

Annual Report 2020-2021

Delivering high-quality and accessible services to our clients.



About Legal Aid NSW

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

Legal Aid NSW provides legal services across NSW through a statewide network of 25 offices, two satellite offices and over 240 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. Legal Aid NSW strives 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 27 Women's Domestic Violence Court Advocacy Services and 32 community legal centres. We collaborate with other agencies providing social and support services to disadvantaged and marginalised people, helping us deliver integrated services to address clients' legal and non-legal needs.

Our Board establishes our broad policies and strategic priorities. 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 the 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 18th Gold Award. This is our 42nd annual report. It is available online, along with reports from earlier years, at 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 30 June 2021 to you for presentation to Parliament.

Yours sincerely,



Brendan Thomas
Chief Executive Officer
October 2021

Legal Aid
NEW SOUTH WALES

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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.



Legal Aid NSW Aboriginal Services Branch Manager Scott Hawkins, Legal Aid NSW CEO Brendan Thomas, Founder and CEO of ID. Know Yourself Isaiah Dawe, and Legal Aid NSW Private Lawyer Quality Standards Unit Solicitor in Charge Melissa Burgess on stage at the 2021 Legal Aid NSW Conference.

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Key achievements

- ★ We continued to provide services during COVID-19.
- ★ We helped hundreds of people affected by floods and bushfires.
- ★ We continued to update and develop digital initiatives to improve accessibility to our services.
- ★ We introduced a new flexible working policy for all staff.
- ★ We implemented new and universal triage so that all people seeking assistance are consistently directed to the right level and type of service.
- ★ We finalised our integration with LawAccess NSW.
- ★ We held an inaugural organisation-wide virtual conference celebrating our staff and achievements of the past year.
- ★ We made sure our staff were healthy and well during the COVID-19 pandemic.

The year ahead

- ➔ We will improve our services to clients by developing a digital portal.
- ➔ We will continue to provide quality services to clients and keep our staff safe and well during the COVID-19 pandemic.
- ➔ We will implement a new direction in family law, focusing on children and Aboriginal and Torres Strait Islander clients.

Key challenge

- 🔴 Maintaining high-quality and accessible services for our clients via an engaged and supported workforce, within the constraints and challenges posed by COVID-19.

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, to 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 across NSW.

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 2020–2021 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 Legal Aid NSW's Annual Report for 2020–2021.

I take this opportunity to acknowledge the passion and commitment displayed by Legal Aid NSW staff over two years of fire, flood, and pandemic. The Board has had occasion to acknowledge outstanding initiatives in client services provided over this challenging period, and corporate services' work in providing the foundations for it to continue.

Legal Aid NSW has been well served by the Pandemic Control Centre led by Deputy CEO Monique Hitter in responding to ever-evolving challenges posed by COVID-19, associated restrictions and the significant impacts on our staff and our clients. The Board and I commend the Pandemic Control Centre's work in developing the Framework for Client Contact during COVID-19, which has provided clear, flexible guidance for the CEO's decisions on maintaining a safe work environment across our offices in NSW.

The Board and I would like to thank the Commonwealth and NSW Governments for funding support which has enabled Legal Aid NSW to respond to the particular legal needs emerging from COVID-19, floods and bushfires, and to respond to the increase in demand for legal assistance from victim-survivors of domestic and family violence.

I am proud to report that the Board has given its support to the Uluru Statement from the Heart and the outcomes it seeks. We remain concerned about the high incarceration rates of Aboriginal and Torres Strait Islander people and the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care.



Accordingly, the Board is committed to supporting initiatives directed at improving access to justice for Aboriginal and Torres Strait Islander people. We are impressed by the commitment demonstrated by all areas of Legal Aid NSW to increase the services provided to Aboriginal and Torres Strait Islander clients, along with other initiatives within Legal Aid NSW to boost employment of Aboriginal and Torres Strait Islander people, support procurement from Aboriginal and Torres Strait Islander businesses, and develop cultural competency and safety in the workplace.

Specific initiatives such as the Civil Law Service for Aboriginal Communities' work on access to the Stolen Generations Reparations Scheme, internal reviews of Legal Aid NSW policies to ensure they do not create unintended barriers to Aboriginal and Torres Strait Islander people accessing our services, and the work of the Aboriginal Services Branch are worthy of note.

Recognition of outstanding service

In November 2020 the Board congratulated Kylie Beckhouse on her appointment as a judge of the Federal Circuit Court. Her Honour had been family law director since 2009 and in that position, she provided outstanding assistance to the Board.

The Board also acknowledged Sally Bryant's award of the Public Service Medal in the Australia Day Honours List. Sally coordinates the Disaster Response Legal Service (DRLS), leading the legal assistance response to the 2019–2020 bushfires.

The DRLS is a wonderful demonstration of what can be achieved by harnessing the commitment of Legal Aid NSW staff and solicitors, and employing collaborative approaches to service provision, including with Resilience NSW, Service NSW, community legal centres across NSW, Justice Connect, and pro bono assistance from the legal profession. The state is well served by the leading role DRLS plays in legal responses to disasters.

The Board commends the work of the Private Lawyer Quality Standards Unit in embedding a clear and consistent approach to supporting the quality of legal aid services provided by private lawyers through the implementation of the Private Lawyer Quality Framework and the successful reform of the panel process.

Matters in the pipeline

The following initiatives are underway in consultation with the Board:

- implementation of a new direction for our family law services
- finalisation of the sexual harassment and unacceptable behaviour policies, and
- reform of the appeal and review processes.

Special thanks

I thank the members of our Board and of the Audit and Review Committee for their commitment and support. All members have made important contributions to the achievement of Legal Aid NSW's statutory remit – to ensure that legal aid is readily available and easily accessible to disadvantaged people throughout NSW and is provided efficiently and effectively. I acknowledge and thank the many volunteer members, past and present, who have served on Legal Aid Review Committees.

The provision of legal aid in NSW is dependent upon the private legal profession and I thank those practitioners undertaking this work, for their service to the community, and in supporting Legal Aid NSW to achieve its purpose. I acknowledge the work of community legal centres across NSW – our close and collaborative working relationship was aptly demonstrated during recent disasters.

Finally, I acknowledge the outstanding leadership of Legal Aid NSW CEO Brendan Thomas. The successful ongoing reform agenda, support provided to staff through difficult times, and the excellent reputation enjoyed by Legal Aid NSW are testaments to Brendan's leadership. Brendan is ably supported by the Executive, who are frequently commended by the Board on their foresight, energy, and commitment.

The year ahead

Stay positive, support each other, and reach out for help when needed. Ensuring that Legal Aid NSW maintains its resilience is key to our ability to respond with care and expertise to growing community need for assistance to address legal issues arising from the COVID-19 pandemic. I know that Legal Aid NSW and our partners will rise to meet these and other forthcoming challenges.



Craig Smith
Chair, Legal Aid NSW

CEO's report

Gawaymbahnha malayarr. As a proud Wiradjuri man, I acknowledge the ancestors, the Elders past, present and emerging from across our ancient land and where Legal Aid NSW has its footprints – on the country of the Wiradjuri, the Dharawal, the Darkinjung, the Yuin, the Kamilaroi, Bundjalung, Gumbangirr, Biripi, Awabakal, Dharug, Gadigal, Paakindji, Ngemba and Dhungutti.

I have had the privilege of leading Legal Aid NSW since May 2017 and it is with great pride that I present Legal Aid NSW's Annual Report for 2020–2021. The report details the significant challenges we have faced in maintaining accessible and high-quality client services while ensuring our staff are supported.

COVID-19 brought more change into our workplace, our families and our communities than any of us have seen in our lifetimes. Work at Legal Aid NSW now looks very different – we have simply been unable to work like we did before. The quick assessments of risk to staff and clients and rapid refashioning of our services made in early 2020 have become entrenched adaptations.

Ensuring that legal aid is “readily available and easily accessible to disadvantaged people throughout NSW” is more challenging than ever. Maintaining our focus on putting our clients at the centre of everything we do has required an abundance of care and creativity from staff. We are connecting with clients, colleagues and courts via phone, Teams or Zoom, and while we have embraced these innovations, the COVID-19 pandemic has shone a light on some of the difficulties we face in creating and maintaining strong mechanisms for accessing legal aid.

Lockdowns and the switch to digital service provision immediately impacted on the accessibility of legal aid services, exacerbated digital divides, and in some cases compromised due process. We have been unable to hold face-to-face outreach events and community legal education. Our intensive, relationship focused, place-based outreach to communities had to stop, along with the ability to monitor the delivery of justice by police and other service providers.

We, along with the rest of the sector, have had to respond to increases in the frequency and severity of domestic and family violence, and navigate how to maintain contact with and assist people deprived of liberty due to lockdowns. This has put pressure on all of us – the clients we assist, our partners, community legal centres, courts and tribunals, and the NSW Government.

Despite this, Legal Aid NSW has not skipped a beat – we have not stopped providing services, and our dedicated, passionate staff have not stopped thinking about how to do their best by our clients. Staff responded to the ongoing changes with grace, patience, creativity, and good humour – Legal Aid NSW has the best and most dedicated people you can find.

We've come through the past year a more resilient, stronger organisation that is better equipped for the future. I will now highlight some of Legal Aid NSW's key achievements over the past year.



Our response to COVID-19

Legal Aid NSW continued to benefit from the comprehensive response to COVID-19 developed in early 2020, thanks to the tireless work of Deputy CEO Monique Hitter and the Pandemic Control Centre (PCC), which coordinates our response to the imposition and easing of restrictions, engages in high-level problem solving and communicates the outcomes to our staff and external stakeholders about our strategies and responses to COVID-19.

I have been continually impressed in the utility and flexibility of the PCC-developed Framework for Client Contact during COVID-19 as a decision-making and communication tool. The PCC monitored and reviewed arrangements in accordance with advice from NSW Health and Public Health Orders and provided advice to ground my decisions as to how each office should operate. This was some of the most challenging work in the organisation and I felt ably supported by this talented group of hardworking and considered leaders.

At the time of writing, Legal Aid NSW had again closed its doors to the public until further notice following the NSW Government's announcement of stay-at-home orders. The majority of Legal Aid NSW staff were working from home, except for some essential functions that cannot be completed from home, including court attendance and mail services.

These measures have been effective in keeping our clients and staff safe and are flexible enough to ensure that we can maintain our critical functions and our services to our clients.

Sexual harassment and unacceptable behaviour in the workplace

I take a strong stance against sexual harassment and unacceptable behaviour. Engendering a culture where everyone feels safe, valued, and respected in the workplace is of paramount importance to me. This commitment is shared by Legal Aid NSW's Board and Executive.

This year we drafted new sexual harassment and unacceptable behaviour policies which set out Legal Aid NSW's zero-tolerance approach. Our next steps are to consult with staff and the Public Service Association, and then develop resources to assist us to respond appropriately if such conduct arises.

Bushfire and flood response

I'm incredibly proud of the leading role Legal Aid NSW has played in coordinating legal responses to disasters over the last 18 months. The agility with which the Disaster Response Legal Service (DRLS) mobilised Legal Aid NSW solicitors to provide advice to disaster affected communities, coordinated with community legal centres, Service NSW and Resilience

NSW, and harnessed support from the private profession and Justice Connect was truly impressive.

The development of a scalable disaster response service model meant that the DRLS was immediately able to respond when heavy rainfall caused major flooding across NSW in March 2021. Responsive and flexible legal service delivery is increasingly important to respond to more frequent, destructive weather events.

A new home for LawAccess NSW at Legal Aid NSW

Driven by a dedication to streamline access to legal assistance, Legal Aid NSW commenced integrating LawAccess NSW into its operations in 2020.

The aim of this integration was to ensure LawAccess NSW becomes the first port of call for people needing legal assistance and advice, and that clients needing ongoing assistance are seamlessly referred into Legal Aid NSW – minimising confusion, effort, and distress for clients. This transition has been smooth, and we are now assisting people via webchat, an increasing number of self-help options, and clients are being triaged into Legal Aid NSW using e-referrals. This is helping us target our services to those who need them the most.

Roll out of the triage framework

We introduced a consistent triage framework across all of our offices and LawAccess NSW. We started to see the benefits in prioritising disadvantaged clients and reducing wait times for these clients to get access to legal advice and assistance. I look forward to seeing a shift in the clients we provide assistance to and the work we assist with, ensuring that our most intensive services are provided to those at most disadvantage.

Flexible working practices

Central to our ability to maintain high service standards and functionality has been the implementation of flexible working practices at Legal Aid NSW in November 2020.

Challenging long-held assumptions of what it means to 'show up' in the workplace, the democratisation of access to flexible work options through an "if not, why not" approach, and an emphasis on trust and connectedness, has led to a cultural shift within Legal Aid NSW. In June 2021, 1,021 employees who regularly work flexibly had submitted a flexible work arrangement request form, of which 863 had been approved.

I'm particularly grateful to Human Resources for developing and implementing a best practice flexible work program in consultation with our staff and the Public Service Association that leads the public sector, and to the Information and Communications Technology Division in swiftly responding to the increased demand for technological assistance and equipment.

Family Law Blueprint

This year we completed complex, introspective work into the strengths of our family law practice and opportunities to realign our practices towards our most disadvantaged clients. The result of this analysis and extensive and productive consultation is the Family Law Blueprint, which sets out the future direction of our family law practice and focuses on making families safe and functional.

I would like to thank all staff involved in shaping this important work, which aims to shift our orientation towards providing more culturally safe services to Aboriginal and Torres Strait Islander

clients, more collaborative early intervention work, and identifying ways to strengthen the care and protection practice. I look forward to seeing the results of this work in the coming years.

Digital client initiatives – Grants Tracker, webchat, guided pathways

The Client Service Unit is leading some of the most transformative work being undertaken at Legal Aid NSW. They are focused on making improvements to the way people access legal aid services and expanding digital service offerings. This future-focused work responds to what our clients say about how they want to engage with us.

The last year has seen increased uptake of the improved Grants Tracker, the introduction of webchat as a new way to obtain legal information, and the development of guided pathways to resolve common legal matters for those who can self-help. This work sets the foundations for the introduction of a digital client portal in 2022, enabling clients to track their legal matters on their smartphones and receive timely information from us.

Focus on private lawyers

Private lawyers provide approximately half of all Legal Aid NSW services and are crucial enablers of our ability to deliver legal aid efficiently and effectively across the state.

In 2020–2021, Legal Aid NSW developed a framework for engaging effectively with private lawyers to support, drive and monitor quality. This work resulted in consolidating 14 different sets of practice and client service standards into one set of quality standards, shifting to a law practice-based approach to panel membership, changes to our service agreement to formally embed the quality standards and creating accountability for meeting those standards.

We progressed amendments to the *Legal Aid Commission Act 1979* (NSW) to provide flexibility, responsiveness and quality control of private lawyers funded to do legal aid work. Finally, to ensure this focus endures, we established a new team, the Private Lawyer Quality Standards Unit, tasked with proactively monitoring the quality of services provided by private lawyers funded to do legal aid work. The unit is guided by quality priorities, which determine focus areas of legal service delivery for improvement.

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, and our strong partnership with the Aboriginal Legal Service (NSW/ACT).

Finally, thanks to our staff who have endured so much uncertainty and change this year and just kept going for the sake of our clients. Recognition goes to our committed lawyers who continued going to court at the height of the pandemic, those that managed complex legal practices including conducting hearings at home with children in tow, and to our dedicated mail room, facilities and service desk staff who ensured that the wheels of justice were able to keep turning.



Brendan Thomas
CEO, Legal Aid NSW

Key activities of the Board

The Board of Legal Aid NSW consists of 10 members, including the Chair and the CEO of Legal Aid NSW. The members of our Board determine our broad policies and strategic priorities, and they monitor risks.

Meetings of the Board

The Board held six meetings in 2020–2021.

Engagement with committees

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

Decisions of the Board 2020–2021

25 August 2020

- Approved policy changes arising from our Aboriginal Client Services Strategy that aim to make Legal Aid NSW services more accessible to Aboriginal people.
- Expanded extended legal assistance (ELA), a representation service, for certain civil and criminal law matters, including primary claims for Department of Veterans' Affairs assistance, visa matters, sexual assault communications privilege matters, and matters assisting high risk offenders with complex needs.
- Approved increases in fees payable to private lawyers for preparation in indictable crime matters.
- Approved the repeal of the driver disqualification licence policy.

27 October 2020

- Approved the expansion of ELA to coronial inquest matters.
- Approved the introduction of a policy allowing representation in criminal contempt matters where there is a risk of gaol.

1 December 2020

- Noted the appointment of Kylie Beckhouse to the Federal Circuit Court of Australia.
- Noted the increase in demand for domestic and family violence services.

23 February 2021

- Approved expanding ELA for matters involving correcting errors in the NSW Child Protection Register.
- Approved the Legal Aid NSW Domestic and Family Violence Strategy 2021–2023.

27 April 2021

- Approved the use of ELA to assist clients to access victims' support.
- Approved the revised Audit and Risk Committee and Internal Audit Charters.

29 June 2021

- Approved the Legal Aid NSW Strategic Plan 2021–2022.
- Approved the Legal Aid NSW Elder Abuse Strategy 2021–2022.
- Passed a motion in support of the Uluru Statement from the Heart.



The year ahead

- ➔ The Board will oversee the implementation of the fourth year of the Legal Aid NSW Strategic Plan 2018–2023.
- ➔ The Board will oversee the implementation of the Family Law Blueprint.

Board members | 1 July 2020 to 30 June 2021



Craig Smith

Dip Law (BAB) Dip Crim (SYD)

Chair

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

(Attended six meetings)



Brendan Thomas

BA

Chief Executive Officer

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

Before this, he was a deputy secretary in the NSW 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 2 September 2022.

Dr Dwyer was called to the bar in 2010 after more than 10 years as a solicitor, specialising in criminal law and, later, coronial law. She 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 disciplinary 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 five 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. Ms Van Onselen has been reappointed until 2 September 2022.

Ms Van Onselen is an experienced, strategic executive with an extensive background across financial services and law. As a seasoned business leader with strong commercial acumen, she has extensive experience in change management, talent development, forward thinking strategy development and execution, digital transformation, advocacy and risk and compliance governance.

She is the Chief Executive Officer of Chartered Accountants Australia and New Zealand. Prior to this role, Ms Van Onselen held senior roles over six years at Westpac Group including Managing Director of RAMS, General Manager of Deposits and Unsecured Lending, Chief of Staff to the CEO, and Global Director of Women's Markets and Inclusion and Diversity.

With a Bachelor of Laws from the University of Western Australia and a Masters of Applied Finance, Ms Van Onselen has over 20 years' experience including as a litigation law partner, law academic and as a non-executive director of various listed, government and not-for-profit organisations including membership bodies. She is currently the Chair of Kambala Girls School, and a non-executive director of Global Accounting Alliance, Chartered Accountants Worldwide, and share registry company Automic. She is also the former Deputy Chairperson of the Insurance Commission of Western Australia.

(Attended five meetings)

Board members | 1 July 2020 to 30 June 2021



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 2 September 2022.

The Board also appointed Mr Coleman as Chair of the Audit and Risk Committee from 29 June 2016 to 2 September 2022.

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 board member of and Chair of 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 holds several significant roles with the Australian Institute of Company Directors.

He is an Adjunct Professor at the UNSW Australian School of Business, 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. Dr Henry has been reappointed until 2 September 2022.

Dr Henry is an Emeritus Professor at the University of New South Wales (UNSW). He was Professor of Paediatrics at both the University of Newcastle and UNSW, and has 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. Dr Henry's current unpaid roles include Director of the Children's Cancer Institute, Chairman of Trustees of Sydney Grammar School and Director of Luminesce Alliance.

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 six 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 2 September 2022.

Ms Gilchrist is a senior intellectual property disputes partner at Herbert Smith Freehills. 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 has strong management experience, having been the Regional Managing Partner of Herbert Smith Freehills for Asia and Australia until 2017. She is a member of the Global Council for Herbert Smith Freehills, and is also a member of her firm's governance body for pro bono and citizenship. Ms Gilchrist 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 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. Ms Cody has been reappointed until 2 September 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.

Ms Cody 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 six meetings)

Board members | 1 July 2020 to 30 June 2021



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 2 September 2019 to 2 September 2022.

Mr McGrath is a Senior Registrar with the Federal Circuit and Family 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 primarily on supporting early childhood literacy in disadvantaged communities.

Elected to the Council of the Law Society of NSW in 2018, Mr McGrath is the treasurer and Chair of their Audit, Risk and Finance Committee. He also sits on various committees including the Family Law and Alternative Dispute Resolution Committee and the Fidelity Fund Committee. He is currently a sessional lecturer at Western Sydney University.

