Chris Harper  
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

12 October 2020  
SYDNEY

## Statement of comprehensive income for the year ended 30 June 2020

	Notes	Consolidated			Parent	
		Budget 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Actual 2020 \$'000	Actual 2019 \$'000
<b>Expenses excluding losses</b>						
Employee-related expenses	2(a)	138,573	153,798	145,613	892	1,031
Personnel services	2(a)	-	-	-	153,254	145,084
Other operating expenses	2(b)	20,829	19,892	29,695	19,492	29,140
Depreciation and amortisation	2(c)	15,024	14,713	4,629	14,713	4,629
Grants and subsidies	2(d)	55,882	62,641	75,786	62,641	75,786
Finance costs	2(e)	835	1,418	67	1,418	67
Services provided by private practitioners	2(f)	124,892	119,624	118,719	119,624	118,719
<b>Total expenses excluding losses</b>		<b>356,035</b>	<b>372,086</b>	<b>374,509</b>	<b>372,034</b>	<b>374,456</b>
<b>Revenue</b>						
Sale of goods and services	3(a)	5,586	7,491	8,234	7,491	8,234
Investment revenue	3(b)	-	143	207	143	207
Grants and contributions	3(c)	344,421	363,607	328,368	363,607	328,368
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	3,539	6,036	11,801	5,984	11,748
Other revenue	3(e)	405	1,137	708	1,137	708
<b>Total revenue</b>		<b>353,951</b>	<b>378,414</b>	<b>349,318</b>	<b>378,362</b>	<b>349,265</b>
<b>Operating result</b>		<b>(2,084)</b>	<b>6,328</b>	<b>(25,191)</b>	<b>6,328</b>	<b>(25,191)</b>
Gain/(loss) on disposal	4	35	(8)	(13)	(8)	(13)
Other gains/(losses)	5	(200)	584	(411)	584	(411)
<b>Net result</b>	20	<b>(2,249)</b>	<b>6,904</b>	<b>(25,615)</b>	<b>6,904</b>	<b>(25,615)</b>
<b>Other comprehensive income</b>		-	-	-	-	-
<b>Total other comprehensive income</b>		-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>(2,249)</b>	<b>6,904</b>	<b>(25,615)</b>	<b>6,904</b>	<b>(25,615)</b>

The accompanying notes form part of these statements

## Statement of financial position as at 30 June 2020

	Notes	Consolidated			Parent	
		Budget 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Actual 2020 \$'000	Actual 2019 \$'000
<b>ASSETS</b>						
<b>Current assets</b>						
Cash and cash equivalents	7	32,048	25,393	31,614	25,393	31,614
Receivables	8	11,211	8,493	8,024	8,493	8,024
<b>Total current assets</b>		<b>43,259</b>	<b>33,886</b>	<b>39,638</b>	<b>33,886</b>	<b>39,638</b>
<b>Non-current assets</b>						
Receivables	8	3,834	6,948	5,886	6,948	5,886
Plant and equipment	9	46,569	9,505	9,897	9,505	9,897
Right-of-use assets	10	-	69,973	-	69,973	-
Intangible assets	11	4,942	23,530	13,923	23,530	13,923
<b>Total non-current assets</b>		<b>55,345</b>	<b>109,956</b>	<b>29,706</b>	<b>109,956</b>	<b>29,706</b>
<b>Total assets</b>		<b>98,604</b>	<b>143,842</b>	<b>69,344</b>	<b>143,842</b>	<b>69,344</b>
<b>LIABILITIES</b>						
<b>Current liabilities</b>						
Payables	12	25,021	14,380	20,287	14,380	20,287
Borrowings	13	-	7,770	-	7,770	-
Provisions	14	13,474	19,347	14,840	19,347	14,840
<b>Total current liabilities</b>		<b>38,495</b>	<b>41,497</b>	<b>35,127</b>	<b>41,497</b>	<b>35,127</b>
<b>Non-current liabilities</b>						
Provisions	14	4,652	5,995	6,844	5,995	6,844
Borrowings	13	-	63,259	-	63,259	-
Other	15	23,122	-	1,186	-	1,186
<b>Total non-current liabilities</b>		<b>27,774</b>	<b>69,254</b>	<b>8,030</b>	<b>69,254</b>	<b>8,030</b>
<b>Total liabilities</b>		<b>66,269</b>	<b>110,751</b>	<b>43,157</b>	<b>110,751</b>	<b>43,157</b>
<b>Net assets</b>		<b>32,335</b>	<b>33,091</b>	<b>26,187</b>	<b>33,091</b>	<b>26,187</b>
<b>EQUITY</b>						
Accumulated funds	16	32,335	33,091	26,187	33,091	26,187
<b>Total equity</b>		<b>32,335</b>	<b>33,091</b>	<b>26,187</b>	<b>33,091</b>	<b>26,187</b>

The accompanying notes form part of these statements

## Statement of changes in equity for the year ending 30 June 2020

	Notes	Consolidated Accumulated Funds \$'000	Parent Accumulated Funds \$'000
<b>Balance at 1 July 2019</b>		26,187	26,187
<b>Net result for the year</b>		6,904	6,904
<b>Other comprehensive income</b>		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>		<u>6,904</u>	<u>6,904</u>
<b>Balance at 30 June 2020</b>		<u><u>33,091</u></u>	<u><u>33,091</u></u>
<b>Balance at 1 July 2018</b>		51,802	51,802
<b>Net result for the year</b>		(25,615)	(25,615)
<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>		<u>(25,615)</u>	<u>(25,615)</u>
<b>Balance at 30 June 2019</b>		<u><u>26,187</u></u>	<u><u>26,187</u></u>

The accompanying notes form part of these statements

## Statement of cash flows for the year ending 30 June 2020

	Notes	Consolidated			Parent	
		Budget 2020 \$'000	Actual 2020 \$'000	Actual 2019 \$'000	Actual 2020 \$'000	Actual 2019 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee-related		(134,708)	(142,143)	(132,949)	(892)	(1,031)
Grants and subsidies		(55,882)	(68,905)	(83,365)	(68,905)	(83,365)
Personnel services		-	-	-	(141,251)	(131,918)
Private practitioners		-	(120,795)	(118,392)	(120,795)	(118,392)
Other		(131,980)	(35,297)	(32,872)	(35,297)	(32,872)
<b>Total payments</b>		<b>(322,570)</b>	<b>(367,141)</b>	<b>(367,578)</b>	<b>(367,141)</b>	<b>(367,578)</b>
<b>Receipts</b>						
Sale of goods and services		5,386	5,293	11,661	5,293	11,661
Grants and contributions		344,421	368,952	331,914	368,952	331,914
Interest received		-	143	207	143	207
Other		(14,171)	9,169	10,291	9,169	10,291
<b>Total receipts</b>		<b>335,636</b>	<b>383,558</b>	<b>354,074</b>	<b>383,558</b>	<b>354,074</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	20	<b>13,066</b>	<b>16,417</b>	<b>(13,504)</b>	<b>16,417</b>	<b>(13,504)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
Proceeds from sale of plant and equipment		35	-	8	-	8
Purchases of plant and equipment, and intangibles		(5,195)	(14,130)	(13,584)	(14,130)	(13,584)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(5,160)</b>	<b>(14,130)</b>	<b>(13,576)</b>	<b>(14,130)</b>	<b>(13,576)</b>
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>						
Payment of principal portion of lease liabilities		(8,330)	(8,508)	-	(8,508)	-
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>		<b>(8,330)</b>	<b>(8,508)</b>	<b>-</b>	<b>(8,508)</b>	<b>-</b>
<b>NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENT</b>		<b>(424)</b>	<b>(6,221)</b>	<b>(27,080)</b>	<b>(6,221)</b>	<b>(27,080)</b>
Opening cash and cash equivalents		32,472	31,614	58,694	31,614	58,694
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	7	<b>32,048</b>	<b>25,393</b>	<b>31,614</b>	<b>25,393</b>	<b>31,614</b>

The accompanying notes form part of these statements

## 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

### (a) Reporting Commission

The Legal Aid Commission of NSW (the Commission) is a NSW government Commission and is controlled by the State of New South Wales, which is the ultimate parent. The Commission is an independent statutory body, established under the *Legal Aid Commission Act 1979*. The Commission is a not-for-profit Commission (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-Commission 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 2020 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 6 October 2020.

### (b) Basis of preparation

The Commission's financial statements are general purpose financial statements which have been prepared on an accrual basis and in accordance with:

- applicable Australian Accounting Standards (AAS) (which include Australian Accounting Interpretations).
- the requirements of the *Public Finance and Audit Act 1983* and *Public Finance and Audit Regulation 2015*; and
- 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.

### (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 19.

### (g) Comparative information

Except when an AAS 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 2019–20*

The Commission applied AASB 15 Revenue from Contracts with Customers, AASB 1058 Income of Not-for-Profit Entities, and AASB 16 Leases for the first time. The nature and effect of the changes as a result of adoption of these new accounting standards are described below.

Several other amendments and interpretations apply for the first time in FY2019–20, but do not have an impact on the financial statements of the Commission.

#### **AASB 15 Revenue from Contracts with Customers**

AASB 15 supersedes AASB 111 Construction Contracts, AASB 118 Revenue and related Interpretations and it applies, with limited exceptions, to all revenue arising from contracts with customers. AASB 15 establishes a five-step model to account for revenue arising from contracts with customers and requires that revenue be recognised at an amount that reflects the consideration to which the Commission expects to be entitled in exchange for transferring goods or services to a customer.

AASB 15 requires entities to exercise judgement, taking into consideration all of the relevant facts and circumstances when applying each step of the model to contracts with their customers. The standard also specifies the accounting for the incremental costs of obtaining a contract and the costs directly related to fulfilling a contract. In addition, the standard requires relevant disclosures.

In accordance with the transition provisions in AASB 15, the Commission has adopted AASB 15 retrospectively with the cumulative effect of initially applying the standard recognised at the date of initial application, i.e. 1 July 2019. The Commission has used the transitional practical expedient permitted by the standard to reflect the aggregate effect of all of the modifications that occur before 1 July 2019 when:

- identifying the satisfied and unsatisfied performance obligations
- determining the transaction price
- allocating the transaction price to the satisfied and unsatisfied performance obligations.

The impact of applying the above practical expedients has not significantly affected the financial statements. The adoption of AASB 15 did not have an impact on Net Result, Other Comprehensive Income, Statement of Financial Position and the Statement of Cash Flows for the financial year.

#### **AASB 1058 Income of Not-for-Profit Entities**

AASB 1058 replaces most of the existing requirements in AASB 1004 Contributions. The scope of AASB 1004 is now limited mainly to contributions by owners (including parliamentary appropriations that satisfy the definition of a contribution by owners), administrative arrangements and liabilities of government departments assumed by other entities.

AASB 1058 applies to income with a donation component, i.e. transactions where the consideration to acquire an asset is significantly less than fair value principally to enable a not-for-profit Commission to further its objectives; and volunteer services.

AASB 1058 adopts a residual approach, meaning that entities first apply other applicable Australian Accounting Standards (e.g. AASB 1004, AASB 15, AASB 16, AASB 9, AASB 137) to a transaction before recognising income. Not-for-profit entities need to determine whether a transaction is/contains a donation (accounted for under AASB 1058) or a contract with a customer (accounted for under AASB 15). AASB 1058 requires recognition of receipt of an asset, after the recognition of any related amounts in accordance with other Australian Accounting Standards, as income:

- when the obligations under the transfer is satisfied, for transfers to enable an Commission to acquire or construct a recognisable non-financial asset that will be controlled by the Commission.
- immediately, for all other income within the scope of AASB 1058.

In accordance with the transition provisions in AASB 1058, the Commission has adopted AASB 1058 retrospectively with the cumulative effect of initially applying the standard at the date of initial application, i.e. 1 July 2019. The Commission has adopted the practical expedient in AASB 1058 whereby existing assets acquired for consideration significantly less than fair value principally to enable the Commission to further its objectives, are not restated to their fair value.

The adoption of AASB 1058 did not have an impact on Net Result, Other Comprehensive Income, Statement of Financial Position and the Statement of Cash Flows for the financial year.

#### **AASB 16 Leases**

AASB 16 supersedes AASB 117 Leases, Interpretation 4 *Determining whether an Arrangement contains a Lease*, Interpretation 115 *Operating Leases – Incentives* and Interpretation 127 *Evaluating the Substance of Transactions Involving the Legal Form of a Lease*. The standard sets out the principles for the recognition, measurement, presentation and disclosure of leases and requires lessees to recognise most leases on the balance sheet.