(Attended six meetings)



Alison McRobert

BA LLB (Wollongong University)

Board member

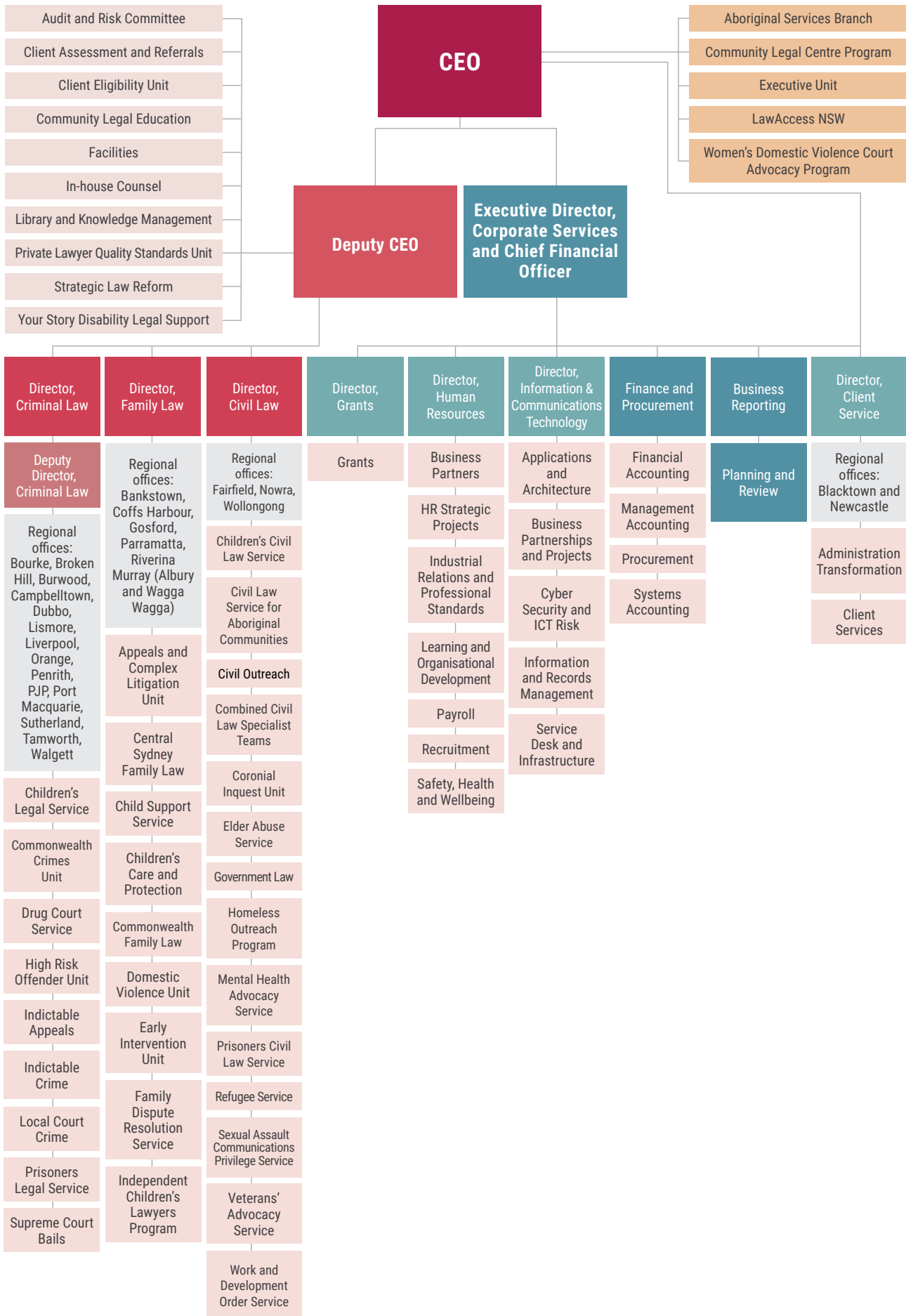
Alison McRobert was appointed by the NSW Attorney General as a representative of Unions NSW for the period 2 September 2019 to 2 September 2022.

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 several 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 five meetings)

Organisational structure



Senior Executive, 1 July 2020 to 30 June 2021



Brendan Thomas

BA

Chief Executive Officer
(Band 3)

Budget total: \$396.0m
Total staff (full-time equivalent): 1,272.0
Total actual: 1,440



Monique Hitter

BSW, Dip Law

Deputy Chief Executive Officer
(Band 2)

Budget total: \$259.2m
Total staff (full-time equivalent): 1,014.5
Total actual: 1,147



Helen Jessop

BA (Hons), ACMA, CGMA

Executive Director, Corporate Services and Chief Financial Officer
(Band 2)

Budget total: \$396.0m
Total staff (full-time equivalent): 159.2
Total actual: 169



Annmarie Lumsden

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

Director, Criminal Law
(Band 1)

Budget total: \$131.7m
Total staff (full-time equivalent): 275.7
Total actual: 296



Alexandra Colquhoun

BA, LLB, MA, LLM (Hons), Accredited Specialist (Family Law)

Acting Director, Family Law
(Band 1)

Budget total: \$60.3m
Total staff (full-time equivalent): 214.9
Total actual: 243

Kylie Beckhouse was Director, Family Law from 1 July 2020 to 27 November 2020.



Meredith Osborne

BA (Hons), LLB

Director, Civil Law
(Band 1)

Budget total: \$30.1m
Total staff (full-time equivalent): 188.7
Total actual: 213

Senior Executive, 1 July 2020 to 30 June 2021



Jane Cipants

BSW, M Social Policy, EMPA

Director, Client Service

(Band 1)

Budget total: \$2.5m
Total staff (full-time equivalent): 16.7
Total actual: 17



Michelle Jones

*BA Community Management,
Grad Cert Adult Education, Master
of Public Administration*

Director, Human Resources

(Band 1)

Budget total: \$4.3m
Total staff (full-time equivalent): 29.4
Total actual: 32



Jocelyn Flanagan

BA, LLB

Director, Grants

(Band 1)

Budget total: \$8.4m
Total staff (full-time equivalent): 71.8
Total actual: 77



Wayne Gale

BA (Computing) MCom (Accounting)

**Director, Information and
Communications Technology**

(Band 1)

Budget total: \$13.0m
Total staff (full-time equivalent): 34.0
Total actual: 35



Robert Hoyles

*EMPA, LLB (Hons), BA (His, Pol, Phil),
Accredited Specialist (Criminal Law)*

Deputy Director, Criminal Law

(Band 1)

Budget total: \$131.7m
Total staff (full-time equivalent): 148.4
Total actual: 162

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 and operations are overseen by the CEO, who has a performance agreement with the NSW Attorney General. The Deputy CEO, the Executive Director Corporate Services and Chief Financial Officer, and directors listed on pages 13–14 assist and 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 articulates how we address the requirements of the Public Service Commission and the ethical framework provisions in the *Government Sector Employment Act 2013 (NSW)*.

The Code of Conduct:

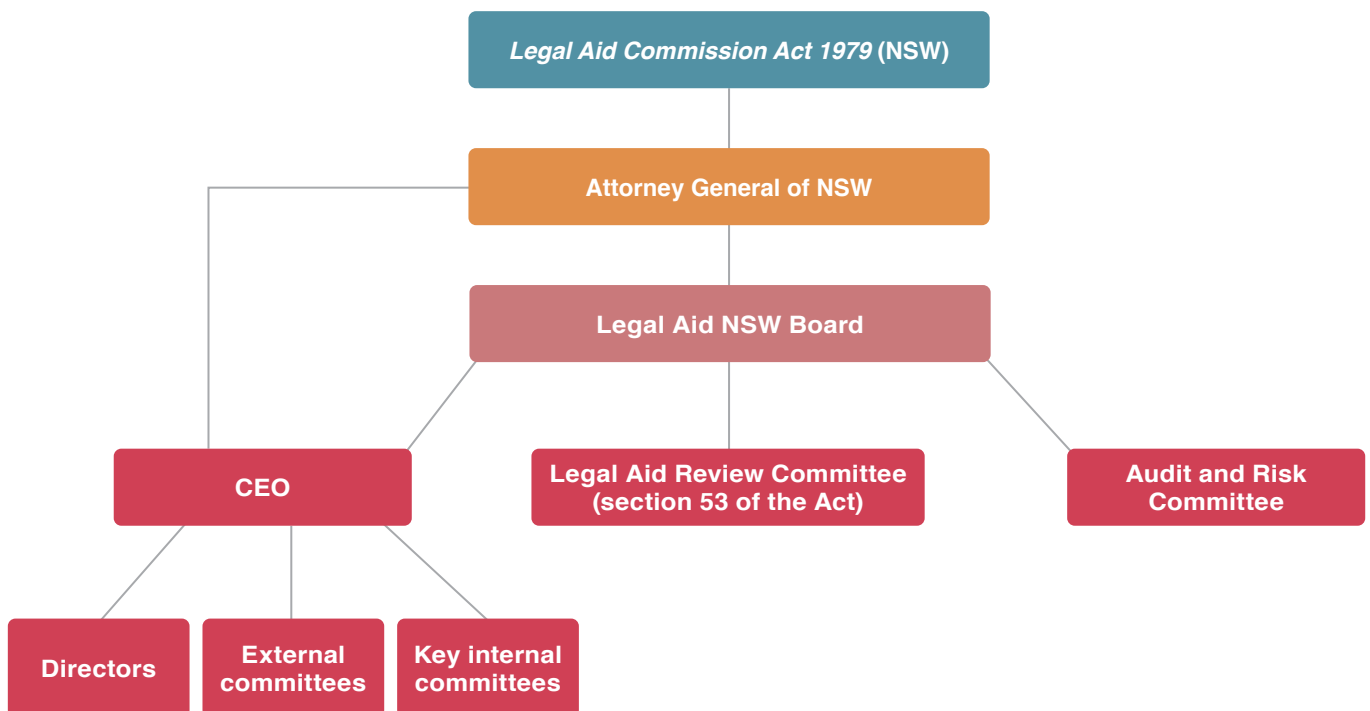
- sets the legal, ethical and institutional context for ethical conduct by NSW Government sector employees
- provides advice to all employees on demonstrating ethical good practice in leadership, decision-making and other responsibilities, and
- clearly outlines the responsibility of all employees to 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 our Individual Planning tool.

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 Executive Director Corporate Services and Chief Financial Officer provides expert advice at Audit and Risk Committee and Board meetings.



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 of 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 Australia 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 and former Deputy Solicitor of Public Prosecutions. 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. She is an independent member of the Office of the Director of Public Prosecutions Executive Board and three public sector audit and risk committees.



Business continuity

We have an organisational Service Disruption Plan to respond to events that pose a risk to the continuation of business activities. We have also developed a Service Disruption Plan for each Legal Aid NSW office which 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 plans address a range of actions that are required to manage such events and provides a recovery management team to oversee the recovery process.

We have also developed a Service Disruption Plan for COVID-19 which identifies specific actions and strategies. This includes interacting with the general public in a variety of settings including in Legal Aid NSW offices, outreach clinics, correctional facilities and at courts. We have established a Pandemic Control Centre (PCC) to review and update this plan in light of the rapidly changing circumstances and to coordinate its implementation.

Fraud and corruption processes

Legal Aid NSW is committed to conducting business with honesty and transparency. Our Fraud and Corruption Prevention Plan outlines the steps we take to prevent fraud and other corrupt behaviour. The framework uses a number of controls including responsibility structures, risk assessments, reporting systems, investigation standards, and conduct and disciplinary standards. It complements related policies including the Code of Conduct and Protected Disclosure Policy.

A formal Fraud and Corruption Control Plan is under development.

The year ahead

- ➔ We will conduct nine internal audits.
- ➔ We will implement the fourth year of the Legal Aid NSW Strategic Plan 2018–2023.

Report from the Audit and Risk Committee 2020–2021

The objective of the Audit and Risk Committee is to provide independent assistance to the CEO and Board by monitoring, reviewing and providing advice about Legal Aid NSW governance processes, risk management and control frameworks, and its external accountability obligations.

The Committee comprises three independent members:

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

The CEO, Deputy CEO who is also the Chief Audit Executive and Chief Risk Officer, Executive Director Corporate Services and Chief Financial Officer, Senior Internal Auditor and representatives from the NSW Audit Office attend each meeting. The Committee also invites other key Executive staff and external service providers to attend as necessary.

The Committee met on six occasions in 2020–2021 and reviewed a range of matters including:

- monitoring of strategic plan and quarterly strategic project updates
- monitoring of financial position, trends and budget compliance
- monitoring of internal and external audits
- monitoring of the impact of COVID-19 on the organisation
- operations and service delivery
- panel lawyer audits
- CCMS post implementation review
- BUDSAS project implementation review
- Service Disruption Plans and COVID-19 risk register
- NSW Audit Office management letter
- six-monthly report on Gifts and Benefits Register
- six-monthly report on implementing Grants Efficiency Project
- six-monthly report on Fraud and Corruption Prevention Framework
- increased working from home, virtual court sittings and virtual client consultation
- disruption to ICT equipment supply chains
- cyber security risk
- financial, compliance and reputational risk
- risk assessment, identification, mitigation and reporting
- internal controls to mitigate risks in the areas of work health and safety, cyber security, fraud, corruption and compliance
- financial statements, external audit reports and external auditor's management letters
- internal audit reports and reviews, and
- follow-up of implementation of internal and external audit recommendations.

The following internal audits and reviews were undertaken during the year:

1. review of safety, work, health and wellbeing function
2. internal controls and delegations
3. review of ISMS for conformance with ISO 27001 controls and compliance with NSW Government Cyber Security Policy
4. review of Conflict of Interest Policy (six-monthly audit completed in November 2020)
5. review of SAP human resource processes (in progress)
6. review of compliance with Transport for NSW's DRIVES24 Terms of Access Agreement
7. risk management maturity assessment, update of Enterprise Risk Management Framework and Strategic Risk Register (in progress)
8. external assessment of internal audit function
9. surveillance audit under ISO 27001, and
10. review of Conflict of Interest Policy (six-monthly audit completed in June 2021).

For the year 2020–2021, we progressed or completed 10 internal audits and reviews, including an external assessment of the internal audit function (as mandated in TPP 20-08). The external assessment of the internal audit function was carried out by the Institute of Internal Auditors Australia. It concluded that the internal audit function at Legal Aid NSW is operating professionally and generally conforms with the Internal Audit Standards – the highest rating that can be achieved.

Performance audits completed

2016–17	6
2017–18	6
2018–19	5
2019–20	4
2020–21	9

Target for 2021–2022: 9



Monique Hitter

Deputy CEO, Chief Audit Executive
and Chief Risk Officer
August 2021

Cyber Security Annual Attestation Statement for the 2020–2021 Financial Year for Legal Aid NSW

I, Brendan Thomas, CEO of Legal Aid NSW, am of the opinion that Legal Aid NSW has managed cyber security risks in a manner consistent with the mandatory requirements set out in the NSW Government Cyber Security Policy.

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 ISMS that aligns to the ISO 27001:2013 standard, with the objective of continual information security improvements whilst supporting security policies and objectives
- utilising the Plan-Do-Check-Act (PDCA) model to achieve continuous improvement, and
- escalating cyber security incidents, should they occur, to Cyber Security NSW as required.

An independent audit of the ISO 27001-certified Legal Aid NSW Information Security Management System was undertaken during the reporting period by ISO-accredited auditors and found to be adequate.



Brendan Thomas
Chief Executive Officer
30 August 2021

Internal Audit and Risk Management Attestation Statement for 2020–2021

I, Brendan Thomas, am of the opinion that Legal Aid NSW has internal audit and risk management processes in operation that are, excluding the exemptions or transitional arrangements described below, compliant with the seven Core Requirements set out in the Internal Audit and Risk Management Policy for the General Government Sector, specifically:

Core Requirements	Status*
Risk Management Framework	
1.1 The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency	Compliant
1.2 The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018	Compliant
Internal Audit Function	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose	Compliant
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing	Compliant
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
Audit and Risk Committee	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Non-compliant with respect to the core requirement 3.1.16** which provides a maximum term of five years for the Chair of the Audit and Risk Committee
3.2 The Accountable Authority shall ensure 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.

**Core requirement 3.1.13 as per TPP 15-03.

Membership

The Chair and members of the Audit and Risk Committee are:

- **Mr Michael Coleman** – Independent Chair
29 June 2016 to 2 September 2022
- **Mr Peter Whitehead** – Independent Member
28 October 2014 to 28 October 2022
- **Ms Robyn Gray** – Independent Member
11 March 2017 to 11 March 2023

Departures from Core Requirements

I, Brendan Thomas, advise that the internal audit and risk management processes for Legal Aid NSW depart from the following Core Requirement set out in the Internal Audit and Risk Management Policy for the General Government Sector.

The circumstances giving rise to these departures have been determined by the Responsible Minister and Legal Aid NSW has implemented the following practicable alternative measures to meet the Core Requirements.

Departure	Reason for departure and description of practicable alternative measures implemented/being implemented
Non-compliance	
<p>3.1.16 of TPP 20-08 (which corresponds to 3.1.13 of TPP 15-03):</p> <p><i>“The chair of the ARC shall be appointed for one (1) term only for a period of at least three (3) years, with a maximum period of five (5) years. The term of appointment for the chair can be extended but any extension shall not cause the total term to exceed five (5) years as a chair of the ARC.”</i></p> <p>The Chair of ARC whose maximum term of office of five years expires on 23 June 2021 has been given an extension up to 2 September 2022.</p>	<p>Mr Michael Coleman was appointed to the Legal Aid NSW Board from 23 June 2016 to 22 June 2019 and reappointed from 2 September 2019 to 2 September 2022. He was also appointed Chair of the Audit and Risk Committee (ARC) from 29 June 2016 to 22 June 2019 and reappointed from 23 June 2019 to 23 June 2021. Mr Coleman’s maximum five-year term on the ARC will expire on 23 June 2021, however his appointment to the Board does not expire until 2 September 2022.</p> <p>Mr Coleman is a highly respected member of the Board and has performed outstandingly as Chair of the ARC. He has significant expertise and experience as a director and chairman in various organisations. His corporate experience in managing risk and finance will be very difficult to replicate and it is the Board’s determination that the alignment of his term as both Chair of the ARC and as a Legal Aid NSW Board member will ensure continuity.</p> <p>It was therefore proposed to extend his term as Chair of the ARC to coincide with his term of appointment to the Board. Ministerial exemption from the Attorney General has been obtained for this extension.</p> <p>He has since been reappointed as Chair of the ARC for the term up to 2 September 2022.</p>

These processes, including the practicable alternative measures implemented, demonstrate that Legal Aid NSW has established and maintained frameworks, including systems, processes and procedures for appropriately managing audit and risk.



Brendan Thomas
Chief Executive Officer
19 August 2021

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).

There were no public interest disclosures made during this reporting period.

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

Under section 34B of the *Legal Aid Commission Act 1979* (NSW), Legal Aid NSW has the power to require a legally aided person to provide security for the costs of providing legal services, by requesting an equitable charge over real property.

In February 2021, the Supreme Court of NSW made orders in a matter declaring that Legal Aid NSW holds an interest pursuant to a charge agreement over a legally assisted person's property as security for payment of the total legal costs owed to Legal Aid NSW, under sections 36 and 46 of the *Legal Aid Commission Act 1979* (NSW). The court also declared that if their property is sold, mortgaged, transferred or disposed of, or if they die, then Legal Aid NSW has the right to be repaid the full debt owed.

This decision is consistent with Legal Aid NSW policies and guidelines regarding contributions secured with charges over real property, in particular, that a legally aided person may be required to give a charge as a condition of the grant of legal aid.

Legislative amendments – assignment of work to private law practices

A major part of putting our clients at the centre of everything we do is making sure services provided by private lawyers are as good as they can be. This year we made some changes to sections 49 and 50 and repealed sections 51–52B of the *Legal Aid Commission Act 1979* (NSW) to improve the quality of services provided by private lawyers.

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).

Legal Aid NSW includes privacy notices on all application forms and other public documents, and provides advice and guidance to staff on dealing with privacy issues.

Following a review of the organisation's compliance with privacy legislation, Legal Aid NSW released an updated Privacy Management Plan in April 2021. We also developed an interactive privacy training module which was mandatory for all staff.

This year we received one privacy complaint; however it was found that there was no breach of privacy legislation. We also managed four minor incident privacy breaches, which were effectively resolved.

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 2020–2021 reporting period we received 22 formal GIPA applications. Most of our applications were requests by individuals for their own information.

There was one application for internal review of a GIPA decision received in the 2020–2021 reporting period.



The year ahead

- 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 statutory obligations.
- We will develop a range of information resources to provide a first response to recurring legal issues.
- We will continue to provide high-quality, engaging training to assist staff to better understand their obligations so that they can continue to provide informed services to clients.
- We will continue to implement reforms to Legal Aid Review Committee processes to coincide with reforms to our triage and pathways to a grant of legal aid.

Complaints-handling

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

We received 58 frontline complaints about wait times and customer service issues, and 148 frontline complaints about solicitor conduct (both in-house and private lawyers). These were handled at a local level and did not require a formal response or investigation.

We received 273 escalated complaints. These complaints required further investigation and often a further explanation or action was required.

We received 249 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 74 compliments.

“ My solicitor has always been patient with me. Her calm manner was just what was needed when I was frustrated. She used her knowledge to help me. With employees like her, Legal Aid will go from strength to strength.”

“ I am beginning to see the light and feel positive about the future. Thank you so much for your help during the traumatic times I have had this year.”

Complaints Working Group

Key representatives from across Legal Aid NSW met on a monthly basis to identify and discuss complaints and areas of service improvement. This included the development of communications to manage transfer requests to improve client understanding of the process and reduce complaints about transfers.

Complaints training for staff

We developed a feedback and complaint training module to improve staff understanding of complaint handling processes. In addition, we worked with the Centre for Corporate Health and Legal Aid NSW Human Resources to develop training to support managers in understanding and responding to challenging client behaviour.

Frontline complaints

To increase recording of frontline complaints and improve our service delivery, we developed a resource to support staff to identify and record frontline complaints. There was a 45 percent increase in the recording of frontline complaints in 2020–2021.

Complaints response times

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

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

We report on any complaints outside of these response times to the Legal Aid NSW Executive on a monthly basis. With greater visibility due to the complaints management system, along with additional resources to manage private lawyer complaints, we consistently met the performance targets for complaints response times. We averaged only one complaint per month over the performance targets.

Complaints by type

Complaints	2019–20	2020–21
Grants – refusals	28	28
Grants – contribution policy	1	2
Grants – costs	4	1
Grants – section 25 or 26	8	5
Grants – termination	5	8
In-house – customer service	27	11
In-house – conduct	56	80
Staff – conduct (other than in-house lawyer)	7	15
Policy or administrative processes	17	11
Private lawyer – conduct	118	38*
Private lawyer – section 41	2	1
Private lawyer – complaints about Legal Aid NSW	6	2
Independent Children's Lawyer – conduct	37	15
Mediator – conduct	15	8
Funding allocations	22	2
Other	40	28
To be determined	35	18
Total complaints	428	273

*In 2020–21 the Private Lawyer Quality Standards Unit took over the management of complaints about private lawyers.

The year ahead

- ➔ We will integrate LawAccess NSW into the complaints management system.
- ➔ We will roll out training to staff to improve their skills and confidence in managing challenging client behaviour.

What we did over the past year

This year was the third 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.

Our first Legal Aid NSW Conference

On 4 June 2021, we held the first organisation-wide virtual conference in the history of Legal Aid NSW. The conference was broadcast from the International Convention Centre Sydney to offices and staff across the state.

The conference was an opportunity for our entire workforce to come together to celebrate our achievements and discuss topical issues. The theme for the conference was Our place, our purpose, our people, confirming what we stand for, our place in the legal system and in the communities we serve. We also celebrated our people – the life force of Legal Aid NSW – and our resilience through the challenges of 2020–2021.

The event included a stellar cast of speakers, including NSW Chief Health Officer Dr Kerry Chant, Commissioner of Resilience NSW Shane Fitzsimmons, Founder and CEO of ID. Know Yourself Isaiah Dawe, Chief Executive Women President Sam Mostyn, Black Dog Institute psychologist Anne Bunt and Perspektivs leadership and performance coach Nicole Torrance, along with sessions led by staff members.

Our response to COVID-19

1. Processes and procedures

Our COVID-19 Service Delivery Continuity Plan, Legal Aid NSW Service Disruption Plan, and COVID-19 framework continued to be utilised in 2020–2021 to guide our pandemic response.

Our Pandemic Control Centre (PCC) continued to coordinate our response to the imposition and easing of restrictions. The PCC implemented our COVID-19 Service Delivery Continuity Plan and coordinated communications to staff and external stakeholders about the organisation's strategies and responses to COVID-19. It was the central contact point for staff and external agencies.

The COVID-19 framework comprises five operational responses for staff, client and stakeholder contact during COVID-19. Throughout the year, the CEO and PCC determined our operational response based on NSW Health advice and the level of risk in the community. This meant allocating offices to a suitable level according to the COVID-19 Framework for Client Contact and regularly assessing and reallocating according to risk.

2. Information and services for our clients

We promoted access to legal information during the COVID-19 pandemic through online factsheets, social media, and by phone contact through LawAccess NSW. Topics covered include the Public Health Orders and associated fines, job losses, social security entitlements, and family law issues regarding arrangements for children.

Our criminal lawyers were instrumental in the sharp decline of the prison population in NSW. Criminal lawyers lodged release and review applications for their clients in record numbers and facilitated changes in bail decisions and the review of previous remand decisions. Notably, the increasing number of people released to bail did not see an increase in the crime rate.

Our family lawyers continued offering two-hour streamlined telephone mediations to allow parties to mediate any COVID-19-related family law issues within two weeks of making contact with us. We also extended the means test exemption for parents in primary proceedings for care and protection matters.

Our civil lawyers assisted clients with pandemic-related legal needs, particularly in the areas of housing and tenancy, access to government benefits, employment, immigration, financial hardship and mental health matters.

We received stimulus funding from state and federal budgets to address COVID-19-related backlogs and areas of demand. We allocated these funds to a variety of projects.

- We boosted staffing levels in the Domestic Violence Unit to address the significant increase in referrals during the pandemic. Resourcing was allocated to enhancing the domestic violence hotline from 16 available appointments per week to over 140 to provide general advice on all legal issues related to domestic and family violence.
- We will establish a free call 1800-number for people calling our Domestic Violence Unit, to address the increase in demand and high drop-out rates.
- We recruited additional civil lawyers to assist with increased demand for housing, immigration and mental health matters.
- We recruited additional administrative staff and paralegals.
- We will address the social needs of vulnerable clients by recruiting social workers and an in-house specialist family dispute resolution practitioner.



Assisting a young mother during COVID-19

A young mother attended our office seeking urgent assistance. She was the victim of extreme physical, coercive and controlling family violence. The baby's father had refused to return their baby to our client after a domestic violence incident in which our client was badly injured. She went to the local hospital for treatment, but her injuries required specialist treatment interstate. She contacted Centrelink at the behest of the father to ask them to transfer the parenting payment to him, and Centrelink advised her to seek legal advice.

We saw the client, filed an application for a recovery order and obtained the order for the child's return to the mother within a day. The father and baby were eventually located interstate, but the execution of the orders was a challenge given the COVID-19 border closures. We assisted the client to obtain the necessary permit so the child could be returned to her in NSW.

3. Our staff

As at 30 June 2021, the majority of our staff were working from home, except for staff performing essential functions that could not be done from home, including court attendance and mail services. Additional information and communications technology support was made available, including additional staff for the service desk, increase of bandwidth and installation of a new VPN.

Measures were put in place to ensure staff didn't feel isolated at home, including regular virtual team meetings, providing resources about working flexibly and remotely, providing psychological services accessible online, and mental health first aid officers regularly checking in with staff.

4. Our partners

We communicated relevant COVID-19 measures to private lawyers and our partner agencies, including the Aboriginal Legal Service (NSW/ACT), community legal centres, Service NSW and NSW Police.

Members of the Legal Aid NSW Executive continued to meet regularly with agencies in the NSW Stronger Communities cluster to develop cross-agency responses, especially in settings such as courts and correctional centres.

Our response to disasters

1. A new model for disaster response

The Legal Aid NSW disaster response service model and plan were developed nearly a decade ago. Previously our disaster response work was localised, and lawyers were deployed on a short-term basis to provide legal help at recovery centres when required.

Following the bushfire crisis in 2019–2020, and with the likelihood of more frequent, widespread disasters impacting larger numbers of people, a new response was required. We recognised the need for a flexible service model that could be mobilised immediately and scaled up according to the size of the disaster.

This year we conducted a review of our response to the 2019–2020 bushfires and of our service model, consulting widely with legal and non-legal partners in the government and non-government organisation sectors.

We developed a refined, scalable service model that can be rapidly mobilised. It contemplates an end-to-end, continuous service response for the full life cycle of disasters, from pre-planning and mitigation to crisis response and post-disaster support for individuals and communities.

The new model ensures organisational readiness to provide immediate, high-quality, trauma-informed services with more formalised partnerships and referral pathways that meet the needs of clients affected by disasters, whatever the scale or location. It also includes targeted strategies for Aboriginal and Torres Strait Islander communities affected by disasters.

2. Bushfire Legal Aid Scheme

The Commonwealth Government provided funding for legal assistance to NSW primary producers and small businesses dealing with legal issues relating to the 2019–2020 bushfires. Using this funding we developed the Bushfire Legal Aid Scheme, where private lawyers can access legal aid funding to provide legal services to this target group.

The scheme is provided through early resolution assistance (ERA), a service type that facilitates a streamlined application process and a simplified administrative funding process. ERA is aimed at early intervention of legal disputes that can be resolved by dispute resolution.

3. Responding to floods

We continued to provide information and advice to communities affected by floods through our Disaster Response Legal Service. Read more about our response to floods on page 49.

Putting our clients at the centre

Over the past year we have changed the way we work to put our clients at the centre of everything we do and improve the quality of services we provide. Guided by client feedback, we redesigned our service model to focus on targeted and specialised services that reach the people who need us most.

1. Transition to telephone services and appointments

We shifted from delivering most services in person to offering clients greater convenience and flexibility through expanded telephone and digital offerings, and we did so without compromising on the quality of our services. Four in five clients have welcomed our switch to telephone advice services.

We streamlined client entry to our services. Clients now make an appointment to speak with a lawyer, rather than trying to navigate first in, first served sessions.

2. Consistent triage

All people are now consistently triaged to the right level and type of service regardless of the office or number they call to get legal help.

Our new approach to triage has already increased the proportion of disadvantaged people receiving our legal advice services. A third of our offices show that over 80 percent of advice clients are highly disadvantaged.

Triage has also meant that more calls are completed by LawAccess NSW information officers without the need to progress to a lawyer.

3. Digital resources

Our clients have told us they want more ways to engage with us, including digitally.

LawAccess NSW commenced providing legal information via webchat in April 2021. It has had a strong uptake, with completion of over 3,000 chats with clients by 30 June 2021 and the result of the chat being either provision of information or referral to a solicitor or another service.

Our digital guided pathways for fines and traffic problems, launched last year in June 2020, have had 46,000 unique page views.

We made updates to our Grants Tracker to make it simpler for clients to opt in to receive updates about their grant of aid. More than half the clients using our Grants Tracker told us that the tool meant they did not need to call us.

Learn more about our client service initiatives on pages 34–35.

Integration with LawAccess NSW

In 2020–2021, we successfully progressed the integration of LawAccess NSW into Legal Aid NSW. This required a transfer of staff, budget, and IT systems.

The integration has allowed us to harness the expertise of LawAccess NSW staff and promote a single telephone number that clients can call to access legal assistance. Our clients tell their story once and are matched to the right service on first contact. This is critical for clients who need urgent help or have experienced trauma.

The integration supported our ability to maintain access to our services during COVID-19 restrictions and our general transition to providing legal advice by phone. Read more on page 34.

Making it easier for private lawyers to do legal aid work

Private lawyers provide over half of all Legal Aid NSW representation services and are crucial to our ability to deliver legal aid efficiently and effectively across the state.

This year we developed a framework for engaging with private lawyers to support, drive and monitor quality. This resulted in consolidating 14 different sets of practice and client service standards into one set of quality standards, shifting to a law practice-based approach to panel membership, and changes to our service agreement. We progressed amendments to the *Legal Aid Commission Act 1979* (NSW) to provide flexibility, responsiveness, and quality control of private lawyers funded to do legal aid work.

We established the Private Lawyer Quality Standards Unit, tasked with proactively monitoring the quality of services provided by private lawyers. The unit has conducted regional visits and is progressing the Lawyer Education Series, which provides private lawyers with free legal education on topics such as domestic and family violence, care and protection, guardianship, and mental health, via the Legal Aid NSW website.

Existing panel members were invited to apply to join the new panels from 1 February 2021. Since then, 1,509 law practices have been onboarded, of which 131 were not on previous panels. Read more on pages 56–57.

Increasing access to justice for the most disadvantaged and vulnerable

This year we reviewed and implemented changes to our eligibility policies. We increased access to our services for Aboriginal and Torres Strait Islander people, people experiencing domestic and family violence, and for children and young people. Read more on pages 36–37.

A model for interdisciplinary practice

An increasing number of services across Legal Aid NSW recruited allied professional staff, such as social workers and financial counsellors, to support holistic service delivery for our most vulnerable clients.

This year we led a project to develop an overarching framework for interdisciplinary teams, providing guidance to solicitors and allied professionals working alongside each other. The framework was piloted in the Elder Abuse Service, Mental

Health Advocacy Service, Domestic Violence Unit, and the Bankstown Family Litigation Team Priority Client Project. It examined the purpose and role of allied professionals, supervision structures, decision-making across disciplines, how to respond when professional duties collide, and a model for collaborative casework.

Examining the future of family law at Legal Aid NSW

We commenced a future blueprint for the family law practice. This complex examination involved consultation and discussions with in-house family lawyers, private lawyers, members of the judiciary, and other external stakeholders.

The blueprint will provide a road map that builds on the strengths of the family law practice in seven key priority areas, with the overarching strategic direction geared toward making families safe and functional. It is expected that it will be approved and implemented during 2021–2022. Read more on page 46.

Introduction of flexible work

We developed and launched a new flexible working policy in February 2021. This included an online flexible work agreement form which has had excellent uptake. As at 30 June 2021, 1,021 staff had applied for flexible work agreements, with 863 approved.

A flexible work survey conducted in April 2021 had 341 responses from Legal Aid NSW staff and it showed that:

- 92 percent agreed that their manager supports flexible working in their team, and
- 85 percent were satisfied or very satisfied with their ability to use and access flexible working arrangements.

Read more on page 62.

NSW People Matter Employee Survey

The Public Service Commission's annual NSW People Matter Employee Survey was conducted in October and November 2020. Legal Aid NSW staff achieved a 97 percent completion rate compared with a sector average of 47 percent.

Key results included an overall employee engagement score of 77 percent, with 14 teams having scores above 80 percent. Staff expressed satisfaction with the approach taken to flexible work and felt we delivered high-quality customer service. Read more on page 65.

International Legal Aid Group Conference 2021

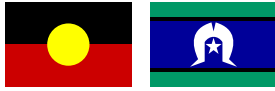
Legal Aid NSW was the host of the International Legal Aid Group Conference in 2021, held on 22–24 June. The International Legal Aid Group is a network of legal aid specialists, including CEOs and managers from legal aid organisations around the world. The 2021 conference was wholly virtual with pre-recorded or live web-based sessions available for attendees to watch via the Legal Aid NSW website.



Celebrating the integration of LawAccess NSW with Legal Aid NSW at the LawAccess NSW office in Parramatta.

Fact file

Our clients*



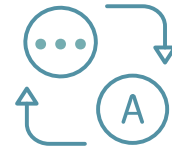
19.4%

Aboriginal and
Torres Strait Islander



9.5%

Born in non-English
speaking countries



3.7%

Interpreter required



32.4%

Female



15.6%

Under 18



80.7%

Aged 18–60



3.7%

Over 60



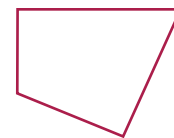
50.9%

On Commonwealth
benefits



13.2%

With dependants

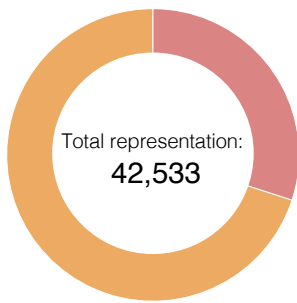


57.4%

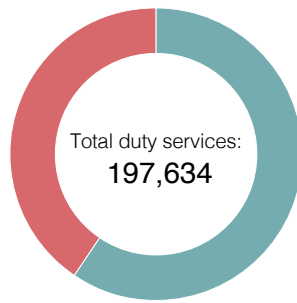
Rural and regional
(includes Newcastle and Wollongong)

**Client profile data is for casework, being total grants of legal aid, extended legal assistance services, and early resolution assistance. As with 2019–2020, 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 2018–2019 and earlier.*

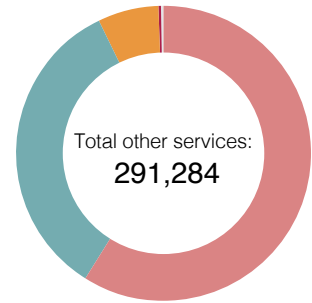
Services to clients



- In-house: 12,829
- Private lawyers: 29,704



- In-house: 117,486
- Private lawyers: 80,148

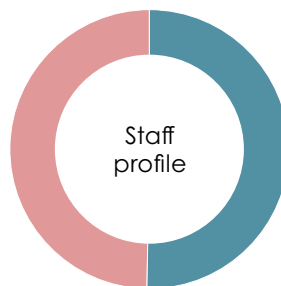


- Information services: 170,981
- Legal advice: 99,547
- Minor assistance: 19,456
- Extended legal assistance: 1,061
- Early resolution assistance: 239

Our staff



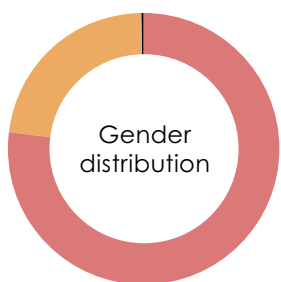
- Regional NSW offices: 333
- Metropolitan offices: 380
- Central Sydney: 727



- Lawyers: 728
- Administrative and corporate services staff: 712



- Lawyers: 28
- Field officers and other Aboriginal and Torres Strait Islander staff: 59

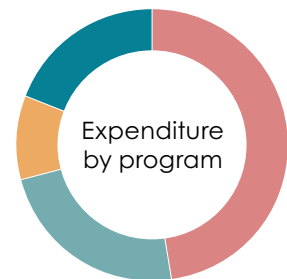


- Women: 1,109
- Men: 330
- A gender term other than male or female, e.g. non-binary*: 1

Total staff: 1,440

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

Our finances



- Criminal law services: 47.9%
- Family law services: 23.2%
- Civil law services: 10.0%
- Community partnerships: 18.9%

Our total income was \$393.0 million and we spent \$404.7 million.

See the financial overview on pages 70–72 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	2018–19	2019–20	2020–21
Community awareness of legal rights and responsibilities			
Client satisfaction*	84%	N/A	76%
Information services we provided**	325,156	196,435	170,981
Advice and minor assistance services we provided	138,639	125,001	119,003
Number of publications distributed	588,536	495,680	420,145
Accessibility of legal aid			
Means test income limit as a percentage of national minimum weekly wage	55.6%	54.0%	53.1%
Percentage of Local Court sittings served by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive in-house file reviews	96.8%	97.9%	97.3%
Number of Legal Aid NSW lawyers with specialist accreditation	63	60	61

*We measure client satisfaction through surveys conducted every two years. The methodology and scope of the 2020–21 survey differed from past surveys in that it covered grants and advice clients, and client responses were collected through both online surveys and phone interviews. The comparable client satisfaction figures for grants clients who responded via telephone interviews only are 84% in 2018–19 and 83% in 2020–21.

**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 Legal Assistance Partnership

Legal aid commissions, Aboriginal and Torres Strait Islander legal services and community legal centres receive Commonwealth funding to improve access to justice for disadvantaged people under the National Legal Assistance Partnership (NLAP) 2020–2025.

We reported the number of legal assistance services for service types and law types, facilitated resolution processes and their outcomes, and the number and proportion of representation services we delivered to priority clients.

Selected National Legal Assistance Partnership performance indicators, July 2020 to June 2021

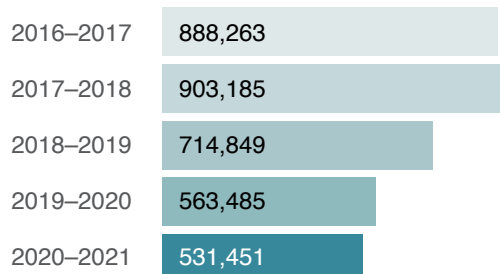
Performance indicator	Percentage
Proportion of Legal Aid NSW Commonwealth representation services delivered to people experiencing financial disadvantage	97.7%
Proportion of facilitated resolution conferences held by Legal Aid NSW that resulted in either partial or full settlement	76.7%*

*Commonwealth conferences only. The combined total for NSW and Commonwealth conferences was 76.9 percent.

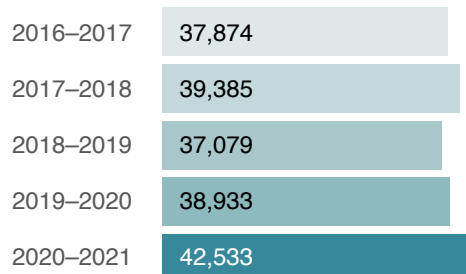
How our key services tracked over the last five years

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

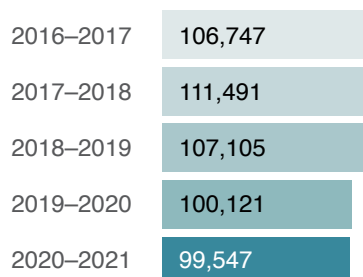
Total client services*



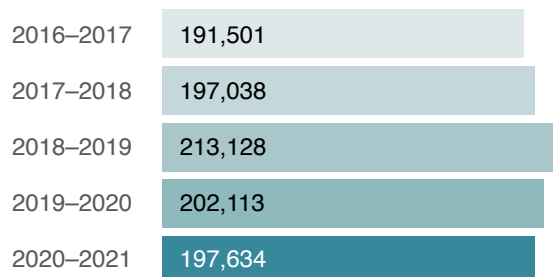
Legal representation



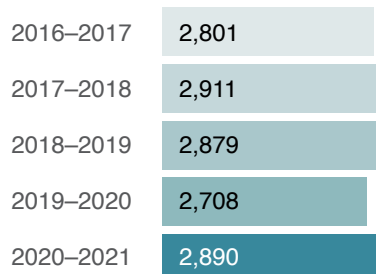
Legal advice services



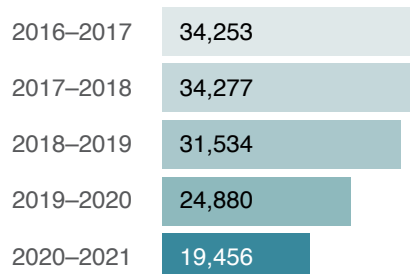
Duty services at courts and tribunals



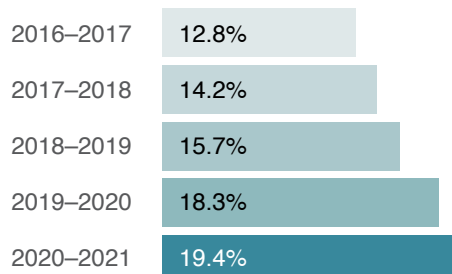
Family law mediations



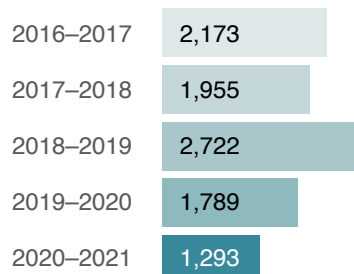
Minor assistance services



Aboriginal and Torres Strait Islander clients**



Community legal education sessions



*Total client services include legal representation, duty services, legal advice and assistance, and information services. The way we calculate information services changed in September 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 financial years up to and including 2018–2019. For 2019–2020 and 2020–2021, in-house duty services are not included in the calculation due to the temporary unavailability of data following a system change.