##### **Lessor accounting**

Lessor accounting under AASB 16 is substantially unchanged from AASB 117. Lessors will continue to classify leases as either operating or finance leases using similar principles as in AASB 117. Therefore, AASB 16 does not have a significant impact for leases where the Commission is the lessor. The Commission is not the lessor in any leases.

##### **Lessee accounting**

AASB 16 requires the Commission to account for all leases under a single on balance sheet model similar to the accounting for finance leases under AASB 117. As the lessee, the Commission recognises a lease liability and right-of-use asset at the inception of the lease. The lease liability is measured at the present value of the future lease payments, discounted using the interest rate implicit in the lease, or the lessee's incremental borrowing rate if the interest rate implicit in the lease cannot be readily determined. The corresponding right-of-use asset is measured at the value of the lease liability adjusted for lease payments before inception, lease incentives, initial direct costs and estimates of costs for dismantling and removing the asset or restoring the site on which it is located. The Commission has adopted the partial retrospective option in AASB 16, where the cumulative

effect of initially applying AASB 16 is recognised on 1 July 2019 and the comparatives for the year ended 30 June 2019 are not restated.

In relation to leases that had previously been classified as 'operating leases' under AASB 117, a lease liability is recognised at 1 July 2019 at the present value of the remaining lease payments, discounted using the lessee's incremental borrowing rate at the date of initial application. The weighted average lessee's incremental borrowing rate applied to the lease liabilities on 1 July 2019 was 1.97%. The corresponding right-of-use asset is initially recorded on transition at an amount equal to the lease liability, adjusted by the amount of any prepaid or accrued lease payments relating to that lease recognised in the statement of financial position as at 30 June 2019. The exception is right-of-use assets that are subject to accelerated depreciation. These assets are measured at their fair value at 1 July 2019.

The Commission elected to use the practical expedient to expense lease payments for lease contracts that, at their commencement date, have a lease term of 12 months or less and do not contain a purchase option (short-term leases), and lease contracts for which the underlying asset is valued at \$10,000 or under when new (low-value assets).

In applying AASB 16 for the first time, the Commission has used the following practical expedients permitted by the standard:

- not reassess whether a contract is, or contains, a lease at 1 July 2019, for those contracts previously assessed under AASB 117 and Interpretation 4.
- applying a single discount rate to a portfolio of leases with reasonably similar characteristics
- relying on its previous assessment on whether leases are onerous immediately before the date of initial application as an alternative to performing an impairment review
- not recognise a lease liability and right-of-use-asset for short-term leases that end within 12 months of the date of initial application
- excluding the initial direct costs from the measurement of the right-of-use asset at the date of initial application
- using hindsight in determining the lease term where the contract contained options to extend or terminate the lease.

The effect of adoption AASB 16 as at 1 July 2019 increase/(decrease) is as follows:

	<b>\$'000</b>
<b>Assets</b>	
Right-of-use asset	69,914
<b>Total assets</b>	<b>69,914</b>
<b>Liabilities</b>	
Borrowings	69,914
<b>Total liabilities</b>	<b>69,914</b>
<b>Equity</b>	
Accumulated funds	-

The lease liabilities as at 1 July 2019 can be reconciled to the operating lease commitments as of 30 June 2019, as follows:

Operating lease commitments as at 30 June 2019 (GST excluded)	56,497
Less: Outgoings	10,169
Less: GST included in operating lease commitments	4,212
Operating lease commitments as at 30 June 2019 (GST excluded)	42,116
Weighted average incremental borrowing rate as at 1 July 2019	1.97%
Discounted Operating Lease commitments as at 1 July 2019	41,302
Add/(less): Lease payments relating to renewal periods not included in operating lease commitments as at 30 June 2019	26,311
Add/(less): Other	2,301
Lease liabilities as at 1 July 2019	<b>69,914</b>



**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 17 *Insurance Contracts*
- AASB 1059 *Service Concession Arrangements: Grantors (effective 1 July 2020)*
- 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 2019–1 *Amendments to Australian Accounting Standards – References to the Conceptual Framework*
- AASB 2019–2 *Amendments to Australian Accounting Standards – Implementation of AASB 1059*
- AASB 2019–3 *Amendments to Australian Accounting Standards – Interest Rate Benchmark Reform*
- AASB 2019–7 *Amendments to Australian Accounting Standards – Disclosure of GFS Measures of Key Fiscal Aggregates and GAAP/GFS Reconciliations.*

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 for the year ending 30 June 2021.

	<b>Consolidated</b>		<b>Parent</b>	
	<b>2020</b>	<b>2019</b>	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>2 EXPENSES EXCLUDING LOSSES</b>				
<b>(a) Employee related expenses and personnel services</b>				
<b>Employee related expenses</b>				
Salaries and wages (including annual leave)	126,926	115,510	-	-
Superannuation – defined benefit plans	948	967	-	-
Superannuation – defined contribution plans	11,423	10,061	-	-
Long service leave	5,528	10,781	-	-
Workers compensation insurance	389	508	-	-
Payroll tax and fringe benefits tax	7,692	6,755	-	-
Agency staff costs	892	1,031	892	1,031
<b>Total</b>	<b>153,798</b>	<b>145,613</b>	<b>892</b>	<b>1,031</b>
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 2019–20 was \$1.653m (2018–19: \$1.720m), therefore excluded from the above.				
<b>Personnel services</b>				
Personnel services provided by the Legal Aid Commission Staff Agency	-	-	153,254	145,084
<b>Total</b>	<b>-</b>	<b>-</b>	<b>153,254</b>	<b>145,084</b>

	Consolidated		Parent	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>(b) Other operating expenses</b>				
Other operating expenses include the following:				
Auditor's remuneration – audit of financial statements	155	146	155	146
Auditor's remuneration – audit of National Legal Advisory Service for Disability Royal Commission	10	-	10	-
Cleaning	765	559	765	559
Consultants	636	993	636	993
Contractors	472	249	472	249
Electricity and gas	393	455	393	455
Information Technology	5,931	4,772	5,931	4,772
Insurance	327	147	327	147
Internal audit and audit of Trust Account	62	178	62	178
Library resources	773	812	773	812
Maintenance	472	410	472	410
Operating lease rental expense – minimum lease payments	1,133	10,920	1,133	10,920
Postage	735	744	735	744
Practicing certificates	599	546	599	546
Printing	979	989	979	989
Records management	767	786	767	786
Stationery, stores and provisions	673	635	673	635
Telephone	321	285	321	285
Travel	1,776	2,237	1,776	2,237
Other	2,913	3,832	2,513	3,277
<b>Total</b>	<b>19,892</b>	<b>29,695</b>	<b>19,492</b>	<b>29,140</b>

## 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

#### Lease expenses (up to 30 June 2019)

Operating lease payments are recognised as an operating expense in the Statement of Comprehensive Income on a straight-line basis over the lease term. An operating lease is a lease other than a finance lease.

#### Lease expense (from 1 July 2019)

From 1 July 2019, the Commission recognises the lease payments associated with the following types of leases as an expense on a straight-line basis:

- Leases that meet the definition of short-term, i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

Variable lease payments not included in the measurement of the lease liability (i.e. variable lease payments that do not depend on an index or a rate, initially measured using the index or rate as at the commencement date). These payments are recognised in the period in which the event or condition that triggers those payments occurs.

	Consolidated		Parent	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>(c) Depreciation and amortisation expenses</b>				
<b>Depreciation</b>				
Leasehold improvements	2,123	2,214	2,123	2,214
Right-of-use leased assets	9,564	-	9,564	-
Plant and equipment	1,222	1,400	1,222	1,400
<b>Total</b>	<b>12,909</b>	<b>3,614</b>	<b>12,909</b>	<b>3,614</b>
<b>Amortisation</b>				
Software	1,804	1,015	1,804	1,015
<b>Total</b>	<b>1,804</b>	<b>1,015</b>	<b>1,804</b>	<b>1,015</b>
<b>Total depreciation and amortisation expense</b>	<b>14,713</b>	<b>4,629</b>	<b>14,713</b>	<b>4,629</b>

Refer to Notes 9, 10 and 11 for recognition and measurement policies on depreciation and amortisation.

**(d) Grants and subsidies**

Domestic Violence Court Assistance Program	31,333	27,184	31,333	27,184
Community Legal Centres	26,388	24,902	26,388	24,902
Cooperative Legal Service Delivery Program	1,227	1,039	1,227	1,039
Grants to other organisations	3,693	22,661	3,693	22,661
<b>Total</b>	<b>62,641</b>	<b>75,786</b>	<b>62,641</b>	<b>75,786</b>

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

Grants to other organisations includes payments in 2019 for the District Court Backlog program.

**(e) Finance costs**

Unwinding of discount on make good provision	(86)	67	(86)	67
Interest expense from lease liabilities	1,504	-	1,504	-
<b>Total</b>	<b>1,418</b>	<b>67</b>	<b>1,418</b>	<b>67</b>

**(f) Services provided by private practitioners**

Solicitor services provided by private practitioners	70,756	71,682	70,756	71,682
Barrister services provided by private practitioners	33,513	31,696	33,513	31,696
Disbursements	15,355	15,341	15,355	15,341
<b>Total</b>	<b>119,624</b>	<b>118,719</b>	<b>119,624</b>	<b>118,719</b>

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 the Commission at the end of the reporting period. An independent actuary was engaged to undertake this work in progress calculation.

	Consolidated		Parent	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000

### 3 REVENUE

#### Recognition and measurement

Until 30 June 2019, income is recognised in accordance with AASB 111 *Construction Contracts*, AASB 118 *Revenue* and AASB 1004 *Contributions*. From 1 July 2019, income is recognised in accordance with the requirements of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities*, dependent on whether there is a contract with a customer defined by AASB 15 *Revenue from Contracts with Customers*.

#### (a) Sale of goods and services

##### Rendering of services

Criminal Law	4,186	4,184	4,186	4,184
Family Law	2,470	2,697	2,470	2,697
Civil Law	835	1,353	835	1,353
<b>Total</b>	<b>7,491</b>	<b>8,234</b>	<b>7,491</b>	<b>8,234</b>

#### Recognition and measurement

##### Rendering of services

Revenue from rendering of services is recognised when the contribution is levied. The Commission has determined that income from the rendering of services is recognised in accordance with AASB 1058 *Income of Not-for-Profit Entities* as the granting of aid to a client has been determined as not being a contract.

#### (b) Investment revenue

Interest on outstanding accounts	143	207	143	207
<b>Total</b>	<b>143</b>	<b>207</b>	<b>143</b>	<b>207</b>

#### 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

Grants without sufficiently specific performance obligations:

Cluster Agency recurrent contribution	258,704	239,910	258,704	239,910
Cluster Agency capital contribution	4,445	5,349	4,445	5,349
Law Society Public Purpose Fund <sup>i)</sup>	36,285	35,400	36,285	35,400
Law Society Public Purpose Capital Fund <sup>i)</sup>	1,400	-	1,400	-
Cluster Agency recurrent contribution – CLC specific <sup>ii)</sup>	11,022	12,466	11,022	12,466
Other grants and contributions <sup>iii)</sup>	51,751	35,243	51,751	35,243
<b>Total</b>	<b>363,607</b>	<b>328,368</b>	<b>363,607</b>	<b>328,368</b>

The Commission receives its funding from the Department of Communities and Justice which receives appropriations from the Consolidated Fund. Appropriations for each financial year are set out in the Appropriation Bill that is prepared and tabled for that year. Due to COVID-19, the State Budget and related 2020-21 Appropriation Bill has been delayed until November/December 2020. However, pursuant to section 4.10 of the GSF Act, the Treasurer has authorised Ministers to spend specified amounts from Consolidated Fund. This authorisation is current from 1 July 2020 until the release of the 2020-21 Budget or Appropriation Bill.

#### Recognition and measurement

##### Grants and contributions

Until 30 June 2019

Income from grants (other than contribution by owners) is recognised when the Commission obtains control over the contribution. The Commission 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.

**From 1 July 2019**

Revenue from grants with sufficiently specific performance obligations is recognised as when the Commission satisfies a performance obligation by transferring the promised goods. Revenue from these grants is recognised based on the grant amount specified in the funding agreement/funding approval, and revenue is only recognised to the extent that it is highly probable that a significant reversal will not occur. No element of financing is deemed present as funding payments are usually received in advance or shortly after the relevant obligation is satisfied. Income from grants without sufficiently specific performance obligations is recognised when the Commission obtains control over the granted assets (e.g. cash).

The Commission has determined that Grants and Contributions revenue is general in nature and within the scope of AASB 1058 and will be recognised immediately on receipt.

i) This fund provided a grant of \$37.7m (\$35.4m in 2018–19) to provide legal aid services in State matters.

	<b>Consolidated</b>		<b>Parent</b>	
	<b>2020 \$'000</b>	<b>2019 \$'000</b>	<b>2020 \$'000</b>	<b>2019 \$'000</b>
Other specific grants from this fund include:				
Community Legal Centres	2,463	1,400	2,463	1,400
Children's Court Assistance Scheme	-	212	-	212
Homeless Persons	-	470	-	470
Older Persons Legal Service	-	543	-	543
Streamlining Legal Pathways (Capital fund)	1,400	-	1,400	-
Aboriginal Legal Access Program	297	297	297	297
<b>Total</b>	<b>4,160</b>	<b>2,922</b>	<b>4,160</b>	<b>2,922</b>

ii) Community Legal Centres (CLC) specific funding received from the Commonwealth Government via the National Partnership Appropriation. In 2019–20, \$11.022m was received (2018–19 \$12.466m). These funds were earmarked for distribution to various Community Legal Centres.

iii) Other State or Commonwealth grants and contributions include:

Commonwealth – Disability Royal Commission	4,614	-	4,614	-
Commonwealth – Family Law Services	-	65	-	65
Commonwealth – Youth Koori Court	377	367	377	367
Commonwealth – National Disability Insurance Scheme	871	1,339	871	1,339
Commonwealth – Rights of Older Australians	650	-	650	-
Commonwealth – South West Sydney Domestic Violence	952	750	952	750
Commonwealth – special funding for expensive criminal cases	6,000	1,168	6,000	1,168
State – Early Guilty Plea reform	-	228	-	228
State – Child Sex Offence Evidence	1,010	241	1,010	241
State – Community Legal Centres	1,100	-	1,100	-
State – Domestic and Family Violence	15,935	28,924	15,935	28,924
State – Driver Disqualification Reform	1,441	1,419	1,441	1,419
State – Homelessness Action Plan	378	378	378	378
State – Juvenile Justice Visiting Legal Service	206	202	206	202
State – Safer Pathways	17,473	-	17,473	-
Other	744	162	744	162
<b>Total</b>	<b>51,751</b>	<b>35,243</b>	<b>51,751</b>	<b>35,243</b>

	Consolidated		Parent	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>(d) Acceptance by the Crown Commission of employee benefits and other liabilities</b>				
The following liabilities and/or expenses have been assumed by the Crown Commission or other government agencies:				
Superannuation – defined benefit	948	967	948	967
Long Service Leave	5,036	10,781	5,036	10,781
Payroll tax	52	53	-	-
<b>Total</b>	<b>6,036</b>	<b>11,801</b>	<b>5,984</b>	<b>11,748</b>

<b>(e) Other revenue</b>				
Miscellaneous	1,137	708	1,137	708
<b>Total</b>	<b>1,137</b>	<b>708</b>	<b>1,137</b>	<b>708</b>

#### 4 GAIN/(LOSS) ON DISPOSAL

Gain/(Loss) on disposal of plant and equipment

Proceeds from disposal	-	8	-	8
Less: Written down value of assets disposed	(8)	(21)	(8)	(21)
<b>Net gain/(loss) on disposal</b>	<b>(8)</b>	<b>(13)</b>	<b>(8)</b>	<b>(13)</b>

#### 5 OTHER GAINS/(LOSSES)

Impairment gain/(loss) on receivables	(537)	(411)	(537)	(411)
Gain/(loss) on make good provision	1,121	-	1,121	-
<b>Net other gains/(losses)</b>	<b>584</b>	<b>(411)</b>	<b>584</b>	<b>(411)</b>

#### 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, Note 10 Leased assets, and Note 11 Intangible assets.

**6 PROGRAM GROUP STATEMENTS FOR THE YEAR ENDING 30 JUNE 2020**

CONSOLIDATED EXPENSES AND REVENUES	Program Group 1 * Legal Services		Program Group 2 * Community Partnerships		Not attributable **		Total	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>Expenses excluding losses</b>								
Employee related/personnel services	150,597	142,616	3,201	2,997	-	-	153,798	145,613
Other operating expenses	18,088	28,574	1,804	1,121	-	-	19,892	29,695
Depreciation and amortisation	12,611	4,578	2,102	51	-	-	14,713	4,629
Grants and subsidies	1,548	22,289	61,093	53,497	-	-	62,641	75,786
Finance costs	1,388	67	30	-	-	-	1,418	67
Services provided by private practitioners	119,198	118,398	426	321	-	-	119,624	118,719
<b>Total expenses excluding losses</b>	<b>303,430</b>	<b>316,522</b>	<b>68,656</b>	<b>57,987</b>	<b>-</b>	<b>-</b>	<b>372,086</b>	<b>374,509</b>
<b>Revenue</b>								
Sale of goods and services	7,491	8,234	-	-	-	-	7,491	8,234
Investment income	143	207	-	-	-	-	143	207
Grants and contributions	288,729	265,662	74,878	62,706	-	-	363,607	328,368
Acceptance by the Crown Entity of employee benefits and other liabilities	5,879	11,744	157	57	-	-	6,036	11,801
Other revenue	1,054	708	83	-	-	-	1,137	708
<b>Total revenue</b>	<b>303,296</b>	<b>286,555</b>	<b>75,118</b>	<b>62,763</b>	<b>-</b>	<b>-</b>	<b>378,414</b>	<b>349,318</b>
<b>Operating result</b>	<b>(134)</b>	<b>(29,967)</b>	<b>6,462</b>	<b>4,776</b>	<b>-</b>	<b>-</b>	<b>6,328</b>	<b>(25,191)</b>
Gain/(Loss) on disposal of non-current assets	(8)	(13)	0	-	-	-	(8)	(13)
Other gains/(losses)	587	(411)	(3)	-	-	-	584	(411)
<b>Net result</b>	<b>445</b>	<b>(30,391)</b>	<b>6,459</b>	<b>4,776</b>	<b>-</b>	<b>-</b>	<b>6,904</b>	<b>(25,615)</b>
<b>Other comprehensive income</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total other comprehensive income</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>445</b>	<b>(30,391)</b>	<b>6,459</b>	<b>4,776</b>	<b>-</b>	<b>-</b>	<b>6,904</b>	<b>(25,615)</b>

CONSOLIDATED ASSETS AND LIABILITIES	Program Group 1 * Legal Services		Program Group 2 * Community Partnerships		Not attributable **		Total	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>Current assets</b>								
Cash and cash equivalents	-	-	-	-	25,393	31,614	25,393	31,614
Receivables	8,413	8,024	80	-	-	-	8,493	8,024
<b>Total current assets</b>	<b>8,413</b>	<b>8,024</b>	<b>80</b>	<b>-</b>	<b>25,393</b>	<b>31,614</b>	<b>33,886</b>	<b>39,638</b>
<b>Non-current assets</b>								
Receivables	6,882	5,886	66	-	-	-	6,948	5,886
Plant and equipment	9,307	9,693	198	204	-	-	9,505	9,897
Right-of-use assets	68,517	-	1,456	-	-	-	69,973	-
Intangible assets	23,040	13,636	490	287	-	-	23,530	13,923
<b>Total non-current assets</b>	<b>107,746</b>	<b>29,215</b>	<b>2,210</b>	<b>491</b>	<b>-</b>	<b>-</b>	<b>109,956</b>	<b>29,706</b>
<b>Total assets</b>	<b>116,159</b>	<b>37,239</b>	<b>2,290</b>	<b>491</b>	<b>25,393</b>	<b>31,614</b>	<b>143,842</b>	<b>69,344</b>
<b>Current liabilities</b>								
Payables	14,114	19,981	266	306	-	-	14,380	20,287
Borrowings	7,608	-	162	-	-	-	7,770	-
Provisions	18,944	14,535	403	305	-	-	19,347	14,840
<b>Total current liabilities</b>	<b>40,666</b>	<b>34,516</b>	<b>831</b>	<b>611</b>	<b>-</b>	<b>-</b>	<b>41,497</b>	<b>35,126</b>
<b>Non-current liabilities</b>								
Provisions	5,870	6,703	125	141	-	-	5,995	6,844
Borrowings	61,942	-	1,317	-	-	-	63,259	-
Other	-	1,162	-	24	-	-	-	1,186
<b>Total non-current liabilities</b>	<b>67,812</b>	<b>7,865</b>	<b>1,442</b>	<b>165</b>	<b>-</b>	<b>-</b>	<b>69,254</b>	<b>8,030</b>
<b>Total liabilities</b>	<b>108,478</b>	<b>42,381</b>	<b>2,273</b>	<b>776</b>	<b>-</b>	<b>-</b>	<b>110,751</b>	<b>43,157</b>
<b>Net assets</b>	<b>7,681</b>	<b>(5,142)</b>	<b>17</b>	<b>(285)</b>	<b>25,393</b>	<b>31,614</b>	<b>33,091</b>	<b>26,187</b>

\* 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	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>7 CURRENT ASSETS – CASH AND CASH EQUIVALENTS</b>				
Cash at bank	25,393	31,614	25,393	31,614
<b>Total cash</b>	<b>25,393</b>	<b>31,614</b>	<b>25,393</b>	<b>31,614</b>

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 equivalents (per Statement of Financial Position)	25,393	31,614	25,393	31,614
<b>Cash and cash equivalents (per Statement of Cash Flows)</b>	<b>25,393</b>	<b>31,614</b>	<b>25,393</b>	<b>31,614</b>

Refer Note 22 for details regarding credit risk and market risk arising from financial instruments

The Commission has a business credit card facility of \$0.150m (2018–19: \$0.150m) with Citibank, 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	4,806	3,133	4,806	3,133
Less: – Allowance for expected credit loss	(345)	(693)	(345)	(693)
	4,461	2,440	4,461	2,440
Other debtors	26	163	26	163
GST recoverable from Australian Taxation Office	2,705	2,748	2,705	2,748
Prepayments	1,301	2,673	1,301	2,673
<b>Total current</b>	<b>8,493</b>	<b>8,024</b>	<b>8,493</b>	<b>8,024</b>

### Non-current

Sale of goods and services	8,204	6,606	8,204	6,606
Less: – Allowance for expected credit loss	(1,256)	(720)	(1,256)	(720)
<b>Total non-current</b>	<b>6,948</b>	<b>5,886</b>	<b>6,948</b>	<b>5,886</b>

### Movement in the allowance for expected credit loss

Balance at 1 July 2019	1,413	1,413
Amounts written off during the year	(353)	(353)
Amounts recovered during the year	5	5
Increase/(decrease) in allowance recognised in net result	536	536
Balance at 30 June 2020	<b>1,601</b>	<b>1,601</b>

Details of credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 22.

Receivables from the sale of goods and services (both current and non-current) in the amount of \$7.5m (2018–19: \$6.0m) are secured by way of caveat.

In March 2020, as part of Legal Aid NSW's response to the COVID-19 pandemic, Legal Aid NSW temporarily ceased all debt recovery activity, and did not impose any contributions on secured debts.

### 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

The Commission holds receivables with the objective to collect the contractual cash flows and therefore measures them 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

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.

	<b>Consolidated</b>	<b>Parent</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>9 NON-CURRENT ASSETS – PLANT AND EQUIPMENT</b>		
<b>At 1 July 2019 – fair value</b>		
Gross carrying amount	42,305	42,305
Less: Accumulated depreciation and impairment	(32,531)	(32,531)
<b>Net carrying amount</b>	<b>9,774</b>	<b>9,774</b>
<b>At 30 June 2020 – fair value</b>		
Gross carrying amount	44,932	44,932
Less: Accumulated depreciation and impairment	(35,427)	(35,427)
<b>Net carrying amount</b>	<b>9,505</b>	<b>9,505</b>

### 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:

	<b>Consolidated</b>		<b>Parent</b>	
	<b>2020</b>	<b>2019</b>	<b>2020</b>	<b>2019</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>Net carrying amount at beginning of year</b>	<b>9,774</b>	<b>9,656</b>	<b>9,774</b>	<b>9,656</b>
Additions	3,084	3,753	3,084	3,753
Disposals	(8)	(21)	(8)	(21)
Depreciation expense asset owned	(3,345)	(3,614)	(3,345)	(3,614)
<b>Net carrying amount at end of year</b>	<b>9,505</b>	<b>9,774</b>	<b>9,505</b>	<b>9,774</b>

Further details regarding the fair value measurement of property, plant and equipment are disclosed in Note 22.