A snapshot of our services

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

Legal advice and assistance

We provided



119,003

advice and minor assistance services



4.8%

decrease on the previous year.

We offer free, targeted legal advice across many areas of law at our 25 offices, two satellite offices, and 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.

Our outreach services were significantly disrupted this year due to the impacts of the COVID-19 pandemic. This disruption contributed to the decrease in advice and minor assistance services provided.

We provided



1,061

extended legal assistance services



11.7%

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 had legal problems in priority areas of law.

Legal representation

We provided representation in



42,533

matters



9.2%

increase on the previous year.

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 toward their grant of aid.

We acted in



12,829

matters

and we funded private lawyers to act in 29,704 matters.

On-the-spot help in courts and tribunals

We provided



197,634

duty services



2.2%

decrease on the previous year.

Of these services



117,486

were provided by Legal Aid NSW lawyers and we funded private lawyers to provide the remaining 80,148 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



2,890

conferences



6.7%

increase on the previous year.

Hotline for young people

We answered



20,251

calls to our hotline for young people



7.3%

increase on the previous year.

We helped parties reach an agreement in 76.9 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 76.7 percent.*

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.

Resources and community legal education

We distributed



420,145

factsheets, brochures and other publications



15.2%

decrease on the previous year.

Resources were viewed online



754,797

times



5.0%

increase on the previous year.

We provided



1,293

community legal education sessions



27.7%

decrease on the previous year.

Provision of resources and our community legal education sessions were impacted by COVID-19.

2 Client services

Our clients come from diverse backgrounds and have diverse needs. This year, despite the pandemic, we continued to deliver services to new arrivals, Aboriginal and Torres Strait Islander people, people in regional NSW, families affected by domestic violence, and children and young people.



Family Law Solicitor in Charge Gabrielle Cantrall, Early Intervention Unit Outreach Partnerships Manager Daniel Kennard and Domestic Violence Unit Solicitor in Charge Anna Baltins at the 2021 NSW Child Protection Legal Conference.

In this section

- 34 Highlights this year: how we made a difference to clients and communities
 - 36 Providing services to those who need them the most
 - 37 Meeting the needs of diverse clients
 - 39 Aboriginal and Torres Strait Islander clients
 - 40 Highlights from our practice areas
 - 52 Community legal education
-

Key achievements

- ★ We finalised our integration with LawAccess NSW, creating one entry point for people needing legal help in NSW.
- ★ We implemented our triage model across LawAccess NSW and all Legal Aid NSW offices.
- ★ We amended our policies to meet the needs of disadvantaged people in NSW.
- ★ We implemented a new work offer system for allocating criminal law duty work and urgent casework to private lawyers.
- ★ We increased our services to people experiencing domestic and family violence.
- ★ We increased our services to clients at risk of homelessness.

The year ahead

- ➔ We will continue to build online tools that meet our clients' needs.
- ➔ We will make it easier for our clients to manage their legal matters with a new client portal.
- ➔ We will implement guaranteed standards of service for clients.
- ➔ We will implement a new direction in family law, focusing on children and Aboriginal and Torres Strait Islander clients.
- ➔ We will continue to offer a multidisciplinary approach to casework.

Key challenges

- ▶ We will ensure our eligibility policies and services continue to target the most socially and economically disadvantaged people across NSW with limited resources and funding.
- ▶ We will learn from the responsive service changes made and focus on ensuring our services adequately meet the needs of our clients.

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

In the face of increasing demand for our services, we have fundamentally reshaped the way we work to put our clients at the centre of everything we do and improve the quality of services we provide.

Over the past few years, we have redesigned our service model to respond to the needs and feedback of our clients. This means that our services are more targeted and specialised to reach the people who need us most.

Consistent and targeted triage

Consistent triage of people on entry to Legal Aid NSW is a critical part of our service model. Triage means that clients with high-impact legal problems or from priority client groups get access to our advice services quickly, while people who have capacity to self-help are directed to legal information and targeted referrals.

This year the triage model was implemented across LawAccess NSW and all our offices across NSW.

The model consistently matches a client to the appropriate level of service they need. After someone has been triaged as eligible for advice, LawAccess NSW refers clients to the right office or unit to be booked into an advice appointment.

The triage framework also enables more individualised and intensive support. For example, culturally and linguistically diverse clients requiring an interpreter may be booked for longer appointments and provided with targeted assistance.

Integration with LawAccess NSW

LawAccess NSW officially transitioned into Legal Aid NSW in July 2020. Integration of technology, systems, and operational processes is ongoing.

The transition provides the opportunity to elevate LawAccess NSW as the entry point for people needing legal help in NSW by phone and online.

Performance highlights for LawAccess NSW in 2020–2021 include:

- assisting 149,782 customers
- providing 13,998 sessions of telephone legal advice
- over 1.7 million unique visitors to the LawAccess NSW website
- over 11 percent of customers receiving advice were Aboriginal or Torres Strait Islander people, and
- over 51 percent of customers receiving advice were from regional areas.

Listening to our clients

We conduct a client satisfaction survey every two years to understand what our clients think of our service and how we can make it better.

This year we surveyed over 1,400 clients across advice and casework, provided by both in-house and private lawyers. Client responses were collected through online surveys and phone interviews.

What our clients said:

- two thirds told us they were highly satisfied with our service
- 76 percent of clients were overall satisfied with our service (80 percent of grants clients and 74 percent of advice clients)
- 86 percent of clients who were helped by an in-house lawyer told us they were satisfied, and
- 79 percent of clients who were helped by a private lawyer told us they were satisfied.

How we made a difference for our clients:

- 65 percent told us they had a better understanding of their legal problem and situation
- 59 percent told us they felt more confident dealing with their problem, and
- 49 percent felt safer or more secure as a result of the legal assistance they received.

Continued improvements to our appointment booking system

Our online Client Appointment Booking System continued to provide a consistent process for staff to manage advice clinic bookings across our offices. For the first time we can view available advice appointments and wait times across the state, and use standard SMS messaging to remind clients of their appointments.

Enhancements to the system were implemented throughout the year. In 2021–2022, we will review how we can build booking system functionality into our Client and Case Management System (CCMS) to further streamline the booking process.

A new phone line for prisoners

We improved access for prisoners to obtain legal help by introducing a new prisoners' phone line.

Legal Aid NSW and LawAccess NSW previously received approximately 300 calls from inmates each day. We combined these two prisoner phone lines into one main line and trained staff to answer and deal with these enquiries rather than transferring calls.

We will continue to build on this work by designing an improved end-to-end service model for prisoners.

Webchat now available

Webchat went live on 16 April 2021 via the LawAccess NSW website and has proved popular. It provides online help from information officers in real time. The channel is ideal for customers who have low-complexity legal issues, adequate digital literacy levels, and an ability to self-help.

As at 30 June 2021, over 3,000 customers were assisted via this new service channel. They were provided with information or referral to a solicitor or another service.

Connecting clients to non-legal help

Our clients have complex lives and often have multiple legal and non-legal problems. We developed a referral framework to enable us to consistently link clients to non-legal services. The framework provides guidance and tips for staff on how to make non-legal referrals. We have also developed resources to help staff build their knowledge of non-legal services.

Website transformation

We have commenced our plan to combine the current LawAccess NSW and Legal Aid NSW websites into a single, public-facing website that better caters to the needs of all our clients and partners.

We engaged Deloitte to develop a website concept design, with a focus on delivering a better digital experience. Clients and staff provided positive feedback on the designs. This work will continue in 2021–2022.

General advice model

Our clients frequently have multiple legal issues and want help from a lawyer on the spot. The general advice model means that our clients can get all the help they need without having to speak to multiple lawyers from different areas of law.

We developed training, guidelines, and other resources to support the lawyers using this model. Each team using this model will also have access to senior staff from other practice areas who can provide subject-matter advice, guidance, and referrals.

Grants Tracker

We launched an improved Grants Tracker in August 2020 that updates clients about a range of legal aid grant-related events. Clients are sent updates about the status of their application, transfer requests, appeals, requisitions, and terminations. Clients can also nominate third parties to receive updates on their behalf.

Grants Tracker usage has increased steadily since its launch, with 27.4 percent of all applications submitted in June 2021 subscribed to the service. This equates to a total of 14,947 applications where clients opted to use the Grants Tracker.



This (Grants Tracker) is a great tool. I was a point of contact for a friend that was experiencing a medical problem and it made the process of applying for legal aid less daunting. Thank you. This service made a very difficult situation not as hard as it could have been.

Streamlining the grants application process

Clients tell us that they find the grants application process overwhelming, confusing and inconsistent. The current process is also frustrating and inefficient for staff.

This year we researched and developed a future model to make it quicker and easier for our clients to apply for a grant of aid. We also trialled the use of simplified forms and processes. The feedback and outcomes of the trials were positive. We will implement the new processes next year.

Providing advice in the most suitable format

Outreach services continued to be provided by telephone due to COVID-19 restrictions. We progressively resumed face-to-face outreach services as restrictions eased.

Even though phone service will continue to be our primary channel for the provision of advice, we have also developed a structured process for the resumption of face-to-face outreach services that will allow clients to access legal advice services in person where and when it is appropriate.

Increasing access to justice for clients in regional NSW

The Regional Outreach Clinic Program (ROCP) continued to provide legal advice for people in regional areas in 2020–2021. A new fortnightly clinic was established at the Lithgow Local Court, and we entered into a new partnership with the Cowra Information and Neighbourhood Centre for a weekly legal advice clinic that is jointly provided by private lawyers under the ROCP and in-house lawyers from the Legal Aid NSW Orange office.

Evaluating our health justice partnerships

This year we completed an evaluation of the health justice partnership outreach between Legal Aid NSW and We Help Ourselves (WHOs). The evaluation found that our investment in this partnership was appropriate, effective and efficient, and that time and place of service provision are key to successfully servicing the needs of these specific client communities.



The year ahead

- We will make it easier to find legal help online with a new website.
- We will make it easier for our clients to manage their legal matters with a new client portal.

- We will improve prisoners' access to legal help with a new service model.
- We will make it easier and faster for eligible clients to receive a grant of aid.
- We will implement guaranteed service standards for clients.

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.

Improving access to justice for Aboriginal and Torres Strait Islander people

We reviewed our eligibility policies to identify gaps in policies that prevented Aboriginal and Torres Strait Islander people from accessing legal assistance.

We introduced a new guideline to assist decision-makers determine family law applications where a parent is in custody. The guideline is intended to recognise the higher incarceration rate of Aboriginal and Torres Strait Islander people and is aimed at ensuring children have cultural engagement with their parents.

We reviewed our policies to remove the means test for coronial inquest matters relating to the death of an Aboriginal or Torres Strait Islander person in custody. This change is intended to ensure family members are represented in these matters of important public interest.

We extended the matters for which legal aid is available under extended legal assistance to include the Stolen Generations Reparations Scheme and school exclusion matters, in recognition that school exclusions disproportionately affect Aboriginal and Torres Strait Islander children.

We expanded the range of Local Court criminal law matters for which Aboriginal and Torres Strait Islander women will be eligible, including for traffic matters and defended hearings even where there is no risk of gaol. This policy change is intended to respond to the increasing rates of imprisonment of Aboriginal and Torres Strait Islander women (increase of 74 percent in the past six years).

Improving access to our services for people experiencing domestic or family violence

We introduced changes to our policies to improve access to our legal services for people experiencing domestic or family violence.

For victims of violent crime, we now provide extended legal assistance to help them apply for counselling and financial

assistance through the *Victims Rights and Support Act 2013* (NSW). The change means we can assist people who are often traumatised and face barriers in completing, obtaining and paying for documentation for their claims.

For Aboriginal and Torres Strait Islander women who are victims, we made changes to the Apprehended Violence Order (AVO) policy to ensure these women are represented in AVO proceedings whether they are applicants or defendants in those proceedings.

For victims of domestic and family violence in property proceedings, we implemented further amendments to the family law property policy to ensure people experiencing domestic and family violence can access legal representation in property settlement disputes.

Expansion of our extended legal assistance services

We expanded the matters conducted as extended legal assistance (ELA) by our in-house practice areas. The aim of ELA is to achieve early legal resolution for people with multiple legal problems or disadvantaged people who have legal problems in priority areas of law.

ELA now includes sexual assault communications privilege matters, migration matters, victims of domestic violence, victims of violent crime, coronial inquests, corrections to errors on the NSW Child Protection Register, Commonwealth parole matters, and veterans' matters. We have also extended ELA to clients of the High Risk Offender Unit.

The changes recognise that early intervention can provide resolution of difficult legal issues without the need to go to court.

Legal aid now available for criminal contempt proceedings

We amended our criminal law eligibility policies to make legal aid available for representing clients charged with criminal contempt of court and at risk of going to gaol. This is a significant broadening of our criminal law eligibility policies.

The policy covers situations where there is merit in defending a charge, where a person is likely to be sentenced to a term of imprisonment, or where there is merit in a sentenced person having their sentence for contempt discharged. This policy is subject to a means test.

Review of our criminal law policies for children and young people

We reviewed our criminal law policies that apply to children and young people to ensure that our eligibility policies meet their needs. Gaps and opportunities for simplification were identified, which we will implement next year.

Means test review

Legal Aid NSW operates a suite of tests to assess eligibility for services. Essential to the assessment process is the means test and contributions policy. Together, these policies are critical in ensuring a sustainable legal aid system where resources are targeted to those most in need.

This year we undertook a review of the means test to:

- review the income and asset thresholds to assess whether the benchmarks we are using are reliable and current
- develop a methodology for regularly updating the thresholds, and
- develop non-economic indicators that allow us to recognise the impact that non-economic personal circumstances can have on an applicant's ability to pay private legal costs.

We created proposals that will be further developed and costed next year.

Training on eligibility policies

We delivered training on our eligibility policies to ensure we consistently direct clients to the right level and type of service. Training was delivered internally to the Grants Division and LawAccess NSW, and externally to members of the Legal Aid Review Committee and to private lawyers through the Lawyer Education Series.



The year ahead

- ➔ We will implement the criminal law policy changes applying to children and young people.
- ➔ We will work toward simplifying the grant application process for eligible clients.
- ➔ We will implement recommendations arising from our means test review.
- ➔ We will continue to ensure our eligibility policies are targeted at disadvantaged people.

Meeting the needs of diverse clients

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

Fact file

- Proportion of grants delivered to clients born in non-English speaking countries: 9.5%
- Amount spent on interpreters and translators: \$1,539,634 (excl GST)

The Legal Aid NSW Diversity and Inclusion Plan 2020–2021 has two main objectives: achieving a diverse and inclusive workforce (see page 63) 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 and linguistically diverse communities, and people from LGBTQIA+ communities.

Guided by the plan, this year we revamped our Staff Disability Network and our Equity and Diversity Committee. The groups play an important role in supporting Legal Aid NSW to strive for best practice in inclusive services.

We also joined the ACON Welcome Here program. Welcome Here supports businesses and services throughout

Australia to create and promote environments that are visibly welcoming and inclusive of sexually and gender diverse communities.



Zara's story

Zara* said that the Refugee Service made her feel safe, secure and protected, and that her family lawyer stood by her side when she had nobody else in Australia to support her.

"I am a victim of domestic violence. The Refugee Service helped me understand that everyone should respect women, that your husband should understand that there is law and Australia is a developed country and as a human being, the woman has the right to live peacefully with no violence and abuse. The Refugee Service kept my violent husband away from me and made me feel important; that I am a woman who is important and has a place in this society. It made me feel that I am a woman living in a country that has rights. [Before] I was living like a slave to serve my husband and my children... I am proud of Legal Aid. They helped me and I say this loudly wherever I go."

**name changed*

Targeted programs fill the gaps

In addition to initiatives delivered under our Strategic Plan and Diversity and Inclusion Plan, Legal Aid NSW delivers targeted programs to meet the specific legal needs of diverse communities.

1. Refugee Service

The Legal Aid NSW Refugee Service provides legal advice, assistance and representation, and a range of community legal education to refugees in NSW. The most recent external evaluation in 2019 found that the service is highly valued by both refugee clients and stakeholders, well implemented and promoted to refugees, fills a critical gap in legal support for refugees, and is regarded as a vital service in the sector. Clients reported feeling extremely comfortable using the service and are prepared to trust the service and recommend it to others.

2. Immigration Service

The Immigration Service provides legal advice, assistance and representation for people seeking asylum in Australia, victims of family violence, people who have had their visa cancelled or experienced a legal error in an earlier migration decision.

Legal Aid NSW has supported a significant number of clients affected by trauma, including those affected by family violence from their sponsoring former partner, and refugees with a reasonable fear of persecution in their home countries to attain a permanent visa.

3. Community legal education (CLE)

CLE is the way we educate the community to know their rights and get legal help. Each year Legal Aid NSW delivers a wide range of CLE to diverse communities, through face-to-face presentations and information sessions, workshops, attendance at community events across NSW, and online via podcasts, YouTube channels and webinars. Legal Aid NSW delivers CLE to community members, organisations and health workers.

A key activity this year was to deliver COVID-19-related CLE sessions to culturally and linguistically diverse communities, in partnership with community organisations, on topics such as:

- immigration and citizenship during COVID-19
- refugee laws and COVID-19, and
- issues for workers from culturally diverse communities.



Kamina's story

Kamina* was a newly arrived refugee who wanted some advice about Australia's immigration laws and processes. Having only been in Australia for a few months, Kamina was experiencing stress and anxiety as a result of being separated from her partner and trying to settle into a new country.

Kamina attended a CLE session at her local TAFE and found the information about immigration laws exactly what she needed. Kamina then met with a Refugee Service lawyer for advice about how to sponsor her partner to migrate to Australia.

Kamina had a positive experience with the Refugee Service.

"I found the service very helpful. The information was very well presented. Since the day of the information session, I feel more relieved. The lawyer answered all my questions such as sponsorship fees and steps to prepare towards the application... I have all the details and I know of the requirements and procedures to plan for his application."

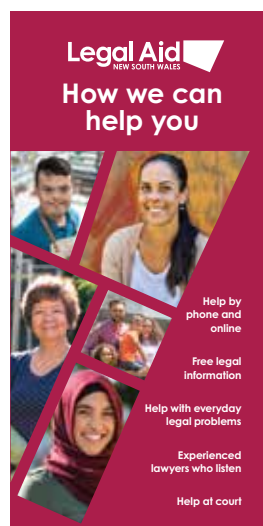
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Interpreting and translation services

Interpreting and translation services allow Legal Aid NSW services to be adapted for non-English speaking clients. Our expenditure on interpreting and translation increased to \$1,539,634 (excl GST) in 2020–2021.

Our flagship information brochure, *Legal Aid NSW – How we can help you*, is available in 23 languages. Additionally, a wide range of legal information brochures have been translated into community languages, including:

- 45 publications and three videos in Arabic
- 37 publications and two videos in Chinese (simplified), and
- 34 publications in Vietnamese.



Cover of our flagship information brochure, *Legal Aid NSW – How we can help you*

Aboriginal and Torres Strait Islander clients

Establishment of an Aboriginal services working group

The Aboriginal services working group was established this year to continue the implementation of the Aboriginal Client Services Strategy 2019–2023.

The working group focuses on increasing services to Aboriginal clients by at least five percent, as well as commencing the development of an Aboriginal Cultural Safety Framework.

The group is chaired by the Aboriginal Services Branch manager, with representatives from each practice area and seven members of the Aboriginal staff network. The group meets on a quarterly basis.

Training for staff on our *Best practice standards for representing Aboriginal clients*

Following the launch of our best practice standards last year, this year we provided webinars to staff on specific elements of the standards.

We held a criminal law webinar on communicating with Aboriginal clients in a criminal justice setting, and a webinar for family lawyers that focused on the operation of the Indigenous List in the Family Court of Australia (now Federal Circuit and Family Court of Australia).

Both webinars were delivered by highly respected academics, practitioners, and members of the Aboriginal community to a record number of participants for Aboriginal-specific training, with over 100 staff registering for each of the sessions. This allowed us to educate staff and increase their capacity to deliver high-quality, culturally informed representation of Aboriginal clients.



Holistic support for a young Aboriginal client

Derrick* was referred to the Youth Koori Court when he was 18 years old. He had a history of abuse and had been in statutory out-of-home care since he was 11 years old. Derrick disengaged from school early, had been regularly involved with the criminal justice system, and struggled with alcohol and drug misuse. He had a child with a former partner.