### Plant and equipment classification

Office equipment	410	541	410	541
IT hardware	1,712	2,268	1,712	2,268
Leasehold improvements	7,383	6,965	7,383	6,965
	<b>9,505</b>	<b>9,774</b>	<b>9,505</b>	<b>9,774</b>

### Recognition and measurement

#### Acquisition of plant and equipment

Plant and equipment are initially measured at cost and subsequently revalued 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 AAS.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

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.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

**Right-of-Use assets acquired by lessees (under AASB 16 from 1 July 2019)**

From 1 July 2019, AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset for most leases. The Commission has elected to present right-of-use assets separately in the Statement of Financial Position.

Therefore, at that date plant and equipment recognised under leases previously treated as finance leases under AASB 117 are derecognised. The right-of-use assets arising from these leases are recognised and included in the separate line item together with those right-of-use assets arising from leases previously treated as operating leases under AASB 117.

Further information on leases is contained at Note 10.

**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.

Plant and equipment is measured at the highest and best use by market participants that is physically possible, legally permissible and financially feasible. The highest and best use must be available at a period that is not remote and take into account the characteristics of the asset being measured, including any socio-political restrictions imposed by government. In most cases, after taking into account these considerations, the highest and best use is the existing use. In limited circumstances, the highest and best use may be a feasible alternative use, where there are no restrictions on use or where there is a feasible higher restricted alternative use.

**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.

## 10 LEASES

The Commission leases various properties from Property NSW and the Department of Communities and Justice, and motor vehicles from SG Fleet. Lease contracts are typically made for fixed periods of 1 to 10 years, but may have extension options. Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The entity does not provide residual value guarantees in relation to leases.

Extension and termination options are included in a number of property and equipment leases. These terms are used to maximise operational flexibility in terms of managing contracts. The majority of extension and termination options held are exercisable only by the entity and not by the respective lessor. In determining the lease term, management considers all facts and circumstances that create an economic incentive to exercise an extension option, or not exercise a termination option. Extension options (or periods after termination options) are only included in the lease term if the lease is reasonably certain to be extended (or not terminated). Potential future cash outflows have not been included in the lease liability because it is not reasonably certain that the leases will be extended (or not terminated). The assessment is reviewed if a significant event or a significant change in circumstances occurs which affects this assessment and that is within the control of the lessee. During the current financial year, the financial effect of revising lease terms to reflect the effect of exercising extension and termination options was an increase in recognised lease liabilities and right-of-use assets of \$23.6m.

The Commission has elected to recognise payments for short-term leases and low value leases as expenses on a straight-line basis, instead of recognising a right-of-use asset and lease liability. Short-term leases are leases with a lease term of 12 months or less.

### Right-of-use assets under leases

	<b>Right-of-use assets \$'000</b>
<b>Balance 1 July 2019</b>	69,914
Additions and/or reassessment of leases	9,623
Depreciation expense right-of-use asset	(9,564)
<b>Balance 30 June 2020</b>	<b>69,973</b>

### Lease liabilities – borrowings

The following table presents liabilities under leases:

	<b>Lease liabilities - borrowings \$'000</b>
<b>Balance 1 July 2019</b>	69,914
Additions and/or reassessment of leases	9,623
Interest expense on lease liabilities	1,504
Payments	(10,012)
<b>Balance 30 June 2020 (see Note 13)</b>	<b>71,029</b>

Additions and/or reassessment of leases are a result of Property NSW reassessment of individual lease liabilities which results in corresponding movements between right-of-use assets and lease liabilities.

The following amounts were recognised in the statement of comprehensive income for the year ending 30 June 2020 in respect of leases where the Commission is the lessee:

	<b>\$'000</b>
Depreciation expense right-of-use assets	9,564
Interest expense on lease liabilities	1,504
<b>Total amount recognised in the statement of comprehensive income</b>	<b>11,068</b>

The Commission had total cash outflows for leases of \$12.3m in FY2019–20.

### Recognition and measurement (under AASB 16 from 1 July 2019)

The Commission assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The Commission recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

**(i) Right-of-use assets**

The Commission recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability (refer below), adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site. The right of use assets are subsequently measured at cost.

They are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, as follows:

- Property Leases – term of the lease remaining
- Motor vehicles and other equipment – 2 to 5 years

If ownership of the leased asset transfers to the entity at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset. The right-of-use assets are also subject to impairment.

**(ii) Lease liabilities**

At the commencement date of the lease, the Commission recognises lease liabilities measured at the present value of lease payments to be made over the lease term. Lease payments include:

- fixed payments (including in substance fixed payments) less any lease incentives receivable;
- variable lease payments that depend on an index or a rate;
- amounts expected to be paid under residual value guarantees;
- exercise price of a purchase options reasonably certain to be exercised by the Commission; and
- payments of penalties for terminating the lease, if the lease term reflects the Commission exercising the option to terminate.

Variable lease payments that do not depend on an index or a rate are recognised as expenses (unless they are incurred to produce inventories) in the period in which the event or condition that triggers the payment occurs.

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for the Commission's leases, the lessee's incremental borrowing rate is used, being the rate that the entity would have to pay to borrow the funds necessary to obtain an asset of similar value to the right-of-use asset in a similar economic environment with similar terms, security and conditions.

After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g., changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset. The Commission's lease liabilities are included in borrowings.

**(iii) Short-term leases and leases of low-value assets**

The Commission applies the short-term lease recognition exemption to its short-term leases of equipment (i.e., those leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option). It also applies the lease of low-value assets recognition exemption to leases of office equipment that are considered to be low value. Lease payments on TPP20-01 Financial Reporting Code for NSW General Government Sector Entities short-term leases and leases of low value assets are recognised as expense on a straight-line basis over the lease term.

**(iv) Leases that have significantly below-market terms and conditions principally to enable the Commission to further its objectives.**

Right-of-use assets under leases at significantly below-market terms and conditions that are entered into principally to enable the Commission to further its objectives, are measured at cost.

These right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, subject to impairment.

**(v) Recognition and measurement (under AASB 117 until 30 June 2019)**

The determination of whether an arrangement is (or contains) a lease is based on the substance of the arrangement at the inception of the lease. The arrangement is, or contains, a lease if fulfilment of the arrangement is dependent on the use of a specific asset or assets and the arrangement conveys a right to use the asset (or assets), even if that asset (or those assets) is not explicitly specified in an arrangement.

Until 30 June 2019, a lease was classified at the inception date as a finance lease or an operating lease. A lease that transferred substantially all the risks and rewards incidental to ownership to the Commission was classified as a finance lease.

Where a non-current asset was acquired by means of a finance lease, at the commencement of the lease, the asset was recognised at its fair value or, if lower, at the present value of the minimum lease payments. The corresponding liability was established at the same amount. Lease payments were apportioned between finance charges and reduction of the lease liability so as to achieve a constant rate of interest on the remaining balance of the liability. Finance charges were recognised in finance costs in the statement of comprehensive income.

Property, plant and equipment acquired under finance leases was depreciated over the useful life of the asset. However, if there is no reasonable certainty that the Commission will obtain ownership by the end of the lease term, the asset was depreciated over the shorter of the estimated useful life of the asset and the lease term.

An operating lease is a lease other than a finance lease. Operating lease payments were recognised as an operating expense in the statement of comprehensive income on a straight-line basis over the lease term. The Commission did not have any finance leases.

	<b>Consolidated</b>		<b>Parent</b>	
	<b>2020 \$'000</b>	<b>2019 \$'000</b>	<b>2020 \$'000</b>	<b>2019 \$'000</b>
<b>11 INTANGIBLE ASSETS</b>				
<b>At 1 July 2019 – fair value</b>				
Cost (gross carrying amount)	28,283	17,011	28,283	17,011
Less: Accumulated amortisation and impairment	(14,237)	(13,222)	(14,237)	(13,222)
<b>Net carrying amount</b>	<b>14,046</b>	<b>3,789</b>	<b>14,046</b>	<b>3,789</b>
<b>At 30 June 2020 – fair value</b>				
Cost (gross carrying amount)	39,269	28,283	39,269	28,283
Less: Accumulated amortisation and impairment	(15,739)	(14,237)	(15,739)	(14,237)
<b>Net carrying amount</b>	<b>23,530</b>	<b>14,046</b>	<b>23,530</b>	<b>14,046</b>
<b>Reconciliation</b>				
A reconciliation of the carrying amounts of intangible assets at the beginning and end of the current reporting period is set out below.				
<b>Net carrying amount at beginning of year</b>	<b>14,046</b>	<b>3,789</b>	<b>14,046</b>	<b>3,789</b>
Additions	11,288	11,312	11,288	11,312
Transfers to plant and equipment	-	(40)	0	(40)
Amortisation (recognised in "depreciation and amortisation")	(1,804)	(1,015)	(1,804)	(1,015)
<b>Net carrying amount at end of year 30 June 2020</b>	<b>23,530</b>	<b>14,046</b>	<b>23,530</b>	<b>14,046</b>
<b>Intangible assets classification</b>				
IT software	17,977	6,971	17,977	6,971
IT software and hardware under construction	3,911	7,062	3,911	7,062
Leasehold improvements under construction	1,642	13	1,642	13
	<b>23,530</b>	<b>14,046</b>	<b>23,530</b>	<b>14,046</b>

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. All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite. The Commission's intangible assets are amortised using the straight-line method over a period of generally 5 years.

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.

## 12 CURRENT LIABILITIES – PAYABLES

Accrued salaries, wages and on-costs	1,547	551	-	-
Legal Aid Commission Staff Agency – accrued salaries, wages and on-costs	-	-	1,547	551
Creditors	1,078	5,843	1,078	5,843
Accrued expenses	2,558	3,457	2,558	3,457
Unearned revenue	12	80	12	80
Accrual of estimated legal expenses <sup>1)</sup>	9,185	10,356	9,185	10,356
<b>Total</b>	<b>14,380</b>	<b>20,287</b>	<b>14,380</b>	<b>20,287</b>

<sup>1)</sup> 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.

Details regarding liquidity risk, including a maturity analysis of the above payables are disclosed in Note 22.

#### 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	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>13 CURRENT/NON-CURRENT LIABILITIES – BORROWINGS</b>				
Lease liability - current	7,770	-	7,770	-
Lease liability - non current	63,259	-	63,259	-
<b>Total (see Note 10)</b>	<b>71,029</b>	<b>-</b>	<b>71,029</b>	<b>-</b>

Details regarding liquidity risk, including a maturity analysis of the above payables are disclosed in Note 22.

#### Recognition and measurement

Borrowings classified as financial liabilities at amortised cost are 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 net result when the liabilities are derecognised as well as through the amortisation process.

Finance lease liabilities are determined in accordance with AASB 117 until 30 June 2019. From 1 July 2019, lease liabilities are determined in accordance with AASB 16.

#### 14 CURRENT/NON-CURRENT LIABILITIES – PROVISIONS

##### Current

##### Employee benefits and related on-costs

Annual leave	10,402	8,073	-	-
Annual leave expected to be taken after 12 months	2,149	1,668	-	-
Provision for related on-costs	6,796	5,099	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	19,347	14,840
<b>Total current</b>	<b>19,347</b>	<b>14,840</b>	<b>19,347</b>	<b>14,840</b>

##### Non-current

##### Employee benefits and related on-costs

Provision for related on-costs	406	290	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	406	290
	<b>406</b>	<b>290</b>	<b>406</b>	<b>290</b>

##### Other provisions

Restoration costs	5,589	6,554	5,589	6,554
	<b>5,589</b>	<b>6,554</b>	<b>5,589</b>	<b>6,554</b>

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.

	Consolidated		Parent	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>Total non-current provisions</b>	<b>5,995</b>	<b>6,844</b>	<b>5,995</b>	<b>6,844</b>
<b>Aggregate employee benefits and related on-costs</b>				
Provisions – current	19,347	14,840	-	-
Provisions – non-current	406	290	-	-
Accrued salaries, wages and on-costs (Note 12)	1,547	551	-	-
	<b>21,300</b>	<b>15,681</b>	<b>-</b>	<b>-</b>
<b>Movements in provisions (other than employee benefits)</b>				
<b>Restoration provision</b>				
<b>Carrying amount at start of financial year</b>	6,554	4,362	6,554	4,362
Additional provisions recognised	242	2,125	242	2,125
Amounts used or reduction in provision	(1,121)	-	(1,121)	-
Unwinding/change in the discount rate	(86)	67	(86)	67
<b>Carrying amount at end of financial year</b>	<b>5,589</b>	<b>6,554</b>	<b>5,589</b>	<b>6,554</b>

#### 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 NSW 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 -0.3% (2019 1.04%), 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	
	2020 \$'000	2019 \$'000	2020 \$'000	2019 \$'000
<b>15 NON-CURRENT LIABILITY – OTHER</b>				
Lease incentive liability	-	1,186	-	1,186
<b>Total non-current liability – other</b>	<b>-</b>	<b>1,186</b>	<b>-</b>	<b>1,186</b>

In accordance with AASB 16 the lease incentive liability was transferred to right-of-use assets in 2020. See Note 13.

## 16 EQUITY

### Recognition and measurement

#### (i) Accumulated funds

The category 'accumulated funds' includes all current and prior period retained funds.

## 17 COMMITMENTS FOR EXPENDITURE

### Capital commitments

Aggregate capital expenditure contracted for at balance date and not provided for:

Not later than one year	797	1,700	797	1,700
<b>Total (including GST)</b>	<b>797</b>	<b>1,700</b>	<b>797</b>	<b>1,700</b>

The total commitments above include input tax credits of \$0.07m (2018–19: \$0.15m) that are expected to be recoverable from the Australian Taxation Office.

## 18 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

At the date of this report, there is current litigation involving the Legal Aid Commission of NSW from which a contingent liability or contingent asset may arise of \$15k (2018–19: nil).

## 19 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 gain of \$6.9m exceeds the budget deficit of \$2.2m by \$9.1m. Total Expenses exceeded budget by \$16.0m, this was offset by Total Revenue including Other Revenue exceeding budget by \$24.5m. Net Employee related expenses of \$147.8m exceeds the net budget by \$12.7m. This was partially attributable to additional funding received. Payments to private practitioners were below budget by \$5.3m, and revenue from client contributions exceeded budget by \$1.9m.

### Assets and liabilities

Net Assets are lower than budget by \$0.8m. Cash and cash equivalents of \$25.4m is below budget by \$6.7m primarily due to higher expenditure on intangible assets. This is partially offset by Payables under budget by \$8.8m generally relating to accelerated payments to suppliers as part of Legal Aid NSW's COVID-19 pandemic response. Total Assets and Total Liabilities are both greater than budget as a result of capitalised lease extension options exercised by Property NSW. This has the affect of increasing both the right of use assets and the corresponding lease liabilities.

### Cash flows

Net cash flows from operating activities were \$3.4m greater than budget principally due to higher GST revenue exceeding the budget. Net cash flow from investing activities were \$9.0m above budget due to higher expenditure on intangible capital projects. Closing cash and cash equivalent is below budget by \$6.7m.

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.

	Consolidated		Parent	
	2020	2019	2020	2019
	\$'000	\$'000	\$'000	\$'000

## 20 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income as follows:

Net cash used on operating activities	16,417	(13,504)	16,417	(13,504)
Depreciation and amortisation expense	(14,713)	(4,629)	(14,713)	(4,629)
Decrease/(increase) in provisions	(3,658)	(3,593)	(3,658)	(3,593)
Decrease/(increase) in other liabilities	1,186	(374)	1,186	(374)
Decrease/(increase) in creditors	5,907	(4,332)	5,907	(4,332)
Increase/(decrease) in prepayments and other assets	1,531	(1,295)	1,531	(1,295)
Net Gain/(Loss) on disposal of plant and equipment	(8)	(13)	(8)	(13)
Additions/(Write backs) to lease restoration provision	242	2,125	242	2,125
<b>Net result</b>	<b>6,904</b>	<b>(25,615)</b>	<b>6,904</b>	<b>(25,615)</b>

## 21 TRUST FUNDS

The Legal Aid Commission of NSW administers, but does not control the funds in the following Trust Account:

### Legal Aid Commission Trust Account <sup>1</sup>

Cash balance at the beginning of the financial year	378	774
Add: Receipts	947	1,887
Less: Expenditure	(1,121)	(2,283)
<b>Cash balance at the end of the financial year</b>	<b>204</b>	<b>378</b>

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.

<sup>1</sup> 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.

## 22 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 Chief Executive Officer 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.

<b>(a) Financial instrument categories</b>	<b>Note</b>	<b>Category</b>	<b>Carrying amount 2020 \$'000</b>	<b>Carrying amount 2019 \$'000</b>
<b>Financial assets</b>				
Class:				
Cash and cash equivalents	7	Amortised cost	25,393	31,614
Receivables <sup>1</sup>	8	Amortised cost	11,435	8,489
<b>Financial liabilities</b>				
Class:				
Payables <sup>2</sup>	12	Financial liabilities measured at amortised cost	14,285	20,181

<sup>1</sup> Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

<sup>2</sup> 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 counterparties 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, and receivables. 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 Commission, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards.

The Commission considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the entity may also consider a financial asset to be in default when internal or external information indicates that the entity is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the entity.

## Cash

Cash comprises the Commission's funds that are held in the general operating bank account within the NSW Treasury Banking System (TBS). Refer Note 7. As the Commission 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. The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables. An independent Actuary has determined the Commission's allowance for expected credit loss. The credit risk is the carrying amount (net of any credit loss). 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:

	01/01/2020 to 30/06/2020	01/07/2019 to 31/12/2019
Overdue debt (Section 71A of Legal Aid Commission Act)	3.38%	3.63%
Local Court judgements (Section 101 of Civil Procedure Act 2005)	6.75%	7.25%
Family Court judgements (Section 117B of Family Law Act)	6.75%	7.25%

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 (2020: \$0.738m 2019: \$0.949m) and not less than one month past due (2020: \$0.253m 2019: \$0.318m) are not considered impaired and together these represent 8.3% of the total debtors (2019:14.0%).

The only financial assets that are past due or impaired are "Sales of Goods and Services" in the "Receivables" category of the Statement of Financial Position.

As at 30 June, the ageing analysis of trade receivables is as follows:

	Total \$'000	Past due but not considered loss allowance <sup>1,2</sup> \$'000	Considered loss allowance <sup>1,2</sup> \$'000
<b>2020</b>			
< 3 months overdue	738	738	-
3 months – 6 months overdue	1,033	688	345
> 6 months overdue	10,236	8,980	1,256
<b>2019</b>			
< 3 months overdue	318	318	-
3 months – 6 months overdue	983	290	693
> 6 months overdue	6,732	6,012	720

<sup>1</sup> Each column in the table reports 'gross receivables'

<sup>2</sup> The analysis excludes statutory receivables, prepayments, as these are not within the scope of AASB 7. Therefore, the 'total' will not reconcile to the sum of the receivables total in Note 8.

## 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 exposure of the Commission to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

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. For small business suppliers, where payment is not made within the specified time period, simple interest must be paid automatically unless an existing contract specifies otherwise. For payments to other suppliers, the Head of an authority (or a person appointed by the Head of an authority) may automatically pay the supplier simple interest. The Commission did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the financial liabilities of the Commission, together with the interest rate exposure.

**Maturity analysis and interest rate exposure of financial liabilities:**

	<b>Consolidated and Parent</b>			
	<b>Nominal Amount <sup>1</sup></b>	<b>Variable Interest Rate \$'000</b>	<b>Non- Interest bearing \$'000</b>	<b>Maturity &lt; 1 year \$'000</b>
<b>2020</b>				
<i>Payables</i>				
Accounts payables	14,328	-	14,328	14,328
<i>Borrowings</i>				
Lease liabilities	78,571	-	78,571	78,571
<b>2019</b>				
<i>Payables</i>				
Accounts payables	20,181	-	20,181	20,181

<sup>1</sup> 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 except for Borrowings which are discounted at weighted average effective interest rate of -0.30%

**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.

**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. Exposure to interest rate risk arises primarily through the entity's interest-bearing liabilities. The Commission does not account for any fixed rate financial instruments at fair value through the comprehensive income statement. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. Exposure to interest rate risk arises primarily through the Commission's interest-bearing liabilities. The interest rate risk impact is not significant.

**(e) Fair value measurement**

Fair value compared to carrying amount.

i. Fair value is the price that would be received to sell 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.

**23 RELATED-PARTY DISCLOSURE**

The Commission's key management personnel compensation is as follows:

	<b>2020 \$'000</b>	<b>2019 \$'000</b>
<b>Short-term employee benefits:</b>		
Salaries	636	565
<b>Total remuneration</b>	<b>636</b>	<b>565</b>

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, the 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 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 Communities and Justice
- Property lease rental payments to Properties NSW.

#### **24 EVENTS AFTER REPORTING PERIOD**

No events have occurred subsequent to the reporting date, which will materially affect the financial statements. As outlined in Note 3, due to COVID-19, the State Budget and related 2020–21 Appropriation Bill have been delayed. Management is closely monitoring cashflows until the Appropriation Bill has been passed.

**END OF AUDITED FINANCIAL STATEMENTS**

## Other information (unaudited)

### 1 PAYMENT PERFORMANCE

#### (a) Payment to creditors

Legal Aid NSW processed 99.04% of invoices received within 30 days in 2019–20, a decrease compared with 99.10% in 2018–19.

Period	2019–20		2018–19	
	Invoices	%	Invoices	%
Within 30 days	150,061	99.04%	153,789	99.10%
Over 30 days	1,453	0.96%	1,399	0.90%
<b>Total</b>	<b>151,514</b>	<b>100%</b>	<b>155,188</b>	<b>100%</b>

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	96.00%	80,352	83,981
December	100.00	96.00%	46,300	48,032
March	100.00	97.00%	73,840	75,962
June	100.00	98.00%	45,550	46,717

#### (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	1,854	116	2	0
December	3,906	11	0	0
March	1,252	15	0	0
June	1,076	2	0	0

#### (c) Consultancies

Consultancy projects equal to or more than \$50,000:

Project	Consultant	\$'000
Human Resources Leaders	Gartner	129
CCMS post-implementation review	Deloitte	80

Consultancy projects less than \$50,000

Legal Aid NSW engaged 16 consultants for individual projects costing less than \$50,000 per project during 2019–20. The total cost of these consultancies was \$427,000. This was more than the 2018–19 total cost of \$405,000.

## 2 ANNUAL REPORTING LEGISLATION REQUIREMENTS

As required by the *Legal Aid Commission Act 1979* (NSW), Legal Aid NSW administers a Legal Aid Fund and a Trust Account. All monies received for and on behalf of legally assisted clients are deposited into the Trust Account. All other monies are paid into the Legal Aid Fund.

### Overseas visits

Nil.

### 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 2019–20 premium for workers compensation insurance decreased to \$375,000 from \$440,500 in 2018–19. The premium for the other insurance types increased to \$327,000 compared to \$152,800 in 2018–19.

### Motor vehicle claims

The number of motor vehicle claims in 2019–20 was 20, up from 14 in 2018–19. This incurred a net cost of \$56,229, an increase compared with a net cost of \$39,139 in 2018–19. The average number of vehicles in the Legal Aid NSW fleet is 78, compared with 79 in 2018–19. This results in an average claim cost per vehicle of \$2,677 compared with \$495 in 2018–19.

The 2019–20 deposit premium for motor vehicles was \$52,000, a decrease compared with the 2018–19 deposit premium of \$56,100.

### Workers compensation

There were 15 workers compensation claims in 2019–20 compared with nine in 2018–19

For 2019–20 the total net incurred costs for the 15 workers compensation claims was \$160,514.

The percentage breakdown is as follows:

- 73% of claims (11 claims) related to physical injuries, accounting for 20% of claim costs.
- 27% of claims (4 claims) related to psychological injuries, accounting for 80% of claim totals.