The Legal Aid NSW Children's Civil Law Service (CCLS) assisted Derrick with a range of socio-legal issues for two years. His lawyer successfully applied for a write-off of over \$3,000 in fines, obtained and advised Derrick on his leaving care plan, organised for funds to be deposited into his prison bank account, made a complaint to the Law Enforcement Conduct Commission about excessive use of force used in an arrest, assisted Derrick to recover personal property held by NSW Police following his arrest, and referred him to a Legal Aid NSW family lawyer for advice on visitation and custody rights in relation to his child.

A CCLS youth caseworker supported Derrick with advocacy for housing upon his release from custody, gave him a referral to a specialist aftercare service, and made enquiries about availability of medication and other mental health support in custody.

**name changed*



The year ahead

- ➔ We will deliver our objectives under the Legal Aid NSW Diversity and Inclusion Plan 2021–2022.
- ➔ We will develop and implement an Aboriginal Cultural Safety Framework for Legal Aid NSW.
- ➔ We will continue to increase the services provided to Aboriginal and Torres Strait Islander clients and communities by five percent across our practice areas.
- ➔ We will undertake a range of initiatives to deliver services that are responsive to the needs of diverse clients, such as:
 - improving training on working with interpreters and translators, and
 - developing and implementing initiatives to respond to the findings of the 2021 Client Satisfaction Survey.

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 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 courts.

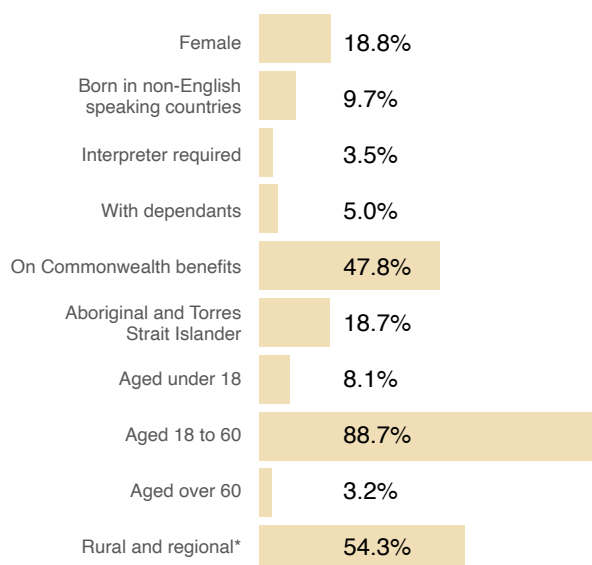
The Children's Legal Service, Prisoners Legal Service, Drug Court Unit, High Risk Offender Unit, Indictable Appeals Unit, and the Commonwealth Crime Unit provide specialist services. The practice offers community legal education throughout NSW and contributes to law reform initiatives.

Fact file

- Total staff: 296
- Total expenditure on criminal law services: \$193.8 million
- Proportion of overall expenditure on criminal law services: 47.9%

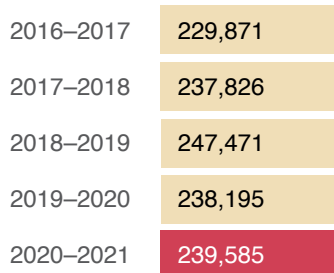
Criminal law client profile

Based on total casework, including extended legal assistance services.



*Includes Newcastle and Wollongong

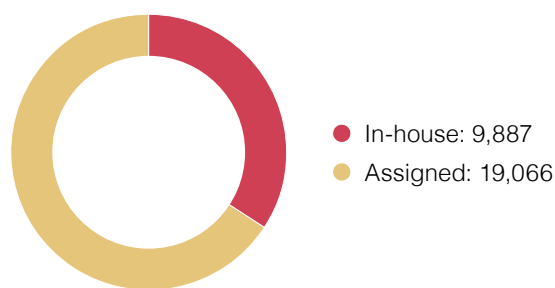
Criminal law services over five years



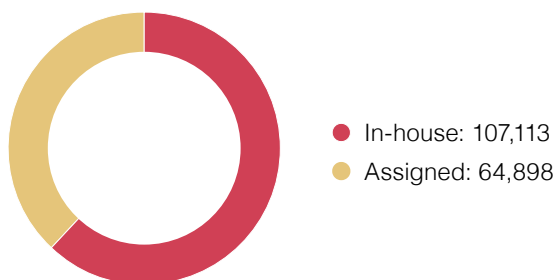
We provided 239,585 criminal law services to clients in 2020–2021.*

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

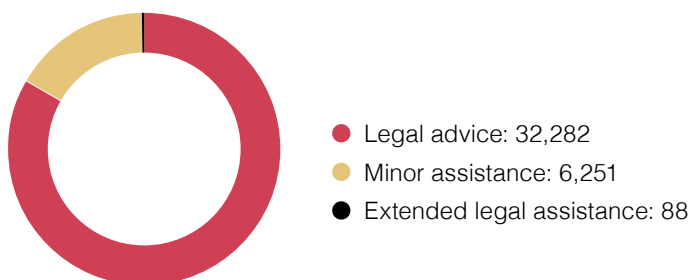
Total legal representation: 28,953



Total duty services: 172,011



Total other services: 38,621



Successful deployment of the Back Up Duty Scheme Allocation System (BUDSAS)

In August 2020, we implemented a new work offer system for allocating criminal law duty work and urgent casework to private lawyers. The Back Up Duty Scheme Allocation System (BUDSAS) automates the process for offering Back Up Duty Scheme work to private lawyers, replacing manual processes. Private lawyers can now accept or reject offers of work via text message and all data is collected in one place.

For our in-house staff, this new system has reduced the time it takes to engage a back up lawyer by approximately 72 percent and creates a more efficient and transparent system for all stakeholders. This project was delivered under budget, as a collaboration between criminal law staff and the Information and Communications Technology (ICT) Division.

Decarceration measures during COVID-19

Criminal lawyers were instrumental in the sharp decline of the prison population. We lodged release and review applications for our clients in record numbers and were instrumental in facilitating changes in bail decisions and the review of previous remand decisions.

According to *BOCSAR NSW Custody Statistics: Quarterly Update December 2020*, the NSW prison population in December 2020 had declined by 6 percent, or 869 fewer adults, compared to December 2019. The prison population was equivalent to that of December 2016.

In making these applications and submissions on sentencing, we cited the risk of transmission of COVID-19 within the prison system and at court. To support such submissions, we commissioned expert reports from the Kirby Institute regarding the impact of COVID-19 on prisoners' physical and mental health.

Our advocacy facilitated the making of useful case law which supported our decarceration efforts. Notably, the increasing number of people released to bail during COVID-19 did not see an increase in the crime rate.

Broken Hill office expansion

For many years there has been a diminishing number of private law firms based in Broken Hill available to do legal aid work. Vulnerable defendants facing serious criminal charges, including children and young people, were often poorly represented in court or were not represented at all.

In Far West NSW generally, an area of particularly high social disadvantage and legal need, defendants were often not referred to drug and alcohol rehabilitation and mental health supports, there were no criminal law advice services, and there was limited civil law outreach.

In November 2020, Legal Aid NSW opened a permanent office in Broken Hill. Two criminal lawyers undertake most duty services and represent clients on grants of legal aid at Broken Hill, Wilcannia and Wentworth courts.

Drug Court expands to Dubbo

Legal Aid NSW welcomed the announcement of state funding to expand the specialist Drug Court to Dubbo. Western NSW has been significantly impacted by the scourge of drug use, particularly ice. The announcement is an acknowledgment that drug use needs to be addressed as a major health issue, not just a criminal justice issue.

Expanding the Drug Court to Dubbo will ensure that a greater number of drug-dependent offenders in the region have access to appropriate treatment and rehabilitation. The expansion builds on the work of our Drug Court Unit who appear in the Drug Courts in Sydney, Parramatta and Toronto. Their work contributed greatly to the evidence base that justified this expansion.



Important decision on the admissibility of juvenile criminal histories

Dungay v R [2020] NSWCCA 209

Our client pleaded guilty to a number of offences. On sentence, the Crown tendered our client's criminal history, which disclosed offences he had committed as a child. The sentencing judge took these matters into account on sentence. Our client was sentenced to 12 years with a non-parole period of eight years.

On appeal to the NSW Court of Criminal Appeal, we argued that some of our client's offences committed as a juvenile should not have been taken into account because of restrictions on admissibility of a juvenile's criminal history under the *Children (Criminal Proceedings) Act 1987* (NSW). Section 14 of that Act prohibits the recording of a conviction against a child under the age of 16 years. The recording of a conviction against a child over 16 is discretionary. In our client's case, the criminal history tendered on sentence had included convictions before he turned 16.

The Crown conceded this point. Our client was re-sentenced to an aggregate term of 10 years with a non-parole period of six years and six months.

This case provides an important reminder to sentencing courts that criminal histories of adult offenders should be carefully scrutinised to identify whether there are matters in the juvenile history which are not admissible on sentence.



Prisoners Legal Service successfully opposes attempt to quash decision

Attorney-General of NSW v George [2020] NSWSC 1621

The Prisoners Legal Service (PLS) regularly represents inmates seeking parole at hearings before the State Parole Authority (SPA). This includes applications for parole on the ground of “manifest injustice”, where refusal of parole can be reconsidered if the original decision was made on the basis of false, misleading or irrelevant information, or where a matter that was relevant to the original decision is no longer relevant.

Our PLS client was initially refused parole in 2019 because he needed to participate in an external leave program in preparation for his return to the community. However, in March 2020, all external leave programs were suspended because of COVID-19. PLS applied on their client’s behalf to the SPA under the manifest injustice provision, arguing that participation in external leave was no longer a relevant consideration for the SPA. The SPA agreed and granted our client parole.

The NSW Attorney General challenged the SPA’s decision in the Supreme Court of NSW. In upholding the SPA decision, the court rejected the Attorney General’s narrow characterisation of the manifest injustice provision. The court found that the suspension of external leave programs enlivened the manifest injustice provision and that the SPA was not required to make an explicit finding to that effect. The court emphasised that it should not adopt a “fine-tooth comb” approach when considering the reasons of a body such as the SPA.

Memorandum of Understanding (MOU) for providing papers in Children’s Court matters

A new MOU was negotiated with NSW Police to improve how police provide court papers to our Children’s Legal Service.

When a young person indicates they want help from Legal Aid NSW, their court papers will be transferred automatically from the Police Charge Management System and Court Matter File Management System to Legal Aid NSW via email. This will allow our Children’s Legal Service to engage with young people before court and divert them from the court system where appropriate. It will also mean our lawyers can engage with the young person without the need for them to physically attend court.

This MOU builds on the collaboration we had with NSW Police when COVID-19 restrictions necessitated better digital access to first appearance bail court papers. It is an important step toward improved digital coordination and systems integration between our organisations.

The MOU will be piloted at Parramatta Children’s Court from the first quarter of 2021–2022.

A simplified Crime Resource Allocation Model

The last decade has seen an unprecedented increase in workloads as prosecutions increase and criminal matters have become more complex. To accurately measure workloads across the criminal law practice, and to make sure that we have the right staff in the right locations, we worked with the Business Reporting Unit on a simplified Crime Resource Allocation Model. The model relies on service, expenditure and staffing level data, and will initially be tested in regional offices.



Criminal Law Regional Program Coordinator Stephen Lasker, Criminal Law Deputy Director Rob Hoyles, criminal lawyer Helen Shaw, Criminal Law Director Annmarie Lumsden, and Senior Legal Project Officer Harriet Ketley at the Legal Aid NSW Criminal Law Conference 2021.

Improving efficiencies in high risk offender litigation

We worked with colleagues in the Crown Solicitor's Office on measures to streamline applications to the Supreme Court of NSW under the *Crimes (High Risk Offenders) Act 2006* (NSW) and the *Terrorism (High Risk Offenders) Act 2017* (NSW). These matters are complex, involve large volumes of evidence and often come before the court within very short timeframes. The efficient conduct of these matters requires considerable cooperation between legal representatives. Standardised processes and practical steps taken by the Crown Solicitor's Office and Legal Aid NSW have led to greater efficiencies in high risk offender litigation, including a significant reduction in material filed.

Review of solicitor advocate guidelines

In-house solicitor advocates perform the most senior litigation roles of all Legal Aid NSW lawyers. Solicitor advocates also provide ongoing professional leadership and mentoring to other lawyers and staff. The role of solicitor advocate provides a career and development opportunity to staff who wish to pursue a career as an advocate and is also an invaluable service to clients.

In consultation with solicitor advocates and their managers, the Advocates Guidelines were reviewed and updated to provide greater clarity about reporting lines, obligations, and matter allocation, including priority matters for a solicitor advocate's practice.



The year ahead

- We will pilot new contractual arrangements with private lawyers to ensure we are delivering quality criminal law services in the most cost-effective and efficient manner.
- We will review and update the Back Up Duty Scheme (BUDS) guidelines to provide private lawyers with clear and transparent service guidelines.
- We will advocate for ways to reduce unnecessary incarceration of Aboriginal and Torres Strait Islander people.
- We will identify ways to improve consistency and accuracy of the data we collect about criminal law services.
- We will advocate for greater safeguards in high risk offender laws to reduce the harsh and disproportionate impact of such regimes on Aboriginal and Torres Strait Islander people and people with disability.



Legal Aid NSW High Risk Offender Unit successfully opposes application

State of New South Wales v GB by his Tutor [2020] NSWSC 913

Our High Risk Offender Unit appeared in a last-minute application brought by the State of NSW for an extended supervision order in relation to GB, an 18-year-old Aboriginal man from the Yuin nation.

GB had a mild intellectual disability and a lengthy history of severe abuse and neglect. He spent most of his adolescence in custody. He suffers from post-traumatic stress disorder and had been diagnosed with a myriad of other mental health conditions including schizophrenia, substance use disorder, and conduct disorder. He had self-harmed on a number of occasions.

The State alleged that GB was a terrorism activity offender, because of his historical association with certain youths in custody and an adult who had espoused violent extremist ideas in the past. GB had never committed a terrorist offence. The "index offences" for the purpose of the State's application were personal violence and property damage offences committed as a juvenile, for which he had been sentenced to a control order by the Children's Court.

The State's application was dismissed at the preliminary hearing on the basis that there was insufficient evidence to establish that GB posed an unacceptable risk of committing a serious terrorism offence. The court expressed concern that orders were being sought to criminalise and curtail the movements and rights of an 18-year-old man, in custody for offending as a minor, who had significant mental illness and cognitive impairments.

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. The practice also provides community legal education throughout NSW and contributes to law reform initiatives.

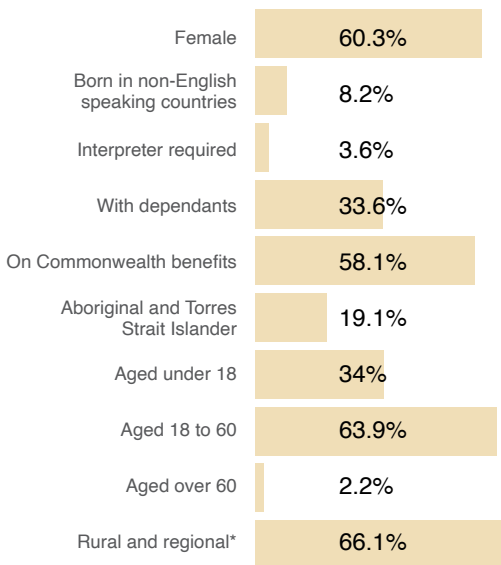
The Early Intervention Unit, Domestic Violence Unit, Child Support Service, Appeals and Complex Litigation Unit, and Family Dispute Resolution Unit provide specialist services. These services are available at our offices and outreach locations.

Fact file

- Total staff: 243
- Total expenditure on family law services: \$93.8 million
- Proportion of overall expenditure on family law services: 23.2%

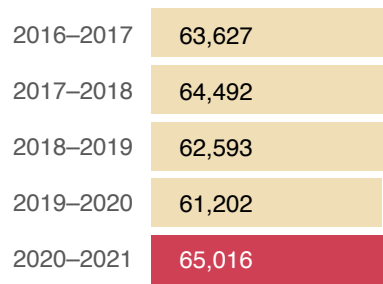
Family law client profile

Based on total casework, including extended legal assistance and early resolution assistance services.



*Includes Newcastle and Wollongong

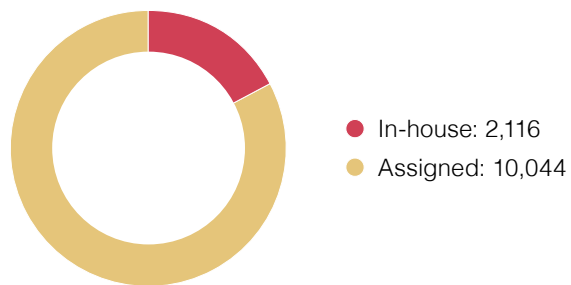
Family law services over five years



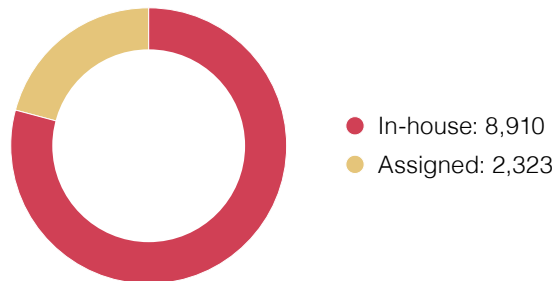
We provided 65,016 family law services to clients in 2020–2021.*

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

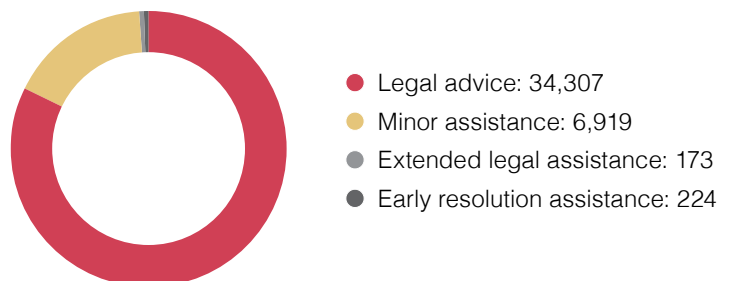
Total legal representation: 12,160



Total duty services: 11,233



Total other services: 41,623



Guardians ad Litem in care and protection matters

This year has been especially challenging for lawyers working within the care and protection jurisdiction. The case of *GR v The Department of Communities & Justice and Ors* [2020] NSWSC 1622 concluded that children who were parties to proceedings and lacked the capacity to instruct a legal representative were required to have a Guardian ad Litem appointed to instruct the independent legal representative. The decision of *Re Oliver* [2021] NSWChC 1 further compounded the issue and led to a determination that all children were parties to proceedings.

The Guardian ad Litem panel was unable to meet the demand and hundreds of matters were unable to proceed due to the lack of guardians available for appointment. We engaged in advocacy with all relevant stakeholders for urgent law reform and solutions to assist with resolving this issue.

We needed to rapidly consider the effect of these decisions and conduct complex litigation in the Children's, District and Supreme Courts (including in the *parens patriae* jurisdiction and Court of Appeal).

A significant amount of time was devoted to supporting and training in-house and private lawyers to understand the impacts of the decision.

We worked with the Guardian ad Litem panel to assist more than 15 in-house allied professionals and a further 20 family dispute resolution practitioners to be appointed to the panel. This required cross-divisional cooperation and intensive training to prepare allied professionals and lawyers.

In late June 2021, amendments were made to the *Children and Young Persons (Care and Protection) Act 1998* (NSW) to rectify the problem identified in the case of GR, although it is expected that the flow-on effects of this case will continue to be felt in 2021–2022.

Increase in services to victims of domestic and family violence

The Domestic Violence Unit (DVU) pivoted to provide flexible and innovative service delivery to assist families impacted by domestic and family violence. In response to the shift to remote service delivery, we introduced video advice appointments for clients.

This year saw continued high demand for services, with the DVU receiving over 7,470 telephone calls and 4,520 email referrals, a significant increase from the pre-COVID annual average of 1,000 telephone calls.

We saw an increase in technology-facilitated abuse, particularly during the lockdown periods when victims of violence were often forced to remain under the same roof as perpetrators. To ensure client safety, we introduced comprehensive, up-front technology abuse screening that diverted clients at high risk for urgent assistance to the DVU social workers.

We continued our partnership with WESNET to provide safe phones to women, with 29 safe phones being provided to clients in 2020–2021.

The DVU worked in partnership with courts and key external stakeholders such as WDVCSs and NSW Police to ensure high-quality, targeted services continued to be provided to families impacted by domestic and family violence, particularly during periods where the courts were closed.



Assisting on a complex application for divorce

The Domestic Violence Unit (DVU) assisted a client with a complex application for divorce where there were significant concerns for the client's safety and a high risk of lethality. The DVU was successful in obtaining orders to dispense with service, along with orders for suppression, non-publication, and sealing and sanitising the court file.

The client lived overseas and was subjected to horrific physical, verbal, emotional, and sexual abuse at the hands of her father and brothers from a young age. As the client grew up, the violence increased – she was regularly beaten, assaulted, and controlled.

When she turned 21, she was forced to marry. She did not meet her husband until the day of their wedding ceremony. She fled to Australia and was granted asylum.

Following her divorce, the DVU assisted the client to change her name and start a new life in Australia. The DVU financial counsellors assisted her with budgeting and the DVU social workers helped make sure she was supported with her non-legal needs.

New family dispute resolution initiatives

We have seen an overall increase in referrals and mediations held by the Family Dispute Resolution Unit in past years. In addition, court-ordered mediations have increased by approximately 40 percent over the last year.

The increase in workload has led to some delays which have been managed and overcome. One of the strategies used was the implementation and integration of a checklist automation system which was launched at the end of 2020. This created efficiencies and streamlined the checklist process.

This year we saw an increased reliance on the use of technology, in particular, online and telephone mediation. The Family Dispute Resolution Unit worked with the Information and Communications Technology Division to develop the unit's technological skills, create a platform for online mediation (to date, 23 online mediations have taken place), and ensure home offices are able to support additional telephone mediation needs.



Child Support Service assists a vulnerable mother

In June 2021, the Child Support Service provided support to a mother who had been overpaid family tax benefit in circumstances beyond her control.

Joanie* and her husband separated in 2016. They have five children, four of whom have disabilities. Joanie was assessed as entitled to only receive the minimum rate of child support, because her husband's income appeared to be very low. Joanie collected nothing from her husband who she described as controlling and difficult to talk to about financial matters.

In 2020, Joanie's husband lodged several year of tax returns, which showed his income was much higher than the provisional incomes previously used to work out his child support obligation. As a result, Joanie was entitled to substantial arrears of child support. When Joanie approached us, she was owed child support of \$52,000 and had a \$16,000 family tax benefit debt, because she was deemed to have received the child support arrears from her husband.

After we contacted Centrelink, Joanie's family tax benefit debt was cancelled, as they recognised she had not in fact received any child support and it was unreasonable to expect Joanie to start court action to collect the child support arrears.

**not her real name*

Pre-filing adoption mediations

In consultation with the Department of Communities and Justice, we developed a pre-filing adoption mediation model, which was in a trial phase during 2020–2021. The trial was developed to assist parents and carers prior to any formal proceedings commencing and aims for the referral of 50 matters.

Commonwealth small property mediation pilot

We commenced the small property mediation pilot in February 2020 and continued the pilot in 2020–2021.

The pilot gives parties an opportunity to access mediation for small property disputes that would not have otherwise been eligible for assistance. This work has been a significant focus for the Family Dispute Resolution Unit over the last financial year. To date, 55 mediations have been undertaken. Funding for this work has been extended into 2021–2022.

Examining the future of family law at Legal Aid NSW

In January 2021 we embarked on a process of examining the future of the family law practice with the aim of creating a Family Law Blueprint.

We will implement this road map for the future of the practice in 2021–2022. It aims to prioritise disadvantaged clients,

ensure our services are culturally safe and accessible, and provide greater consistency of services across all pathways where clients seek assistance.

Multidisciplinary practice framework and priority client pilot

We developed a multidisciplinary practice framework, and this collaborative tool was trialled in the Domestic Violence Unit and Bankstown family litigation services from June 2020. Feedback was sought in relation to the usefulness of the framework and the benefits of a senior social worker structure for supervision.

In January 2021 we commenced a priority client pilot in the Bankstown, Lismore and Wollongong family litigation services to better understand the impact on workload and staff wellbeing if a multidisciplinary approach was used to service high-priority clients requiring casework.

A social worker and a paralegal were recruited at each office location, and cases that satisfied the Priority Client Guidelines were allocated into the pilot. From there, a team of a senior and junior lawyer, paralegal, and social worker work closely to manage a client's case from beginning to end. All staff in the team play a significant role in developing a case theory and addressing the client's needs in a collaborative and trauma-informed way.

The pilot will be extended to June 2022. We will then review the outcomes of the pilot.



Priority client pilot and multidisciplinary framework in action

Sam* attended our Warilla outreach for advice. He was identified as a disadvantaged client, requiring assistance with family law and criminal law matters. Sam has a diagnosis of schizophrenia, post-traumatic stress disorder, anxiety and depression, and he has an acquired brain injury, causing him to suffer memory issues.

Our social worker assisted Sam to complete his application for legal aid and provided him with ongoing wellbeing support.

Sam also had debts owing to Revenue NSW. The social worker liaised with our Work and Development Order Service to assist Sam with his debts and also helped him get his driver licence.

The social worker assisted Sam to find a new property and adopted a holistic approach to assess Sam's circumstances and needs. Sam's positive engagement with the social worker prevented him from feeling overwhelmed and disengaging completely from the litigation process. It has also boosted Sam's hope and motivation to improve other facets of his life.

**name changed*

Independent Children's Lawyer (ICL) allocations

The Legal Aid NSW Gosford and Wagga Wagga offices trialled a new approach to the allocation of ICL matters. They obtained additional information from the court about the matter to facilitate better decision-making about the allocation of matters, retaining the more complex matters in-house and making targeted allocations to panel ICLs. The project has seen the speedy appointment and acceptance of ICLs within a 48-hour period.

Forming a new health justice partnership

The Early Intervention Unit commenced a new health justice partnership in Port Macquarie, supported by the Legal Aid NSW Port Macquarie office. This is a general advice clinic at the Port Macquarie Base Hospital under a Memorandum of Understanding between Legal Aid NSW and Mid North Coast Local Health District. The clinic is serviced by an Early Intervention Unit family lawyer in a generalist capacity, with referral links back to the Legal Aid NSW Port Macquarie office and other areas of the organisation for specialist advice and casework.

Appeals and complex litigation

Our Appeals and Complex Litigation Unit continued to represent both children and parents in complex international parenting disputes. During 2020–2021, we conducted a number of cases under the Hague Convention on the Civil Aspects of International Child Abduction, in particular *Department of Communities and Justice & Mangal* [2021] FamCA 118, *Department of Communities and Justice & Ruiz* [2021] FamCA 98, and *Department of Communities and Justice & Rodwell* [2021] FamCA 164.



The year ahead

- We will implement a new direction in family law, focusing on children and Aboriginal and Torres Strait Islander clients.
- We will review and change the ways in which we allocate work in family law and care and protection matters to ensure that children receive high-quality representation.
- We will implement an Aboriginal Service Model.
- We will establish a free call 1800-number for people calling our Domestic Violence Unit.
- We will continue to trial a multidisciplinary approach to casework.
- We will provide training and support to our staff, private lawyers and partners on the impact of the merger of the Family Court and Federal Circuit Court.
- We will continue to manage the increase in demand for our domestic and family violence services and prioritise these clients for representation by our in-house practice.



Tailoring our services to meet families' unique needs

We acted for a non-English speaking client who was the victim of significant family violence and was solely parenting six children. Her husband had purchased a property interstate in his sole name and had the wife's name on the mortgage. The husband relocated overseas, had rental payments forwarded to him directly, and made no contribution to the mortgage.

We were successful in obtaining orders for our client to act as trustee for sale, prior to the bank foreclosing on the property. Ultimately, our client received 100 percent of the sale proceeds of the property to assist her in caring for the children.

Civil law

Ours is the largest publicly funded civil law practice in Australia and the work of our civil lawyers and allied professional staff is wide-ranging. We practise in diverse areas of law including housing, human rights, social security, consumer protection, disaster recovery and insurance, employment, immigration and visa cancellation, 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, older people experiencing elder abuse, and communities affected by disaster.

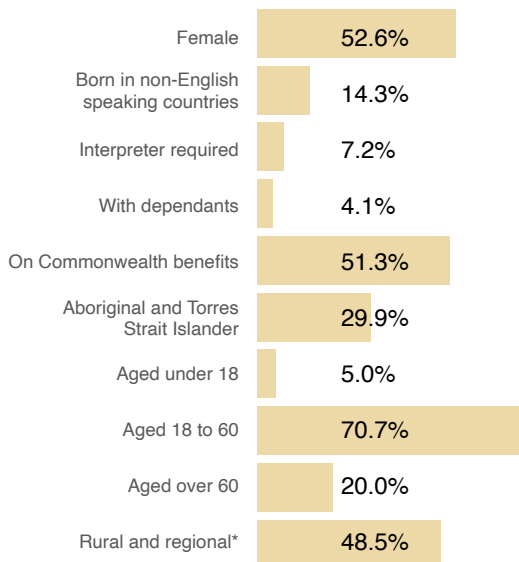
We provide civil law advice in our offices, by phone and at outreach locations. We also provide duty services at the Administrative Appeals Tribunal, the NSW Civil and Administrative Tribunal, the Mental Health Review Tribunal, and the Youth Koori Court.

Fact file

- Total staff: 213
- Total expenditure on civil law services: \$40.5 million
- Proportion of overall expenditure on civil law services: 10.0%

Civil law client profile

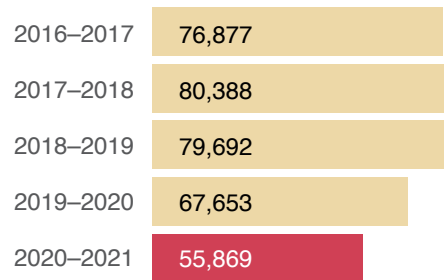
Based on total casework, including extended legal assistance services.



*Includes Newcastle and Wollongong

Civil law services over five years

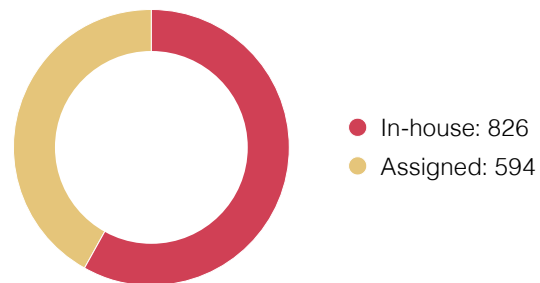
Based on total casework, including extended legal assistance and early resolution assistance services.



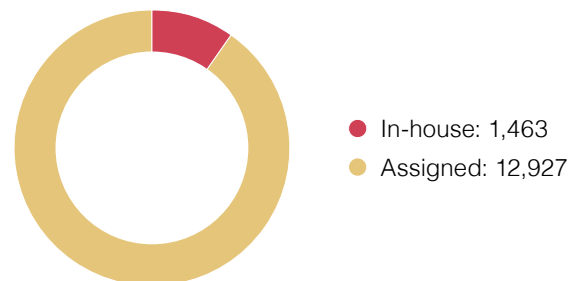
We provided 55,869 civil law services to clients in 2020–2021.*

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

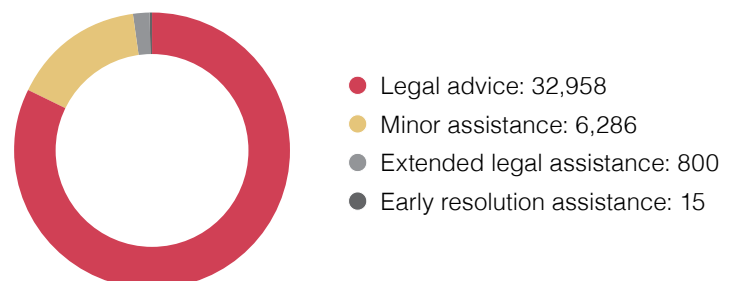
Total legal representation: 1,420



Total duty services: 14,390



Total other services: 40,059



Our response to floods

When heavy rainfall caused major flooding across NSW in March 2021, particularly on the Mid North Coast and in the Hawkesbury Nepean regions, our Disaster Response Legal Service (DRLS) was able to immediately respond using the new service model (see page 23).

DRLS lawyers attended recovery centres and outreach hubs for the equivalent of 275 days and provided 815 legal services to flood-affected people. Thirty-two percent of all services were about housing issues, and 55 percent of those services related to flood issues in residential parks. DRLS lawyers provided 144 legal services to caravan park residents in North Haven, Port Macquarie, Dunbogan and Wilberforce, making up 17.5 percent of all services.

From 9 March to 30 June 2021, the DRLS delivered community legal education (CLE) at 30 community recovery meetings and mobile hubs across seven local government areas to over 500 flood-affected community members.

We also provided over 100 tailored CLE sessions to community and health workers. This targeted training for frontline workers was delivered to key agencies including Service NSW, Resilience NSW and local councils to assist them to identify and refer legal problems that emerged from the floods.

The DRLS also advocates for improved practices. Our lawyers identified insurance issues and engaged with regulators and industry to achieve better outcomes. We identified the inadequacy of legislative protection for residents in caravan parks that had become uninhabitable and made a submission to NSW Fair Trading.

The work of the DRLS received significant media attention during the year, including a segment on *The Today Show*.

Refugee Service introduces general advice

In February 2021, the Refugee Service formally transitioned to a general advice service. Clients are seen by one lawyer who provides advice and referrals for a range of legal problems. In just four months, there was a significant increase in clients presenting with multiple legal problems across all three areas of law.

Refugee Service Manager Lyn Payne said, "For our clients, connecting with just the one person has been incredibly fruitful. We get to know the clients and they come to trust us enough to disclose information that can be highly sensitive and retraumatising. There is also a benefit for the lawyer who becomes connected to clients and their families, which assists us in providing an improved holistic service."

Assisting women on temporary visas experiencing domestic violence

The restrictions of COVID-19 have seen a significant increase in women experiencing domestic violence requiring our help. Women on temporary visas are particularly vulnerable as they are often not eligible for any social security supports and assessment of their cases by the Department of Home Affairs can take a long time.

This year our immigration lawyers helped many people who experienced family violence to present their cases effectively to the Department of Home Affairs. We helped over 50 people, predominantly women, to secure permanent visas for themselves and their children, allowing them to stay indefinitely in Australia and to access social supports.

Additional Commonwealth funding in 2021–2022 will allow us to help more women. The funding will be used to recruit an additional immigration lawyer and legal support officer.



Protecting vulnerable clients from returning to risks of domestic violence

In 2020–2021, we ran a successful High Court case raising public interest considerations for protection visa applicants at risk of domestic violence in their home country. This case challenged the Department of Home Affairs' practice of determining applications on the papers instead of interviewing applicants.

Our client had experienced domestic violence in Fiji and she feared that she would continue to be abused if she returned. She was unrepresented and had limited education and English skills so had been unable to adequately express her protection claims. The Department refused her protection visa application without an interview, and she was one day late in seeking review of the Department's decision to the Administrative Appeals Tribunal (AAT). As a result, the AAT did not have jurisdiction to hear the matter. The only available avenue was an application to the High Court for judicial review of the Department's decision. The matter was conceded in our client's favour the day before the hearing. Our client now has the opportunity to be interviewed and have her protection claims properly considered.

Preventing homelessness

Our housing services increased significantly this year with the effects of the COVID-19 pandemic, consecutive disaster events, and a renewed focus on clients at risk of homelessness. This work is being delivered across our practice by the housing team, client specialist teams such as the Civil Law Service for Aboriginal Communities (CLSAC), homeless outreach solicitors, and all regional offices.

1. Successful housing litigation in mandatory termination matters

We were successful in expanding the interpretation of the exceptions to mandatory termination for social housing tenants. We identified cases where the exception to mandatory termination was interpreted too narrowly, or the burden of proof was too difficult, resulting in eviction. After successful appeals to the NSW Civil and Administrative Tribunal of the original terminations, two of our clients who were highly vulnerable and at risk of homelessness maintained their housing.

2. Collaborating with crime

We worked with our criminal law colleagues to reduce client time in custody and the risk of losing a social housing tenancy by providing letters of support for either bail or sentencing. Social housing tenants are not permitted to be absent from their property for more than six months. If evicted, they can be blacklisted. Our support letters explained the social housing policies and requested that they be considered.

3. Protecting tenancies in remote communities

Since September 2020, CLSAC has advised and represented Aboriginal land council tenants in Toomelah and Boggabilla facing termination proceedings in the NSW Civil and Administrative Tribunal. Fourteen tenancies at risk of termination were saved. This was achieved by proactively monitoring hearing lists and liaising with community contacts to ensure that affected tenants had access to legal advice and assistance. Through this work, CLSAC has developed a referral protocol with housing providers to ensure that all tenants at risk of termination receive independent legal advice.

4. Housing assistance for Aboriginal women in custody during COVID-19

CLSAC worked closely with Corrective Services NSW to ensure that Aboriginal women in custody continued to receive civil law services. With teleconference and audio-visual technology, we maintained fortnightly advice clinics to provide advice and casework assistance to Aboriginal women regarding civil law issues with a focus on housing.

The service achieved positive outcomes for many clients by assisting them to retain social housing properties whilst in custody, appealing housing requirements that prevent former tenants being rehoused, and getting women restored to the housing waitlist where their applications were closed while they were in custody or homeless.

Providing evidence at Royal Commissions

Two lawyers from our Mental Health Advocacy Service (MHAS) gave evidence at the Disability Royal Commission public hearing in February 2021. The hearing considered issues facing people with disability, predominantly cognitive and psychosocial disability, in the criminal justice system. The compelling evidence presented by MHAS staff on the particular case of a long-term MHAS client received significant media coverage.

On 31 July 2020, our senior consumer lawyer gave evidence at the Royal Commission into National Natural Disaster Arrangements. She addressed our experience in coordinating legal services to victims of disasters who often experience problems with insurance, tenancy and debt.



Collaborating for a fresh start

Roberson v New South Wales Land and Housing Corporation [2021] NSWCATAP 94

Our client Ms Roberson was in prison when her Legal Aid NSW criminal lawyer referred her to civil lawyers for help with a letter to support her bail application. She had been charged with supplying small amounts of drugs from her social housing property. Ms Roberson has complex post-traumatic stress disorder following a long history of domestic violence, and had a history of illegal drug use and homelessness before she was offered social housing.

Ms Roberson had been in recovery but upon being exposed to high levels of drug activity in her new social housing complex and being in fear of those involved in drug supply, she relapsed back into drug use.

We provided a letter to her criminal lawyer in support of a bail application, arguing that a prolonged absence in custody would put her at risk of losing her housing. The charges also triggered her landlord to terminate the lease for “illegal use” of the premises. We represented Ms Roberson in the NSW Civil and Administrative Tribunal (NCAT) proceedings and then on appeal. The NCAT Appeal Panel found that the Tribunal had made a decision that was strongly against the weight of the evidence, and that Ms Roberson would suffer undue hardship if evicted. The termination was overturned.

Since the proceeding finalised, our client has been pursuing her priority transfer so that she can have a fresh start in a new area.

Supporting Work and Development Order sponsors

The Work and Development Order (WDO) Service launched an online sponsor toolkit for WDO sponsors. The toolkit includes checklists, practical guides and templates to support WDO sponsors to effectively administer the WDO scheme. In addition to making the scheme more accessible for sponsors, the resources provide clarity on the scheme’s guidelines and build the capacity of sponsors to understand and comply with their obligations.

Over 2,530 WDO sponsors in government, community and health settings across NSW help disadvantaged people clear unpaid fines through activities such as education, counselling, volunteering, and health treatment.

Enhancing civil law services for children

This year our Children’s Civil Law Service (CCLS) delivered a package of service delivery reforms in response to a 2019 evaluation of the service, including:

- a practice framework, which articulates new objectives, principles of practice and eligibility criteria
- a program logic
- guidelines for exiting clients from CCLS, and
- a youth casework manual.

In 2020–2021, the Department of Communities and Justice committed to continue funding for CCLS to provide services to the Youth Koori Court until 30 June 2022. CCLS is funded to employ a senior lawyer, a paralegal and a youth caseworker to support participants in the Youth Koori Court.

Funeral insurance targeting Aboriginal communities

This year we acted for clients who purchased funeral insurance from a private company that targeted Aboriginal communities with a product made to look like it was both community-based and Aboriginal. We continued to act for many Aboriginal clients seeking refunds of the premiums they have paid for years, achieving successful outcomes through complaints to the Australian Financial Complaints Authority.



Recouping funeral insurance costs

Our client bought funeral insurance for herself and her seven children. She paid for insurance for her family for 16 years, believing she was contributing to a community fund that helped Aboriginal families pay for funerals. Over the years, she contributed over \$25,000. We assisted her to make a complaint to the Australian Financial Complaints Authority and the company was ordered to refund all premiums in full in May 2021.

Stolen Generations Reparations Scheme

In 2020–2021 we provided 68 services to clients in relation to Stolen Generations Reparations Scheme eligibility and review options. This assistance includes applications to the scheme as well as reviews of decisions where applicants have been refused.

We have advocated for changes to the scheme's eligibility criteria which has resulted in a more expansive approach by Aboriginal Affairs NSW and a greater number of applicants being successful. We also created a number of educational resources, including posters and postcards, in order to spread the word about the scheme's existence and its upcoming end date in 2022.

Death in custody inquests

Our Coronial Inquest Unit has responded to increased demand for representation at death in custody inquests. Appearing on behalf of bereaved families, our advocates argue for systemic improvements within the prison system, particularly in relation to custodial health and the mental health treatment of inmates.

Relying on this expertise, we prepared an extensive submission and appeared to give evidence before the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody in October 2020. Our submissions were adopted in many respects by the Select Committee, including calls for a broader review of delays in coronial inquests, advocating for positive improvements to the coronial system, and for improvements in cultural competency.



Securing a waiver of Centrelink debts

Fletcher, Secretary, Department of Social Services and (Social services second review) [2021] AATA 577 (19 March 2021)

We secured a waiver of Centrelink debts totalling \$131,915 when the Administrative Appeals Tribunal (AAT) agreed there were special circumstances that justified waiving the debt in full.

Our client Mrs Fletcher applied for the Disability Support Pension (DSP) in 2010 after being diagnosed with a serious medical condition. She declared her husband's earnings in the application, but Centrelink failed to take his earnings into account when assessing her eligibility for the DSP. On the basis of this error, Mrs Fletcher was granted DSP at the maximum rate and this mistake went undetected for eight years. When the error was identified, Mrs Fletcher's DSP was cancelled, and Centrelink sought to recover the payments she had received.