### Investment performance

Legal Aid NSW is authorised under section 65 of the *Legal Aid Commission Act 1979* (NSW) 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

### FTE staff as at June 30, 2020

Central Sydney	635.02
Regional offices*	573.77
<b>Total staff FTE</b>	<b>1,208.79</b>

### FTE staff as at June 30, 2020

CEO / Executive	10
Legal officers	627.79
Legal admin support staff	571
<b>Total staff FTE</b>	<b>1208.79</b>

### Number of actual staff by employment type

	2017–18	2018–19	2019–20
Ongoing full-time	735	829	831
Ongoing part-time	194	239	230
Temporary full-time	198	177	222
Temporary part-time	62	62	62
Contract executive	11	11	10
Non-executive	0	0	0
Casual	3	3	0
Other	0	5	5
<b>Total</b>	<b>1,203</b>	<b>1,326</b>	<b>1,360</b>

### Number of actual staff by type of work

	Central Sydney	Metropolitan	Total
Lawyers	306	397	703
Administration	401	256	657
<b>Total</b>	<b>707</b>	<b>653</b>	<b>1,360</b>

### Number of Executive roles

Band	Salary range (\$)	Average remuneration		2018–19		2019–20	
		2018–19	2019–20	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$345,551–\$487,050	\$475,145	\$487,024	0	1	0	1
Band 2 (Executive Director)	\$274,701–\$345,550	\$291,317	\$298,600	1	0	1	0
Band 1 (Director)	\$192,600–\$274,700	\$234,402	\$237,340	7	2	6	2
<b>Total</b>				<b>8</b>	<b>3</b>	<b>7</b>	<b>3</b>

\* Regional includes metropolitan offices

## Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups*	2017–18	2018–19	2019–20
Men	309	327	322
Women	894	999	1,037
Unspecified gender**	0	0	1
Aboriginal and Torres Strait Islander people	63	68	83
People from racial, ethnic, ethno-religious minority groups	234	227	294
People whose first language is not English	151	165	195
People with a disability	76	73	86
People with a disability requiring a work-related adjustment	16	15	17
<b>Total</b>	<b>1,203</b>	<b>1,326</b>	<b>1,360</b>

\* Data includes casual staff

\*\* We will be reviewing the way we ask employees about their preferred gender identity or gender expression, including their preferred pronouns, to ensure we promote a positive workplace culture of inclusion and safety where diversity is valued.

Parliamentary annual report tables

**Table 1: Trends in the representation of workforce diversity groups**

**% Total staff**

Workforce diversity group	Benchmark or target (%)	2017–18	2018–19	2019–20
Women	50	74.8	75.5	76.2
Aboriginal and Torres Strait Islander people	3.3	5.6	5.1	8.0
People whose first language spoken as a child was not English	23.2	12.5	12.5	20.3
People with a disability	5.6	6.2	5.5	9.1
People with a disability requiring a work-related adjustment	N/A	1.4	1.1	1.8

**Table 2: Trends in the distribution of workforce diversity groups**

**Distribution index**

Workforce diversity group	Benchmark or target (%)	2017–18	2018–19	2019–20
Women	100	93	93	92
Aboriginal and Torres Strait Islander people	100	88	89	89
People whose first language spoken as a child was not English	100	95	95	98
People with a disability	100	100	100	101
People with a disability requiring a work-related adjustment	100	N/A	N/A	103

Staff numbers as at June 30, 2020.

Table 1 and Table 2 data does not include casual staff. The data in these tables is sourced from the Public Service Commission's annual diversity report. 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 Women's Domestic Violence Court Advocacy Program funding

This program provides funding to 29 Women's Domestic Violence Court Advocacy Services (WDVCASs), five Family Advocacy and Support Service (FASS) social support services and Women's Safety NSW.

WDVCAS	Service Provider	Safer Pathway funding (\$)	Family Advocacy Support Services (FASS) funding (\$)	Total funding (\$)
Blue Mountains	Blue Mountains Women's Health and Resource Centre	413,172		690,214
Burwood	Burwood Community Welfare Services	623,386		973,226
Castlereagh	Mission Australia	147,986		402,259
Central Coast	Central Coast Domestic Violence Court Advocacy Service	689,301		1,152,322
Central West	Housing Plus	499,738		774,353
Far South Coast	Southern Women's Group	190,724		468,883
Far West	Far West Community Legal Centre	216,447		493,891
Hunter	Hunter Women's Domestic Violence Court Service	890,849	132,000	1,598,020
Hunter Valley	Carrie's Place Women's and Children's Services	439,322		829,089
Illawarra	Wollongong Women's Information Service	752,907	132,000	1,336,957
Macarthur	Macarthur Legal Centre	506,534		1,414,816
Mid-North Coast	Mid-Coast Women's Domestic Violence Court Advocacy	521,062		868,055
New England	Tamworth Family Support Service	640,877		929,924
North Coast	Warrina Women and Children's Refuge Co-operative Society	711,970		1,194,649
North West	Inverell Refuge Centre	241,015		504,609
North West Sydney	Blacktown Women's and Girls Health Centre	517,704		953,185
Northern Rivers	Northern Rivers Community Legal Centre	752,085		1,257,414
Northern Sydney	CatholicCare Broken Bay	504,787		917,613
Parramatta	Western Sydney Community Legal Centre	620,219	264,000	1,307,333
Riverina	Linking Communities Network	403,029		469,759
South Coast	YWCA NSW	380,812		666,329
South Eastern	Molonglo Women's and Children's Services	178,273		447,090
South West Sydney	South West Sydney Legal Centre	1,480,977		2,036,540
Southern	Women's Centre for Health and Wellbeing (Albury-Wodonga)	169,045		294,875
Southern	Linking Communities Network	192,993		336,648
Southern Sydney	Sutherland Shire Family Services	631,346		1,186,782
Sydney	South West Sydney Legal Centre	954,835	132,000	1,709,790
Wagga Wagga	Wagga Wagga Family Support Service	311,171		1,037,774
Western	Dubbo Emergency Accommodation Project	559,035		1,022,285
Western Sydney	Penrith Women's Health Centre	1,256,042		1,753,728
Women's Safety NSW	Women's Safety NSW (peak representative body for WDVCASs)			113,472
Relationships Australia NSW			577,000	577,000
<b>Total</b>		<b>16,397,643</b>	<b>1,237,000</b>	<b>29,718,884</b>

Macarthur and Wagga Wagga WDVCASs received \$917,000 in case management funding for clients with complex needs. This funding is included in the total funding column for these two WDVCASs.

WDVCASs received \$711,000 in Social and Community Services (SACS) Modern Award equal remuneration order supplementation funding. This funding is included in the total funding column for each WDVCAS.

\$18,000 was provided to three WDVCAS providers for the chairs of WDVCAS NSW Inc./Women's Safety NSW, the WDVCAS Aboriginal Specialist Workers' Network and the WDVCAS Multicultural Specialist Workers' Network. This funding is included in the total funding column for these three providers.

On December 5, 2020, the provider for Southern WDVCAS changed from the Women's Centre (Albury-Wodonga) to Linking Communities Network Ltd.

In June 2020, the following funding was provided to WDVCASs:

\$1,380,000 in COVID-19 domestic and family violence stimulus funding (NSW and Commonwealth Government).

\$920,000 in case management funding for Wagga Wagga (now known as Riverina) WDVCAS and Macarthur WDVCAS.

\$270,000 in one-off funding to assist WDVCASs with set-up costs under the new service agreements (which commenced on July 1, 2020).

\$240,821 in one-off funding to a number of WDVCASs and Women's Safety NSW for additional costs.

\$38,000 in funding for small enhancements to 38 Local Court safe rooms.

This funding is not included in the table above because it will be expended in 2020-21.

## Appendix 4 Community Legal Centre Program funding

Community Legal Centre (CLC)	Commonwealth funding (\$)	NSW Government and Public Purpose Fund funding (\$)	Total payments (\$)
Australian Centre for Disability Law	305,246	253,799	559,045
Central Coast Community Legal Centre	515,177	370,460	885,637
Community Legal Centres NSW	0	865,783	865,783
Community Restorative Centre (Court Support Scheme)	40,967	27,238	68,205
Elizabeth Evatt Community Legal Service	254,569	352,959	607,528
Environmental Defenders Office	0	198,602	198,602
Far West Community Legal Centre	527,168	255,073	782,241
Financial Rights Legal Centre	598,647	195,810	794,458
HIV/AIDS Legal Centre	104,765	325,364	430,129
Hume Riverina Community Legal Service	182,967	183,583	366,550
Hunter Community Legal Centre	688,792	533,826	1,222,618
Illawarra Legal Centre	568,857	347,867	916,725
Immigration Advice and Rights Centre	224,871	376,861	601,732
Inner City Legal Centre	217,345	802,456	1,019,801
Intellectual Disability Rights Service	0	130,000	130,000
Kingsford Legal Centre	314,229	331,633	645,862
Macarthur Legal Centre	521,712	539,575	1,061,287
Marrickville Legal Centre	470,430	369,295	839,725
Mid North Coast Community Legal Centre	539,020	486,987	1,026,008
North and North West Community Legal Service	544,288	271,714	816,002
Northern Rivers Community Legal Centre	568,527	206,511	775,038
Public Interest Advocacy Centre	141,681	184,812	326,493
Redfern Legal Centre	245,730	656,920	902,649
Refugee Advice and Casework Service	0	455,127	455,127
Seniors Rights Service	191,857	276,550	468,407
Shoalcoast Community Legal Centre	576,536	624,005	1,200,541
South West Sydney Community Legal Centre	640,740	698,631	1,339,371
Tenants' Union of NSW	93,141	184,447	277,588
University of Newcastle Legal Centre	0	193,333	193,333
Welfare Rights Centre	385,712	302,007	687,719
Western NSW Community Legal Centre	674,708	335,056	1,009,763
Western Sydney Community Legal Centre	1,250,438	962,954	2,213,393
Wirringa Baiya Aboriginal Women's Legal Centre	166,160	691,168	857,328
Women's Legal Service NSW	1,008,913	1,024,665	2,033,578
<b>Total</b>	<b>12,563,192</b>	<b>14,015,071</b>	<b>26,578,264</b>

Figures have been rounded off.

Both NSW and Commonwealth funding includes the Social and Community Services Equal Remuneration Order supplementation.

Excludes funding for the Care Partner Program.

Excludes funding that is required for program management and jurisdictional planning costs, including interpreter costs and CLASS data management fees.

## Appendix 5 Legal practice operational statistics

<b>Legal Aid NSW total</b>	<b>2017–18</b>	<b>2018–19</b>	<b>% change from previous year</b>	<b>2019–20</b>	<b>% change from previous year</b>
<b>Case matters</b>					
Applications received	48,364	45,442	-6.0%	47,729	5.0%
Applications refused	9,242	9,161	-0.9%	9,633	5.2%
In-house grants	12,351	11,413	-7.6%	12,955	13.5%
Assigned grants	27,034	25,666	-5.1%	25,978	1.2%
<b>Total case grants</b>	<b>39,385</b>	<b>37,079</b>	<b>-5.9%</b>	<b>38,933</b>	<b>5.0%</b>
Grant rate	81.0%	80.2%	-1.0%	80.2%	0.0%
Applications determined	48,627	46,240	-4.9%	48,566	5.0%
Applications undetermined at year end	2,385	1,669	-30.0%	923	-44.7%
Grants finalised	34,953	40,754	16.6%	34,390	-15.6%
Current grants on hand at year end	46,238	42,708	-7.6%	47,295	10.7%
<b>Duty services</b>					
In-house duty services	120,296	133,177	10.7%	125,463	-5.8%
Assigned duty services	76,742	79,951	4.2%	76,650	-4.1%
<b>Total duty services</b>	<b>197,038</b>	<b>213,128</b>	<b>8.2%</b>	<b>202,113</b>	<b>-5.2%</b>
<b>Other services</b>					
Advice	111,491	107,105	-3.9%	100,121	-6.5%
Minor assistance	34,277	31,534	-8.0%	24,880	-21.1%
Extended legal assistance	515	847	64.5%	950	12.2%
Early resolution assistance	-	-	N/A	53	N/A
Information	520,479	325,156	-37.5%	196,435	-39.6%
<b>Total other services</b>	<b>666,762</b>	<b>464,642</b>	<b>-30.3%</b>	<b>322,439</b>	<b>-30.6%</b>
<b>Total client services</b>	<b>903,185</b>	<b>714,849</b>	<b>-20.9%</b>	<b>563,485</b>	<b>-21.2%</b>
<b>Criminal law</b>					
<b>Case matters</b>					
Applications received	30,252	28,172	-6.9%	29,984	6.4%
Applications refused	4,835	4,513	-6.7%	4,692	4.0%
In-house grants	8,968	8,244	-8.1%	9,889	20.0%
Assigned grants	16,588	15,776	-4.9%	15,863	0.6%
<b>Total case grants</b>	<b>25,556</b>	<b>24,020</b>	<b>-6.0%</b>	<b>25,752</b>	<b>7.2%</b>
Grant rate	84.1%	84.2%	0.1%	84.6%	0.5%
Applications determined	30,391	28,533	-6.1%	30,444	6.7%
Applications undetermined at year end	1,207	892	-26.1%	472	-47.1%
Grants finalised	22,402	25,462	13.7%	22,491	-11.7%
Current grants on hand at year end	21,651	20,280	-6.3%	23,565	16.2%
<b>Duty services</b>					
In-house duty services	107,439	119,346	11.1%	113,813	-4.6%
Assigned duty services	61,294	64,453	5.2%	61,609	-4.4%
<b>Total duty services</b>	<b>168,733</b>	<b>183,799</b>	<b>8.9%</b>	<b>175,422</b>	<b>-4.6%</b>
<b>Other services</b>					
Advice	35,114	32,240	-8.2%	30,062	-6.8%
Minor assistance	8,423	7,410	-12.0%	6,875	-7.2%
Extended legal assistance	-	2	N/A	84	4100.0%
Information	210,328	115,660	-45.0%	52,335	-54.8%
<b>Total other services</b>	<b>253,865</b>	<b>155,312</b>	<b>-38.8%</b>	<b>89,356</b>	<b>-42.5%</b>
<b>Total client services</b>	<b>448,154</b>	<b>363,131</b>	<b>-19.0%</b>	<b>290,530</b>	<b>-20.0%</b>