Legal aid was granted to represent Mrs Fletcher in the General Division of the AAT. The evidence showed that a significant contributing factor to the debt was the fact that Centrelink only sent seven letters to Mrs Fletcher about her DSP throughout the entire period, and there was no correspondence at all from July 2013 to November 2018. The AAT found that most of those letters were misleading and confusing.

Although the AAT was unable to find the debts were caused solely by Centrelink's administrative error, the Senior Member held that Centrelink's initial error, as well as misleading correspondence and failure to make enquiries were all "special circumstances". When combined with Mrs Fletcher's continuing ill-health, the resulting impact of her husband's health, and their overall financial hardship, the AAT decided to exercise its discretion to waive the entire debt.

Improving responses to elder abuse

The Legal Aid NSW Elder Abuse Service (EAS) is a three-year Commonwealth funded service and the first service of its kind in NSW. It is a general, interdisciplinary service offering legal and social work support. One of the aims of the service has been to identify issues that act as barriers for older people to speak out about elder abuse.

In 2020–2021, the EAS assisted 123 clients with legal problems such as granny flat arrangements, recovery of money loaned through informal financial arrangements, Centrelink, guardianship, financial management, powers of attorney, and Apprehended Violence Orders (AVOs).

Informed by their casework, the EAS prepared law reform proposals that reflect the lived experiences of their clients, with a focus on:

- improved options for older clients to remove abusive adult children from the family home
- more accessible remedies for victims of financial abuse

- harmonisation of national Powers of Attorney
- safer banking options for older people, and
- working with police to improve the identification and response to elder abuse.

Western Sydney social security advice clinic

After a successful trial, we established a permanent social security advice clinic at the Legal Aid NSW Blacktown office. This clinic services the three Western Sydney offices in Parramatta, Blacktown and Penrith. Solicitors have found it helpful to have a specialist service to refer clients to, but also report the value of direct contact with social security experts to build their capability and support their casework in this area of practice.

Reaching the veteran community

In September 2020, the Veterans' Advocacy Service (VAS) introduced quarterly webinars on veterans' law to increase our engagement with Ex-Service Organisations (ESOs). We facilitated and presented at four webinars this year. The feedback from ESOs has been extremely positive and has resulted in an increase in enquiries and referrals for advice.

Working with allied professionals

We continue to expand our allied professional workforce, which includes social workers in the Elder Abuse Service and Children's Civil Law Service, a community development officer in the Refugee Service and financial counsellors in the Civil Law Service for Aboriginal Communities and the Consumer Law team.

In 2020 we employed a financial counsellor to assist clients impacted by the bushfires, and to support our work with clients with significant debt and in financial hardship. Over 2020–2021, the financial counsellor achieved close to \$457,000 of debts waived for 31 clients, with amounts ranging from \$3,000 to over \$120,000.



The year ahead

- ➔ We will implement the general advice model across our services.
- ➔ We will review and refine the Work and Development Order model to improve access to the scheme for disadvantaged clients.
- ➔ We will triage and prioritise civil law services to prisoners.
- ➔ We will continue to advocate for improvements to the coronial system in NSW and its impact on the prevention of deaths in custody.
- ➔ We will expand assistance to women on temporary visas experiencing domestic violence and employ an additional immigration lawyer and legal support officer.
- ➔ We will implement a regional communication strategy to enable communities affected by the closure of outreach services during COVID-19 to access civil law services remotely.

Community legal education

The Legal Aid NSW Community Legal Education Program provides targeted education for priority client groups and community professionals working with these client groups.

This year we relied on our digital delivery methods to stay in touch with the community and present relevant and engaging educational content; however, the number of community legal education (CLE) services delivered to community members continued to be affected by COVID-19.

Over the past year we delivered 498 CLE services in person and attended over 130 stalls and events with the general public. In total we delivered 1,293 community legal education services, a 27.7 percent decrease on the previous year.

We published 51 podcast episodes and hosted 319 online CLE events. We delivered 510 CLE services to community and health workers, with 9,412 attendances by community and health workers.

Area of law	2018–19	2019–20	2020–21	Change from previous year
Criminal law	715	470	376	-20.0%
Family law	739	427	193	-54.8%
Civil law	1,268	892	724	-18.8%
Total	2,722	1,789	1,293	-27.7%

Keeping older people safe in our communities

This year we produced a number of resources highlighting elder abuse and how members of the community can keep older people safe.

We supported the Legal Aid NSW Elder Abuse Service by launching a podcast and series on YouTube called *Age, Abuse & Justice*. The goal of this series was to raise awareness of what elder abuse looks like and how the law deals with it.

We created a short podcast series called *Hard Conversations* which featured people discussing their understanding of elder abuse, the ways they think about it in their communities, and how we can start to address it together. The episodes cover issues facing rural and regional areas, engaging with diverse communities, and working with Aboriginal and Torres Strait Islander communities.

We created an A4 wall calendar for older people that was rolled out alongside the very popular *Legal Topics for Older People* diary. It featured information and referral details on legal topics relevant to older people.

Resources for young people

We launched two new resources to help young people understand their legal rights and identify where to get help.

The first resource is an animated video, *How can the law help me?*, to encourage young people to recognise issues that can be classified as legal problems, such as fines, problems at work, bills and trouble with family members and the police. Contact details are provided for LawAccess NSW and the Legal Aid NSW Children's Legal Service Youth Hotline.

The second resource is a publication called *What are my rights? A handbook for young people*. This handbook looks at some of the common day-to-day problems that young people face like unpaid fines, debts, problems with a landlord, and explains their rights and how to get help.

Children's book for refugees – *The Ribbon*

We collaborated with the Legal Aid NSW Refugee Service and publisher Lost in Books to create a children's book aimed at refugee children and their mothers called *The Ribbon*.

The book informs children, and through them their parents, of the fact that Legal Aid NSW exists as a service and can help with problems that might not seem legal. It includes important contact details for vulnerable women to use when they want to get legal help from the Refugee Service. It is also a story book that children and their parents can enjoy reading.

The book has been translated into Arabic. Versions in Burmese, Swahili and Persian will soon be available for refugee communities.



Cover of *The Ribbon* – a children's book for refugees.

A day on Country at Warre Warren

The Elder Abuse Service has a particular focus on supporting older Aboriginal clients. The theme for Seniors Week this year was In our Nature. In partnership with Aboriginal organisations and the local community legal centre, we hosted an elders' event on Country to acknowledge the role of elders in Aboriginal culture and to bring them together after the isolation of COVID-19.

The main part of the day was a trip to Country, the 1,200-hectare sacred place west of Wyong near Mangrove Dam known as Warre Warren. The area is a place rich in history and Aboriginal cave art dating back 10,000 years. According to Dreaming stories, this was the place where the male and female creators first stepped onto the earth.

After the day on Country, the elders attended a forum where they could speak to service providers, including Legal Aid NSW, Centrelink, and health services.



Senior solicitor in the Legal Aid NSW Elder Abuse Unit Mary Lovelock (right) with Aunt Lila (left) at Warre Warren.



Launch of an animation to improve ADVO comprehension

The Cooperative Legal Service Delivery (CLSD) program launched an animation, *Got an AVO? How to Stick to Your Order*, which aims to help people understand and comply with an Apprehended Domestic Violence Order (ADVO).

Originally developed by CLSD program partners in Albury and released as a pocket-sized brochure, the animation is an extension of the brochure to provide increased accessibility. It contains an explanation of ADVOs, the consequences of breaching them, tips for sticking to them, and frequently asked questions based on real-life scenarios to assist defendants in avoiding a breach of their ADVO. It is available to watch and share via the Legal Aid NSW YouTube channel.



The year ahead

- We will create a national online learning module to assist people who are not eligible for legal aid to complete their divorce online.
- We will create resources for students and parents about school suspension and expulsion to encourage people to get legal help.
- We will develop a podcast series for community workers and families about what happens when their client or family member goes to prison.
- We will create new and innovative resources that utilise social media and digital content.

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.



Legal Aid NSW Community Legal Centre Program Unit (CLCPU) Project and Policy Officer Julia Cordina, CLCPU Senior Project Officer Lila Sullivan, NSW Attorney General Mark Speakman, CLCPU Manager Mia Zahra, CLCNSW Executive Director Tim Leach and CLCPU Senior Project and Policy Officer Jennifer Chen.

In this section

56 Private lawyers

58 Programs

Key achievements

- ★ We increased the fees paid to private lawyers who do legal aid work – the first increase since 2007.
- ★ We established the Private Lawyer Quality Standards Unit to proactively monitor the quality of services provided by private lawyers funded to do legal aid work.
- ★ We launched the Lawyer Education Series to support the professional development of private lawyers.
- ★ We supported community legal centres to provide vital support during the COVID-19 pandemic and in response to disasters.
- ★ For the first time, all 27 Women’s Domestic Violence Court Advocacy Services have an Aboriginal focus worker at their service.

The year ahead

- ➔ We will continue to implement and communicate a consistent approach to supporting the quality of services provided by private lawyers.
- ➔ We will continue to improve and embed our complaints handling processes for private lawyers.
- ➔ We will implement the next application process for community legal centre funding.
- ➔ We will progress the development of a tailored online client management system for Women’s Domestic Violence Court Advocacy Services.

Key challenge

- ➔ We will continue to work with our partners to provide them with timely, skilled and specialist support in an environment of increasing complexity due to COVID-19.

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 69.8 percent of all casework services, and 40.6 percent of all duty lawyer services. Further details appear in Appendix 5.

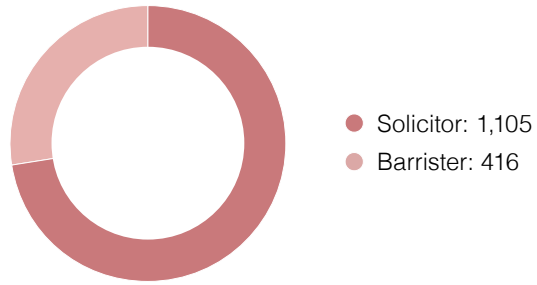
Total panel members

2016–2017	1,980
2017–2018	2,146
2018–2019	2,184
2019–2020	2,152
2020–2021	1,521

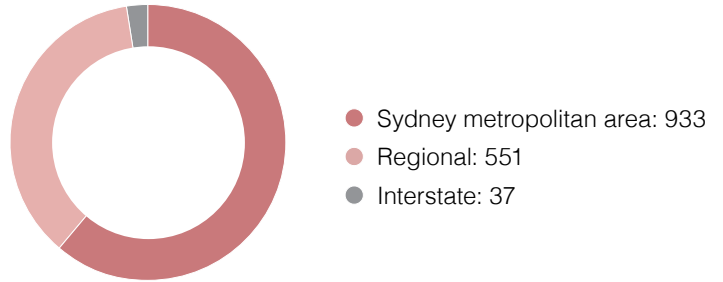
Number of private lawyers on Legal Aid NSW panels 2020–2021*	
General panels	
General Civil Law Panel	286
General Family Law Panel	636
Summary Criminal Law Panel	1,115
Specialist panels	
Appellate Criminal Law Barrister Panel	91
Care and Protection Panel	304
Children’s Criminal Law Panel	491
Complex Criminal Law Barrister Panel	198
Domestic Violence Panel	518
Independent Children’s Lawyer Panel	121
Indictable Criminal Law Panel	602
Indictable Criminal Law Barrister Panel	373
Mental Health Advocacy Panel	361

*Some lawyers are active members of more than one panel. Figures include current active panel members whose appointment start dates were before 30 June 2021.

The lawyers who sit on our panels



Where our panel lawyers are located*



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

Supporting private lawyers to do legal aid work

Private lawyers provide approximately half of all Legal Aid NSW services. They are a crucial enabler of our ability to deliver legal aid efficiently and effectively across the state. Some regional and remote areas are entirely reliant on private lawyers.

This year has seen the continued implementation of a framework designed to engage more meaningfully with the private profession to support, drive and monitor quality, and to ensure our clients receive the highest quality services.

In July 2020 the *Legal Aid Commission Act 1979* (NSW) was amended to provide flexibility, responsiveness and quality control of private lawyers funded to do legal aid work. Following this legislative change, we established a new unit, the Private Lawyer Quality Standards Unit, tasked with proactively monitoring the quality of services provided by private lawyers funded to do legal aid work.

Review of fees paid to private lawyers

On 1 July 2020, the base hourly rate in state matters increased from \$150 to \$160. This was the first increase in fees since 2007 and the first of four annual increases following on from the allocation of \$87.7 million by the NSW Government in November 2019.

The rate paid for a gaol visit also increased to be equivalent to twice the base hourly rate, addressing longstanding feedback from private lawyers.

Establishing quality standards

We consolidated 14 different sets of practice and client service standards into one set of quality standards designed to provide private lawyers with clarity on the quality of legal service they are expected to deliver and provide a benchmark for service.

These standards allow us to monitor and enforce quality and support private lawyers in delivering services.

Creating a new panel structure

We shifted our panel model to a law practice-based approach of panel membership. Law practices apply for membership of Legal Aid NSW panels through a principal applicant.

The new service agreement formally embeds the quality standards and holds the principal accountable for managing quality against those standards.

Since launching our new panel structure, we have onboarded 1,509 law practices, with 131 of those not previously a member on any of our panels.

Streamlined panels processes

We reduced the number of panels from 14 to 12. We created a single application form, replacing 14 separate panel applications, and implemented a rolling membership to replace the reapplication requirement. Private lawyers now spend less time chasing information or completing low-value administrative tasks.

Proactive support for private lawyers

We developed a Lawyer Education Series, which provides CPD-accredited training to private lawyers.

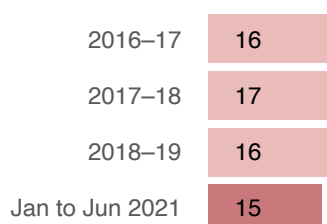
We collated and developed other value-adding services available through our website, including:

- precedents and templates
- checklists that provide guidance and assistance in running matters in court, and
- an expansion of our library services to allow private lawyers to receive assistance from our library staff.

Quality assurance

We take a risk-based approach to monitoring quality and implementing quality interventions, such as file reviews and quality audits. To support the improvement of the quality of services provided to clients, we focused on specific areas of practice improvement through the development of annual quality priorities.

1. File audits (now referred to as quality audits)*



*File audits were suspended between July 2019 and January 2021.

2. File reviews

File reviews are a new initiative that commenced in 2021 following the implementation of the private lawyer quality framework.

The total files reviewed between January to June 2021 was 36, with a target of 140 for the 2021 calendar year.

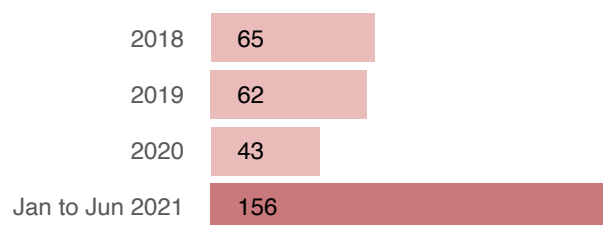
3. Regional visits

We conducted visits to targeted regions to introduce the Private Lawyer Quality Standards Unit and to listen to and encourage feedback from relevant stakeholders.

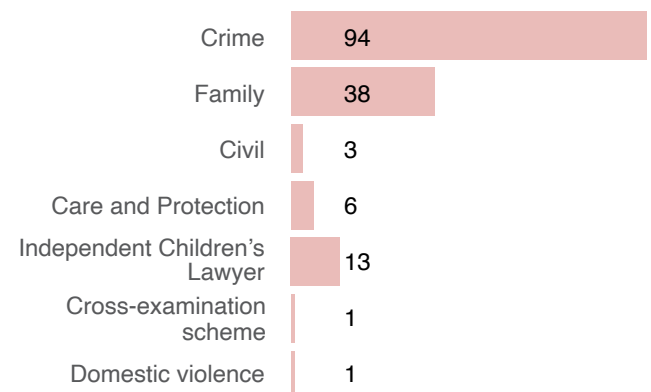
4. Complaints

We used complaints as the primary mechanism to proactively identify concerns about panel member performance. Since implementing, promoting and embedding our complaints handling processes, we have received a significant increase in complaints.

Complaints received (by calendar year)



Breakdown of complaints for January to June 2021 by area of law



The year ahead

- ➔ We will continue to implement and communicate a consistent approach to supporting the quality of services provided by private lawyers.
- ➔ We will develop and implement a financial audit target action plan undertaking spot-check audits.
- ➔ We will continue to improve and embed our complaints handling processes.
- ➔ We will identify training needs and continue to develop a suite of CPD-accredited training materials.

Programs

Community legal centres

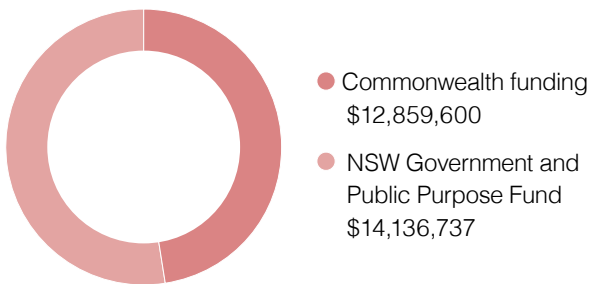
Legal Aid NSW administers funding on behalf of the NSW Government, Commonwealth Government and Public Purpose Fund for the Community Legal Centres (CLC) Program in NSW.

The program funds 32 generalist and specialist centres and the sector's peak body Community Legal Centres NSW. This includes the Aboriginal Legal Access Program and Children's Court Assistance Scheme. The CLC Program also funds the Court Support Scheme, operated by the Community Restorative Centre.

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

Funding

A total of \$26,996,337 was paid to CLCs and Community Legal Centres NSW through the program.



Additional funding

In addition to CLC Program funding, the CLC sector also received the following additional Commonwealth funding:

- \$1,500,000 of bushfire support funding
- \$5,433,439 of COVID-19 funding, and
- \$477,901 of Domestic Violence Unit funding.

More details about funding can be found in Appendix 4.

CLCs provided vital bushfire support

In 2020–2021, farmers, small businesses and regional communities were recovering from the worst bushfire season in living memory. In response, the Commonwealth Government allocated close to \$5 million for legal assistance services in NSW. Of this funding, \$1.5 million was administered to nine community legal centres in NSW to deliver bushfire-related legal services. This enabled a range of generalist and specialist centres to increase their capacity to assist individuals affected by the bushfires.

Fact file

CLCs funded through the Community Legal Centres Program:

- assisted 40,710 people
- provided 48,774 advice services and 10,214 legal tasks for clients
- opened 5,107 representation services and closed 4,437 representation services, including closing 1,280 for court and tribunal services
- provided 3,538 duty lawyer services
- delivered 1,052 community legal education activities and created 356 resources, and
- made 68,212 referrals.

Two of the centres were funded to provide legal assistance to small business and primary producers. This included the extension of Justice Connect's pro bono platform to support the link between small businesses and primary producers with pro bono services.

Providing assistance to communities during COVID-19

An additional \$5.43 million of Commonwealth COVID-19 funding was allocated to 38 centres for frontline legal assistance services and information and communications technology (ICT) support. The additional funding allowed centres to respond to unprecedented demand and deliver more legal assistance services to people experiencing disadvantage.

The frontline legal assistance funding increased the capacity of centres to respond to increased demand related to the pandemic. Almost 80 percent of this funding was provided to support people experiencing domestic and family violence who were impacted by COVID-19.

The ICT funding enabled centres to facilitate virtual and remote working arrangements and purchase additional equipment. This allowed centres to adapt, ensuring continued service delivery and the safety of staff, clients and communities, in compliance with COVID-19 restrictions.



The year ahead

- ➔ We will continue to support CLCs as they respond to the COVID-19 pandemic.
- ➔ We will work with CLCs on a range of access to justice initiatives for Aboriginal and Torres Strait Islander people.
- ➔ We will implement the next application process for CLC funding.

Women's Domestic Violence Court Advocacy Program

Legal Aid NSW administers NSW Government funding for Women's Domestic Violence Court Advocacy Services (WDCASs) across the state through our Women's Domestic Violence Court Advocacy Program (WDVAP) Unit.

WDCASs provide women experiencing domestic and family violence and their children with information, advocacy, safety planning, referrals and support through the court process at all Local Courts across NSW.

WDCASs play a key role in the NSW Government's Safer Pathway program, including providing secretariat support and victim liaison for Safety Action Meetings (SAMs) across the state. SAMs are local, interagency meetings that aim to assist victims at serious threat of injury or death due to domestic and family violence.

We also administer the social support services component of the Family Advocacy and Support Service (FASS), a national scheme of integrated legal and social support for families affected by domestic and family violence. WDCASs provide social support for women through the FASS at the Sydney, Parramatta, Wollongong and Newcastle family law court registries, and Relationships Australia NSW provides social support for men. In 2020–2021, FASS social support workers assisted 1,619 clients.

Fact file

- 3.4% increase in the number of clients supported compared with the previous year
- 15.1% increase in the number of service events provided
- 1.7% increase in referrals made for clients
- 14.9% of WDCAS clients identified as being Aboriginal or Torres Strait Islander people
- 18.6% of WDCAS clients identified as being from culturally diverse backgrounds
- 10.2% of WDCAS clients identified as having a disability

Funding

This year, we administered \$33,454,966 in grant funding to WDCASs. For further details regarding WDCAS funding, see Appendix 3.