<b>Civil law</b>	<b>2017–18</b>	<b>2018–19</b>	<b>% change from previous year</b>	<b>2019–20</b>	<b>% change from previous year</b>
<b>Case matters</b>					
Applications received	2,178	2,171	-0.3%	2,272	4.7%
Applications refused	846	908	7.3%	911	0.3%
In-house grants	804	781	-2.9%	818	4.7%
Assigned grants	540	506	-6.3%	566	11.9%
<b>Total case grants</b>	<b>1,344</b>	<b>1,287</b>	<b>-4.2%</b>	<b>1,384</b>	<b>7.5%</b>
Grant rate	61.4%	58.6%	-4.5%	60.3%	2.9%
Applications determined	2,190	2,195	0.2%	2,295	4.6%
Applications undetermined at year end	79	63	-20.3%	47	-25.4%
Grants finalised	1,377	1,375	-0.1%	1,247	-9.3%
Current grants on hand at year end	1,730	1,663	-3.9%	1,805	8.5%
<b>Duty services</b>					
In-house duty services	2,732	2,625	-3.9%	2,122	-19.2%
Assigned duty services	12,937	13,181	1.9%	12,855	-2.5%
<b>Total duty services</b>	<b>15,669</b>	<b>15,806</b>	<b>0.9%</b>	<b>14,977</b>	<b>-5.2%</b>
<b>Other services</b>					
Advice	44,317	43,140	-2.7%	37,627	-12.8%
Minor assistance	18,543	18,640	0.5%	12,996	-30.3%
Extended legal assistance	515	756	46.8%	669	-11.5%
Information	181,403	127,454	-29.7%	93,413	-26.7%
<b>Total other services</b>	<b>244,778</b>	<b>189,990</b>	<b>-22.4%</b>	<b>144,705</b>	<b>-23.8%</b>
<b>Total client services</b>	<b>261,791</b>	<b>207,083</b>	<b>-20.9%</b>	<b>161,066</b>	<b>-22.2%</b>
<b>Family law</b>					
<b>Case matters</b>					
Applications received	15,934	15,099	-5.2%	15,473	2.5%
Applications refused	3,561	3,740	5.0%	4,030	7.8%
In-house grants	2,579	2,388	-7.4%	2,248	-5.9%
Assigned grants	9,906	9,384	-5.3%	9,549	1.8%
<b>Total case grants</b>	<b>12,485</b>	<b>11,772</b>	<b>-5.7%</b>	<b>11,797</b>	<b>0.2%</b>
Grant rate	77.8%	75.9%	-2.5%	74.5%	-1.8%
Applications determined	16,046	15,512	-3.3%	15,827	2.0%
Applications undetermined at year end	1,099	714	-35.0%	404	-43.4%
Grants finalised	11,174	13,917	24.5%	10,652	-23.5%
Current grants on hand at year end	22,857	20,765	-9.2%	21,925	5.6%
<b>Duty services</b>					
In-house duty services	10,125	11,206	10.7%	9,528	-15.0%
Assigned duty services	2,511	2,317	-7.7%	2,186	-5.7%
<b>Total duty services</b>	<b>12,636</b>	<b>13,523</b>	<b>7.0%</b>	<b>11,714</b>	<b>-13.4%</b>
<b>Other services</b>					
Advice	32,060	31,725	-1.0%	32,432	2.2%
Minor assistance	7,311	5,484	-25.0%	5,009	-8.7%
Extended legal assistance	-	89	N/A	197	121.3%
Early resolution assistance	-	-	N/A	53	N/A
Information	128,748	82,042	-36.3%	50,687	-38.2%
<b>Total other services</b>	<b>168,119</b>	<b>119,340</b>	<b>-29.0%</b>	<b>88,378</b>	<b>-25.9%</b>
<b>Total client services</b>	<b>193,240</b>	<b>144,635</b>	<b>-25.2%</b>	<b>111,889</b>	<b>-22.6%</b>



<b>Commonwealth and State allocation of Legal Aid services</b>	<b>State matters</b>	<b>State matter %</b>	<b>Commonwealth matters</b>	<b>Commonwealth matter %</b>	<b>Total</b>
<b>Family law</b>					
Grants	3,869	32.8%	7,928	67.2%	11,797
Duty appearances	4,984	42.5%	6,730	57.5%	11,714
Advice	4,430	13.7%	28,002	86.3%	32,432
Minor assistance	1,146	22.9%	3,863	77.1%	5,009
Extended legal assistance	60	30.5%	137	69.5%	197
Early resolution assistance	-	0.0%	53	100.0%	53
Information services*	-	-	-	-	50,687
<b>Total</b>	<b>14,489</b>	<b>12.9%</b>	<b>46,713</b>	<b>41.7%</b>	<b>111,889</b>
<b>Criminal law</b>					
Grants	25,256	98.1%	496	1.9%	25,752
Duty services	173,548	98.9%	1,874	1.1%	175,422
Advice	29,606	98.5%	456	1.5%	30,062
Minor assistance	6,751	98.2%	124	1.8%	6,875
Extended legal assistance	63	75.0%	21	25.0%	84
Information services*	-	-	-	-	52,335
<b>Total</b>	<b>235,224</b>	<b>81.0%</b>	<b>2,971</b>	<b>1.0%</b>	<b>290,530</b>
<b>Civil law</b>					
Grants	1,042	75.3%	342	24.7%	1,384
Duty services	14,588	97.4%	389	2.6%	14,977
Advice	24,012	63.8%	13,615	36.2%	37,627
Minor assistance	8,414	64.7%	4,582	35.3%	12,996
Extended legal assistance	305	45.6%	364	54.4%	669
Information services*	-	-	-	-	93,413
<b>Total</b>	<b>48,361</b>	<b>30.0%</b>	<b>19,292</b>	<b>12.0%</b>	<b>161,066</b>
<b>Legal Aid NSW total</b>					
Grants	30,167	77.5%	8,766	22.5%	38,933
Duty services	193,120	95.6%	8,993	4.4%	202,113
Advice	58,048	58.0%	42,073	42.0%	100,121
Minor assistance	16,311	65.6%	8,569	34.4%	24,880
Extended legal assistance	428	45.1%	522	54.9%	950
Early resolution assistance	-	0.0%	53	100.0%	53
Information services*	-	-	-	-	196,435
<b>Total</b>	<b>298,074</b>	<b>52.9%</b>	<b>68,976</b>	<b>12.2%</b>	<b>563,485</b>

\* A breakdown of information services by jurisdiction is not available.

<b>In-house and private practitioner allocations of legal work</b>	<b>In-house practitioner</b>	<b>In-house practitioner %</b>	<b>Private practitioner</b>	<b>Private practitioner %</b>	<b>Total</b>
<b>Family law</b>					
Duty services	9,528	81.3%	2,186	18.7%	11,714
Grants of legal aid	2,248	19.1%	9,549	80.9%	11,797
<b>Total</b>	<b>11,776</b>	<b>50.1%</b>	<b>11,735</b>	<b>49.9%</b>	<b>23,511</b>
<b>Criminal law</b>					
Duty services	113,813	64.9%	61,609	35.1%	175,422
Grants of legal aid	9,889	38.4%	15,863	61.6%	25,752
<b>Total</b>	<b>123,702</b>	<b>61.5%</b>	<b>77,472</b>	<b>38.5%</b>	<b>201,174</b>
<b>Civil law</b>					
Duty services	2,122	14.2%	12,855	85.8%	14,977
Grants of legal aid	818	59.1%	566	40.9%	1,384
<b>Total</b>	<b>2,940</b>	<b>18.0%</b>	<b>13,421</b>	<b>82.0%</b>	<b>16,361</b>
<b>Legal Aid NSW total</b>					
Duty services	125,463	62.1%	76,650	37.9%	202,113
Grants of legal aid	12,955	33.3%	25,978	66.7%	38,933
<b>Total</b>	<b>138,418</b>	<b>57.4%</b>	<b>102,628</b>	<b>42.6%</b>	<b>241,046</b>

<b>Community legal education</b>	<b>2017–18</b>	<b>2018–19</b>	<b>% change from previous year</b>	<b>2019–20</b>	<b>% change from previous year</b>
Criminal law	514	715	39.1%	470	-34.3%
Family law	571	739	29.4%	427	-42.2%
Civil law	870	1,268	45.7%	892	-29.7%
<b>Total</b>	<b>1,955</b>	<b>2,722</b>	<b>39.2%</b>	<b>1,789</b>	<b>-34.3%</b>

<b>Family dispute resolution</b>	<b>2017–18</b>	<b>2018–19</b>	<b>% change from previous year</b>	<b>2019–20</b>	<b>% change from previous year</b>
Number of conferences	2,911	2,879	-1.1%	2,708	-5.9%
Agreements reached	2,311	2,262	-2.1%	2,061	-8.9%
Agreement rate	79.4%	78.6%	-1.0%	76.1%	-3.1%

## Appendix 6 Law reform submissions

In 2019–2020, Legal Aid NSW made 36 law reform submissions to a range of government and non-government consultations on issues that affect our clients and our organisation.

- Statutory Review of the *NSW Civil and Administrative Tribunal Act 2013* (NSW), July 2019
- Consultation on the Residential Tenancy Regulation 2019 (NSW), August 2019
- Australian Securities and Investment Commission consultation on product intervention power use, August 2019
- Australian Securities and Investment Commission consultation paper 311: Internal dispute resolution: Update to RG 165, August 2019
- Australian Securities and Investment Commission consultation paper on intervening to stop consumer harm in short term credit, August 2019
- Treasury consultation on Extending unfair contract terms to insurance contracts, August 2019
- Inquiry into the Combatting Child Sexual Exploitation Legislation Amendment Bill 2019 (Cth), August 2019
- Australian Securities and Investment Commission consultation on unsolicited telephone sales of direct life insurance and consumer credit insurance, August 2019
- Joint Standing Committee on the National Disability Insurance Scheme (NDIS) Inquiry into NDIS Planning, September 2019 (National Legal Aid submission)
- Senate Community Affairs Reference Committee Inquiry into Centrelink's compliance program, September 2019 (National Legal Aid submission)
- NSW Review of the restrictive practices mechanism, October 2019
- The Treasury consultation on draft regulations to support the operation of the design and distribution obligation, October 2019
- Senate Inquiry into the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2019 (Cth), October 2019
- Review of the *Boarding Houses Act 2012* (NSW), October 2019
- NSW Parliamentary Inquiry into the *Modern Slavery Act 2018* (Cth) and associated matters, October 2019
- Attorney-General's Department consultation on the Exposure Draft Religious Discrimination Bill 2019, October 2019
- Attorney-General's Department consultation on improving protections of employees' wages and entitlements: strengthening penalties for non-compliance, October 2019
- Review of the *National Disability Insurance Scheme Act 2013* (Cth) and the new National Disability Insurance Scheme Participant Service Guarantee, November 2019 (National Legal Aid submission)
- NSW Ageing and Disability Commission – Disability Advocacy Consultation, November 2019
- Statutory Review of the *Road Transport Act 2013* (NSW), November 2019
- Australian Human Rights Commission discussion paper: Priorities for federal discrimination law reform, November 2019
- Australian Securities and Investment Commission consultation on product intervention power to reform the car-yard sale of financial products, November 2019
- NSW Law Reform Commission – Consent in relation to sexual offences: Draft Proposals, December 2019
- Statutory review of the *Inspector of Custodial Services Act 2012* (NSW), February 2020
- Attorney-General's Department Review of the Religious Freedom Bills – Second Exposure Drafts, February 2020
- NSW Department of Communities and Justice Review of the *Graffiti Control Act 2008* (NSW), February 2020
- The Treasury discussion paper on the establishment of a compensation scheme of last resort, February 2020
- Inquiry into the National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019 (No. 2), February 2020
- NSW Legislative Assembly Inquiry into the Protocol for Homeless People in Public Places, February 2020
- NSW Sentencing Council Review of Sentencing for homicide (murder and manslaughter), February 2020
- Council of Attorneys-General Age of Criminal Responsibility Review, February 2020 (National Legal Aid submission)
- Australian Securities and Investment Commission consultation on guidance for the new product design and distribution obligations, March 2020
- Royal Commission into National Natural Disaster Arrangements, April 2020
- Senate Inquiry into Lessons to be learned in relation to the Australian bushfire season 2019–20, May 2020 (National Legal Aid submission)
- NSW Independent Bushfire Inquiry, May 2020
- Federal Parliament Inquiry into the Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Bill 2020, June 2020

## Appendix 7 Right to information

### Obligations under the *Government Information (Public Access) Act 2009 (NSW)*

Under section 7 of the *Government Information (Public Access) Act 2009 (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 23 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 2009 (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	Refuse to deal with application
Members of the public (other)	6	3	3	1	2
Members of the public (by legal representative)	2	0	0	0	0
<b>Total</b>	<b>8</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>2</b>

\* Excludes six records that were either invalid (3 records) or were deemed refusal as no decision was made within the statutory timeframe (3 records). 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	Refuse to deal with application
Access applications (other than personal information applications)	1	1	3	0	1
Access applications that are partly personal information applications and partly other	0	2	0	0	0
Personal information applications*	7	0	0	1	1
<b>Total</b>	<b>8</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>2</b>

\* 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)	5
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	5
Number of invalid applications that subsequently became valid applications	2

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act**

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	1
Executive Council information	0
Contempt	0
Legal professional privilege	2
Excluded information	1
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
<b>Total</b>	<b>4</b>

\* 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	3
Law enforcement and security	1
Individual rights, judicial processes and natural justice	9
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	1
Exempt documents under interstate Freedom of Information legislation	0
<b>Total</b>	<b>15</b>

**Table F: Timeliness**

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	17
Not decided within time (deemed refusal)	3
<b>Total</b>	<b>20</b>

**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*	0	1	1
Internal review following recommendation under section 93 of Act	0	0	0
Review by NCAT	0	0	4**
<b>Total</b>	<b>2</b>	<b>2</b>	<b>4</b>

\* 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 uphold the original decision has been made by the Information Commissioner.

\*\* No outcome available for these four reviews as they were still ongoing at the date of reporting.

**Table H: Applications for review under Part 5 of the Act (by type of applicant)**

	Number of applications for review
Applications by access applicants	8
Applications by persons to whom information the subject of access application relates (section 54 of the Act)	0
<b>Total</b>	<b>8</b>

**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
Application-initiated transfers	0
<b>Total</b>	<b>0</b>

## Appendix 8 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 2020–2021 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 people with disability, people from culturally diverse communities, and people from LGBTIQ communities.

Focus area	Key outcome areas	What we achieved	
<b>Service delivery</b>	Mainstream services deliver for everyone	<p>9.9% of our case grant and in-house duty services were provided to clients born in non-English speaking countries.</p> <p>30.5% of our community legal education sessions were presented to multicultural audiences.</p> <p>We spent \$1,048,893 on interpreting and translation services.</p> <p>Private lawyers on our panels speak a total of 54 languages other than English.</p> <p>Our key information brochure, <i>How Legal Aid NSW can help you</i>, is available in 23 languages.</p>	
	Targeted programs fill the gaps	<p>Legal Aid NSW provides a number of targeted programs working with clients from diverse communities, including:</p> <ul style="list-style-type: none"> <li>• Our Refugee Service provided legal education and assistance to clients on refugee or humanitarian visas.</li> <li>• Our Immigration Service provided advice to clients on immigration issues, including bringing family members to Australia and the process of seeking asylum for those fleeing persecution.</li> </ul> <p>We placed a target increase of 5% on civil, family and criminal law services to be provided to Aboriginal and Torres Strait Islander clients and an increase in services provided to Aboriginal and Torres Strait Islander women through the Women's Domestic Violence Court Advocacy Program.</p>	
	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 and Law Week, where we provided information and raised awareness of our services.</p> <p>We delivered community legal education at:</p> <ul style="list-style-type: none"> <li>• Settlement Services International Orientation training sessions</li> <li>• Let's Talk: Australian law for new arrivals workshops, and</li> <li>• Your Rights at Work: employment law for new arrivals sessions.</li> </ul> <p>We delivered community legal education that targeted areas in regional NSW where refugee clients had settled.</p>	
	<b>Planning</b>	Strong plans to deliver services	Legal Aid NSW Diversity and Inclusion Plan 2020–2021 was approved by the Legal Aid Board in 2020. The Plan builds on the lessons, outcomes and achievements of the Diversity and Inclusion Plan 2018–2019 to set the strategic diversity and inclusion priorities for Legal Aid NSW for the next two years.
	Evidence-driven planning	We undertook a comprehensive review of the extent to which clients from non-English speaking backgrounds are accessing legal services through panel lawyers. The final report includes nine recommendations to be delivered under the Diversity and Inclusion Plan 2020–2021.	
<b>Leadership</b>	Demonstrated leadership in culturally inclusive practices	<p>The Legal Aid NSW Equity and Diversity Committee is chaired by the CEO. The Deputy CEO, Director Policy, Planning and Programs and Director HR are also members of the committee.</p> <p>We acknowledge and celebrate days of cultural significance internally, such as Chinese New Year, Ramadan, Reconciliation Week, and Harmony Day.</p>	

Focus area	Key outcome areas	What we achieved
<b>Engagement</b>	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	The 2019 Client Satisfaction Survey included 256 clients who do not speak English at home (18% of respondents).

## Disability

These achievements are reported against the key outcome areas of the NSW Family and Community Services Disability Inclusion Action Planning Guidelines.

Key outcome area	What we achieved
<b>Liveable communities</b>	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.
<b>Employment</b>	We maintained our Disability Confident Recruiter accreditation with the Australian Network on Disability.
	We used adjusted assessment processes to support targeted recruitment for people with disability.
<b>Systems and processes</b>	We undertook a review of accessibility resources (such as hearing loops) available across all our offices.
	We commenced a review of uptake of staff development programs by staff with disability.
<b>Community attitudes and behaviours</b>	We celebrated International Day of People with Disability in December 2019.
	We delivered community legal education on topics including: <ul style="list-style-type: none"> <li>• the National Disability Insurance Scheme</li> <li>• the Disability Service Pension</li> <li>• fetal alcohol spectrum disorder</li> <li>• My Health Record, and</li> <li>• elder abuse.</li> </ul>

## Other actions

These achievements are performance highlights that are not covered in the Legal Aid NSW Strategic Plan outcomes or actions.

Focus area	What we achieved
<b>Systems and processes</b>	We reviewed the Community Language Allowance Scheme guidelines, and invited employees to be tested for eligibility of the Allowance.

## Appendix 9 Private law firm expenditure

Based on payments made for case and duty services during 2019–2020

<b>Top 20 earning firms</b>						
<b>Firm name</b>	<b>Case payments (\$)</b>	<b>Number of case files on which payments made</b>	<b>Duty payments (\$)</b>	<b>Number of duty services provided</b>	<b>Total amount paid (\$)</b>	
1 Ross Hill & Associate Solicitors	1,790,417	266			1,790,417	
2 O'Brien Solicitors	1,036,368	246	11,513	70	1,047,881	
3 Criminal Law Group Pty Ltd	846,306	164			846,306	
4 Ryan & Payten Criminal Law Specialists	730,772	200	73,250	480	804,022	
5 Ramsland Laidler	741,995	149	43,450	353	785,445	
6 George Sten & Co	765,480	95			765,480	
7 O'Brien Winter Partners Pty Ltd	710,171	75	47,763	345	757,933	
8 William O'Brien & Ross Hudson Solicitors	669,988	102	12,013	84	682,001	
9 Blair Criminal Lawyers Pty Ltd	629,621	149			629,621	
10 Phillip A Wilkins & Associates	620,602	212			620,602	
11 Oxford Lawyers Pty Ltd	612,612	162			612,612	
12 Acorn Lawyers	594,420	211	7,313	42	601,733	
13 Blomfield Legal	523,910	264	71,438	560	595,347	
14 Abbas & Co Lawyers	583,749	86			583,749	
15 Voros Lawyers	553,308	136	29,125	178	582,433	
16 Scott Mackenzie Lawyers	513,164	173	56,513	534	569,677	
17 Hammond Nguyen Turnbull	517,981	151	25,500	183	543,481	
18 Rodney Kennedy Solicitors Pty Ltd	472,020	121	52,075	444	524,095	
19 Toomey Criminal Defence Lawyers	512,562	105			512,562	
20 Tim Mara (Solicitor) with Rafton Family Lawyers Parramatta	475,761	241	14,800	43	490,561	





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# Offices



We provide legal services through our network of 25 offices across Sydney and regional NSW, as well as two satellite offices in Bourke and Walgett.

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**Central Sydney**

323 Castlereagh St  
Sydney 2000  
PO Box K847  
Haymarket NSW 1240  
Tel: 9219 5000  
TTY: 9219 5126

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**Metropolitan offices****Bankstown**

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Tel: 9707 4555

**Blacktown**

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15 Kildare Rd  
Blacktown 2148  
Tel: 9621 4800

**Burwood**

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Burwood 2134  
Tel: 9747 6155  
TTY: 9747 0214

**Campbelltown**

Suite 1, Level 4  
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Campbelltown 2560  
Tel: 4628 2922

**Fairfield**

Suite 1, Level 2  
25 Smart St  
Fairfield 2165  
Tel: 9727 3777

**Liverpool**

Level 4, 45–47 Scott St  
Liverpool 2170  
Tel: 9601 1200

**Parramatta****Civil and Family Law**

Level 4, 128 Marsden St  
Parramatta 2150  
Tel: 9891 1600

**Parramatta****Criminal Law**

Parramatta Justice Precinct  
Level 1, 160 Marsden St  
Parramatta 2150  
Tel: 8688 3800  
TTY: 9687 7538

**Penrith**

Level 4, 2–6 Station St  
Penrith 2750  
Tel: 4732 3077

**Sutherland**

Ground Floor  
Endeavour House  
3–5 Stapleton Ave  
Sutherland 2232  
Tel: 9521 3733

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**Regional offices****Broken Hill**

194 Argent St  
Broken Hill 2880  
Tel: 8004 9600

**Coffs Harbour**

41 Little St  
Coffs Harbour 2450  
Tel: 6651 7899

**Dubbo**

64 Talbragar St  
Dubbo 2830  
Tel: 6885 4233

**Gosford**

92–100 Donnison St  
Gosford 2250  
Tel: 4324 5611

**Lismore**

Level 5, Westlawn Building  
29 Molesworth St  
Lismore 2480  
Tel: 6621 2082

**Newcastle****Civil and Family Law**

Level 2, 51–55 Bolton St  
Newcastle 2300  
Tel: 4929 5482

**Newcastle****Criminal Law**

Level 3, 400 Hunter St  
Newcastle 2300  
Tel: 4929 5482

**Nowra**

Level 2, 59 Berry St  
Nowra 2541  
Tel: 4422 4351

**Orange**

Suite 4, 95 Byng St  
Orange 2800  
Tel: 6362 8022

**Port Macquarie**

107 William St  
Port Macquarie 2444  
Tel: 5525 1600

**Riverina Murray (Albury)**

Suite 1A, Level 1  
520 Swift St  
Albury 2640  
Tel: 6020 7200

**Riverina Murray  
(Wagga Wagga)**

Ground Floor  
74–76 Fitzmaurice St  
Wagga Wagga 2650  
Tel: 6921 6588

**Tamworth**

Suite 3, Level 1  
155 Marius St  
Tamworth 2340  
Tel: 6766 6322

**Wollongong**

73 Church St  
Wollongong 2500  
Tel: 4228 8299

**Office hours**

Central Sydney: 8.30am to 5.30pm

All other offices: 9.00am to 5.00pm

Produced by the Communications Unit of Legal Aid NSW. This report is also available for viewing at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) > Publications > Annual report