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

2016–2017	43,006
2017–2018	43,947
2018–2019	47,902
2019–2020	53,527
2020–2021	55,341

Improved services for Aboriginal women experiencing domestic and family violence

From April 2021, for the first time, all 27 WDCASs have an Aboriginal focus worker at their service. There are now 32 Aboriginal focus workers across 27 WDCASs providing statewide support.

Aboriginal focus workers provide specialist support to Aboriginal women experiencing domestic and family violence and support their teams to engage appropriately with Aboriginal clients. They also undertake community engagement activities to build connections between WDCASs and Aboriginal communities.

Supporting WDCASs to adapt to COVID-19

This year we helped services adapt their approach to service delivery in response to the unique challenges posed by COVID-19. WDCASs shifted to providing more support to clients via email and telephone, and Safety Action Meetings were held online.

Keeping WDCAS staff skilled and responsive

We moved Safety Action Meeting training and continuing education training online, which allowed WDCAS staff and representatives from multiple agencies to remain skilled and responsive during the pandemic. This year, the continuing education training focused on ensuring WDCAS staff can provide appropriate support and referrals for LGBTQIA+ clients.

The year ahead

- ➔ We will progress the development of a new, tailored online client management system for WDCASs.
- ➔ We will provide support to the Family Advocacy and Support Service (FASS) to expand its social support component to cover all Federal Circuit and Family Court of Australia circuit locations in NSW.
- ➔ We will continue working with NSW Police to redesign the Domestic Violence Safety Assessment Tool.

4 Managing our organisation

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



Group photo of Legal Aid NSW Human Resources staff.

In this section

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Key achievements

- ★ We successfully launched our flexible working policy.
- ★ We achieved excellent results in the 2020 NSW People Matter Employee Survey.
- ★ We continued to make administrative tasks more efficient.
- ★ We increased the support available for managers.
- ★ We increased our cyber security capabilities.
- ★ We launched a new cloud-based business intelligence platform.

The year ahead

- ➔ We will implement new policies and practices to prioritise the wellbeing of our staff.
- ➔ We will continue to increase the diversity of our workforce, including Aboriginal and Torres Strait Islander staff, staff with disability, and staff from regional areas.
- ➔ We will continue to provide training and development opportunities to the organisation.
- ➔ We will increase the scope of virtual and digital training offerings.

Key challenge

- ➔ We will continue to support our staff to work effectively in an increasingly flexible workplace and be responsive to unexpected environmental factors such as COVID-19.

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 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
2016–17	1,058.79	1,163
2017–18	1,098.94	1,203
2018–19	1,178.48	1,326
2019–20	1,208.79	1,360
2020–21	1,272.0	1,440

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

Administrative workforce transformation

Legal Aid NSW is continuing to develop an administrative workforce that has flexibility, capability and capacity to meet our client service and legal support needs.

Highlights of improvements made this year were:

- streamlining mail and courier services to improve efficiency and security
- implementation of the online Client Appointment Booking System to more effectively book appointments

- implementation of a bot to automate the updating of client locations in corrective services facilities, and
- implementation of applications such as PDF editing and speech to text software, which has reduced the manual tasks required of the administrative workforce.

A new business intelligence solution

This year we implemented a new business intelligence solution. The solution enables us to build reports with significant improvements in ease of access, content, functionality and visualisation.

We focused on enabling the practice and business areas to self-serve and create their own business reports, ensuring that the right people are able to access updated service information at any time to provide data insights and to support organisational planning.

Recognition of staff dedication and effort

In May 2021, office managers and legal support officers were recognised at an internal management conference as being the backbone of Legal Aid NSW. Without their dedication and effort, our legal teams would be unable to function properly and provide essential services to our clients.



The year ahead

- ➔ We will continue to support our staff to provide outstanding customer service.

Programs aim to keep staff healthy and safe at work

Launch of flexible work

On 1 February 2021, we launched our flexible working policy, enabling all staff across the organisation to apply to work flexibly by choosing any of the following options:

- work from home/alternate location
- staggered hours
- compressed hours
- part-time arrangement, or
- job share.

Our approach to flexible working is a team-based one, where individual arrangements are designed in alignment with team design agreements and based on our flexible working principles.

As at 30 June 2021, 1,021 staff had applied for flexible work arrangements, with 863 approved. The majority of these agreements related to work from home/alternate location.

A staff survey conducted in April 2021 showed that 92 percent of participants felt their manager strongly supports flexible working and 85 percent were satisfied with their ability to access and use flexible working arrangements.

Supportive workplaces pilot

We implemented the supportive workplaces pilot in six offices or teams as part of our mentally healthy workplace program of work. We partnered with the University of South Australia and the NSW Public Service Commission to support staff in these offices to identify opportunities to strengthen work environments, practices, and systems.

Our response to sexual harassment

Following reports of sexual harassment and inappropriate behaviour in workplaces, including the legal profession and public sector, we commenced work to review our policies and resources that deal with this conduct.

New draft policies were prepared, and advice sought from senior counsel to review the content of the draft policies. The draft policies make it clear that Legal Aid NSW has a zero-tolerance approach to sexual harassment and unacceptable behaviour. They also address complaints about the conduct of third parties, such as other legal professionals who do not work at Legal Aid NSW.

Workers compensation claims and associated costs

Staff recorded 148 workplace incidents this year. Of these incidents, 66.2 percent were related to unreasonable client conduct or threats from clients, which is an increase of 2.8 percent since 2019–2020.

There was an overall 5.1 percent reduction in incidents recorded since last year.

There were 18 injury/illness notifications reported to the insurer, of which 13 were cost-impacting workers compensation claims. The total net incurred cost of these claims was \$21,925.

A total of \$507,460 was spent on active workers compensation claims this year, with a breakdown as follows:

- 83 percent of claims related to physical injuries, and
- 17 percent of claims related to psychological injuries.

Mechanism breakdown for injury/illness notifications

Mechanism	2018–19	2019–20*	2020–21
Vehicle incidents and other	3	3	2
Falls, trips and slips	6	9	3
Hitting objects with a part of the body	2	2	1
Being hit by moving objects	4	3	0
Body stressing	5	9	9
Mental stress	3	4	3
Total	23	30	18

*Two additional notifications were made after the reporting period for 2019–20 but occurred during the financial year.



The year ahead

- ➔ We will develop and implement a wellcheck program.
- ➔ We will establish a peer-to-peer framework.
- ➔ We will enhance the Connect to Support options available to staff.
- ➔ We will launch our mentally healthy workplace policy.

Workforce diversity and equity

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

Women in senior leadership

We have achieved the women in senior leadership target under the NSW Premier's Priority 14. Our senior leadership team comprises almost 80 percent women, supported by a strong pipeline of talent.

This year, our high potential staff were sponsored to participate in the Diverse Women in Law senior lawyers mentoring program.

Increasing our Aboriginal and Torres Strait Islander workforce

We are committed to increasing our Aboriginal and Torres Strait Islander workforce to ensure the organisation is reflective of our client base. All senior leaders have been set staff targets of Aboriginal and Torres Strait Islander employees. Recruitment rules have been introduced to increase the uptake of Aboriginal and Torres Strait Islander talent pools and the number of targeted recruitments.

We have continued to provide early career opportunities to Aboriginal and Torres Strait Islander people via professional legal placement positions, graduate development positions, cadetships and administration traineeships (in partnership with Aboriginal Employment Strategy), which remained filled

throughout the year. We have ensured that participants have suitable supervision and are undertaking meaningful work.

Aboriginal and Torres Strait Islander staff	
Lawyers	28
Field officers and other staff	59
Graduates, cadets and trainees	11

Recruiting people with disability

As Legal Aid NSW has achieved the Premier's Priority target for employment of people with disability, we have set a stretch target of 8 percent by the end of 2023. Currently 6.8 percent of Legal Aid NSW staff identify as people with disability. All senior leaders have been set staff targets for people with disability.

Revamping our diverse staff networks

This year we revamped both our Staff Disability Network and our Equity and Diversity Committee. These groups play an important role in supporting Legal Aid NSW to strive for best practice in inclusion, in both our services and workplace. They also support our leadership to be responsive to challenges or barriers in inclusion and equity that may arise for staff and clients.

With support from the Australian Network on Disability, we have taken steps to bring greater clarity to each group's purpose and strengthen the operational model to ensure they deliver on that purpose.

Introducing our anti-racism, anti-xenophobia, and anti-bigotry plan

The Equity and Diversity Committee identified the need to take further measures toward building a culturally capable workforce and ensuring a safe workplace for all staff. In response, we have developed a comprehensive plan to stamp out racism, xenophobia, and bigotry in the workplace.

Under the plan we will deliver a systematic and comprehensive set of initiatives which will:

- increase cultural capability for all staff and embed best practice models of allyship
- strengthen the reporting framework for unacceptable behaviour
- increase the value placed on cultural capability in the recruitment and onboarding process, and
- undertake targeted measures to support and develop diverse staff.

Growing our regional employment footprint

Legal Aid NSW developed a Regional Employment Strategy 2021–2023 which outlines how we will contribute to the growth of the NSW public sector workforce in regional areas. The strategy sets out our commitment for maintaining and growing our regional employment footprint at all levels, including senior leadership.

The Regional Employment Strategy 2021–2023 contributes to our vision to be a leader in a legal system that delivers fair outcomes for disadvantaged people across NSW. By having a workforce located in areas which best suit our service users, we are removing barriers and delivering better outcomes for people in regional locations. In turn, this builds a diverse workforce and creates more jobs in regional NSW.

Increased participation in Aboriginal staff network meetings

We have shifted Aboriginal staff network meetings online during 2020–2021, and thereby increased the number of staff who were able to participate.

In November 2020, we engaged career coach Jacquie Hoyes to deliver a two-hour online career development workshop covering topics like applying for roles in the public sector, structured interview techniques, and managing individual brands in terms of career planning.

In May 2021, we held online training in crisis response skills which workers can integrate into a continuum of care for Aboriginal family groups and individuals.

Increase in staff engagement for annual cultural events

Transitioning our events online has provided an opportunity for more staff, particularly those in regional offices, to participate in significant events on the Aboriginal and Torres Strait Islander calendar, such as National Reconciliation Week and NAIDOC Week.

Joining the ACON Welcome Here program

Legal Aid NSW joined the Aids Council of NSW (ACON) Welcome Here program, with all offices participating. Welcome Here supports businesses and services throughout Australia to create and promote environments that are visibly welcoming and inclusive of sexually and gender diverse communities.



The year ahead

- ➔ We aim to lift the proportion of Aboriginal and Torres Strait Islander staff in our organisation to 11 percent.
- ➔ We aim to lift the proportion of employees identified as having disability to eight percent.
- ➔ We will grow our regional workforce from 186 employees to at least 200 employees by 2023.

Legal education and capability development

Support for managers

This year we put significant emphasis on supporting our managers at various levels in the organisation.

We piloted and evaluated Manager Essentials, a seven-month program that provided managers with core concepts and practical tools to strengthen their management and leadership capabilities.

We piloted a Manager as Coach program with 14 senior managers enrolling and showing a commitment to their ongoing leadership development.

Members of our Executive took up places in the NSW Leadership Academy's Leading Executives Program (Band 1 and 2). Four staff were also accepted into the Leadership Academy's Executive Leadership Essentials program.

Two senior leaders were supported to undertake the Australia and New Zealand School of Government (ANZSOG) Executive Master of Public Administration program.

We launched a dedicated learning and development intranet page to make it easier for managers to find resources that can support them, including recruitment and hiring manager guides.

We created a strategy to support staff who have graduated from the LEAD management development programs to further embed their learning and facilitate their ongoing leadership development.

Staff development

We implemented a Career Pathways resource for civil, family and criminal law staff to provide clearly defined pathways for career progression at Legal Aid NSW.

We launched a learning calendar for staff to find, access or register for the full suite of available face-to-face and virtual workshops, recorded webinars, and on-demand digital resources.

We reviewed and updated our online corporate induction program for new starters and created a Welcome to Legal Aid NSW intranet site where new employees and managers can find information about starting at Legal Aid NSW, induction, orientation and probation.

We responded to the challenges posed by COVID-19 by delivering all our training online using a range of virtual technologies.

We commenced the rollout of Connecting with People (CwP), an internationally recognised, evidence-based suicide prevention training program that aims to support our staff to engage with clients and others who are in distress in a compassionate, effective, and consistent manner.

We delivered the Overcoming the Barriers training for LawAccess NSW staff to build their capacity in providing accessible and effective services to people experiencing mental illness.

NSW People Matter Employee Survey (PMES)

This year we had an exceptional 97 percent response rate to the NSW People Matter Employment Survey, compared with just over 47 percent for the sector.

We also returned higher scores across all key survey topics than the rest of the public sector. Our employee engagement and job satisfaction scores were 77 percent and 79 percent respectively.

Our top three scores were in:

- inclusion and diversity
- customer service, and
- flexible working satisfaction.

We are using these results to lead initiatives including offering more IT support, improving feedback loops between managers and staff, providing more learning and development opportunities, and improving recruitment processes.

Lawyer Education Series

We developed the Lawyer Education Series – a suite of CPD-accredited training modules and resources relevant to areas of our work or the needs of specific communities. This series was created to support private lawyers who work

with us to deliver high-quality legal aid services. Staff from across the organisation contributed to the series.

Legal conferences in 2021

The NSW Child Protection Legal Conference was held in February 2021. It was the first conference jointly organised by Legal Aid NSW, the Department of Communities and Justice, and the Children's Court. Over 200 socially distanced people attended the International Convention Centre Sydney, with a further 467 people attending virtually from the regions.

Our first virtual Legal Aid NSW Criminal Law Conference was held on 2–3 June 2021, streaming from the International Convention Centre Sydney to attendees across the state and at legal aid commissions across Australia. The program featured an impressive line-up of speakers including the Honourable Mark Speakman SC, Her Excellency the Honourable Margaret Beazley AC QC, Justice Michelle Gordon AC, His Honour Judge Graham Turnbull SC, Her Honour Judge Dina Yehia SC, the Honourable Mark Weinberg AO QC, and Belinda Rigg SC.

Continuing professional development (CPD)

1. Criminal law

In 2020–2021 we delivered our criminal law CPD remotely. We launched a digital learning series which provided CPD online, through both live and pre-recorded sessions. The series covered a range of topics presented by in-house lawyers, public defenders, and members of the bar. Topics included virtual court appearances in 2020, engaging neuropsychologists as experts in criminal matters, the Justice Advocacy Service, and sentencing in the Local Court. Members of the Bugby Bar Book Committee also held a panel discussion on the *Best practice standards for representing Aboriginal clients*.

In place of our 2020 Criminal Law Conference, we held a webinar week in December 2020. The program contained a wide range of topics such as unlawful strip searches, cross-examining on lies and credit, child protection offender prohibition orders, developments in the law of tendency, and the new mental health legislation. These sessions were delivered by crown prosecutors, public defenders, members of the private bar, and in-house and Aboriginal Legal Service lawyers. A highlight of the program was a presentation by Arthur Moses SC on Lawyer X and ethics.

2. Family law

Our family law staff delivered 17 webinar training sessions on various topics of relevance to family law and care and protection lawyers, up from 13 last year. In total, 611 staff and private lawyers attended live training webinars and many more have subsequently watched the recordings.

In November 2020, we delivered an Independent Children's Lawyer (ICL) workshop training for 37 practitioners (26 private and 11 in-house), which was delivered online for the first time. We also delivered a face-to-face day of Nuts and Bolts training for ICLs in March 2021. A total of 29 practitioners (19 private and 10 in-house) attended this training.

3. Civil law

Civil law staff delivered 25 webinars as part of our brush up series for 2020–2021, delivering 40 hours of CPD content on topics such as the Public Health Orders, tenancy, Centrelink, immigration, and employment law changes as a result of COVID-19.

Following the introduction of a new file review and quality assurance process, we hosted a file review and practice management webinar in July 2020 with over 150 civil law staff in attendance, as well as holding in-person events in March 2021.

New communities of practice were established on intentional torts, judicial review, and school exclusion.

We pivoted to virtual learning for our Civil Law Legal Excellence Program, in partnership with the Law Society

of NSW. This program supports civil lawyers to develop a suite of technical legal skills. We delivered three online sessions to civil law staff in partnership with the Blue Knot Foundation on the topic of building trauma awareness as part of our drive to keep our staff mentally healthy and to support them in managing vicarious trauma.



The year ahead

- We will continue to support the growth, development and capabilities of our managers and leaders.
- We will extend the Career Pathways resource to non-legal staff at Legal Aid NSW.
- We will continue to deliver the Connecting with People suicide prevention training.

Professional and personal achievements

Specialist expertise

There are 61 lawyers working for Legal Aid NSW who are accredited specialists. Two of our civil lawyers have specialist accreditation, 24 of our family lawyers have specialist accreditation and 35 of our criminal lawyers have specialist accreditation.

Significant appointments

Family Law Director Kylie Beckhouse was appointed as a judge of the Federal Circuit Court in November 2020.

Solicitor in Charge Nicole Dwyer (née Ford) was appointed as a magistrate of the Local Court in February 2021.

Solicitor in Charge Michael Ong was appointed as a magistrate of the Local Court in May 2021.

Outstanding staff achievements

Disaster Response Legal Service Manager Sally Bryant was awarded a Public Service Medal in the 2021 Australia Day Honours. Sally joined Legal Aid NSW in 1995 as a civil lawyer in the Coffs Harbour office and has delivered services to disadvantaged clients in regional communities ever since. In 2020 Sally led Legal Aid NSW's response to the devastating bushfires. Within days she mobilised staff at an unprecedented scale, ensuring that solicitors were on the ground in affected communities.

Emma Langton, a proud Yaegl woman and Solicitor in Charge of the Civil Law Service for Aboriginal Communities, won the 2020 Michelle Crowther PSM Excellence in Government Legal Service Award. This award recognises a public sector solicitor who performs above and beyond their usual responsibilities. Emma made key contributions to the Bugmy

Bar Book and helped develop our *Best practice standards for representing Aboriginal clients*. She was also an active member of the First Nations Advisory Committee for the Special Commission of Inquiry into the Drug "Ice".

The 2020 Criminal Law Directors Medal was awarded in December 2020. It was shared between two recipients – Harriet Ketley, Senior Crime Project Manager, and Paul Johnson, Solicitor in Charge at the Inner City Local Courts. Harriet has shown immense depth and breadth of knowledge of criminal law and procedure in NSW and is central to our criminal law reform and policy submissions. Paul's career at Legal Aid NSW spans over 20 years, and for many years he has managed our busiest Local Court practice. On top of this, he manages District Court appeals, the Supreme Court bail practice and, from time to time, proceedings in the nature of declaratory relief in the Supreme Court.

Senior indictable lawyer Helen Shaw was the recipient of the Criminal Law Directors Medal for 2021. Helen is well-respected by her colleagues, public defenders, and private counsel alike for her invaluable assistance in criminal trials. Her attention to detail is extraordinary. Helen is passionate and committed to clients. She is motivated by altruism and a knowledge that there are people in the community who need the support and advocacy that Legal Aid NSW provides.

Managing Advocate Nicola Callander was the recipient of the Family Law Directors Medal in 2020. Nicola has held a variety of roles at Legal Aid NSW, including Solicitor in Charge of our care and protection practice and manager of our in-house advocates. Nicola is an incredibly generous person who always gives her time and expertise to others. Her colleagues commend her as a supervisor who gives those around her the confidence and opportunity to be "the best lawyer that they can be".

An efficient and capable Legal Aid NSW

Adopting people-centred design principles in our office expansions

We utilised people-centred design principles to fit out expanded tenancies at Gosford and Liverpool and to retrofit the Orange office to accommodate increases in staffing and service delivery. The fitouts provided better spaces for staff and allowed lawyers to have greater acoustic separation and privacy when dealing with clients via video and telephone calls.

Reducing our tenancy in Sydney

We undertook an extensive restacking exercise at our Central Sydney office to rationalise our office area and bring different units within corporate services into a cohesive space. We reduced our tenancy by 542sqm and this will be further reduced in 2021–2022. The restacking will deliver an annual saving of \$460,000 in gross rent plus additional savings will be realised through reduced outgoings and overheads. The lessor provided funding to Legal Aid NSW for the cost of removalists and minor works to upgrade the premises. We reused and recycled significant elements of office fitouts available from other NSW Government agencies.

Energy-efficient lighting across regional and metropolitan offices

We worked directly with the owners of our eligible leased metropolitan and regional properties to install energy-efficient LED lighting under the NSW Government Energy Saving Scheme. LED lights are now installed across 23 of our offices. This has reduced electricity consumption and costs, reduced the maintenance required and, importantly, reduced our impact on the environment.

New space at Broken Hill

In response to increased demand at our Broken Hill office, we negotiated with Lifeline to provide a new suite of offices to accommodate our staff and clients. The building was completed in January 2021. Further work will be undertaken in 2021–2022 to provide a reception area for clients.

Security upgrade for all offices

Following a tender process, we engaged BSMS Security to upgrade the end-of-life access door controllers across all tenancies. This is the first stage of a two-year project to implement security solutions that will address issues identified in a security review undertaken in 2019–2020.

We have introduced a new integrated system which operates across all offices and can be programmed remotely. This will enable staff to obtain access across multiple offices if needed, and also allow us to more easily control access passes and better protect our staff, clients, and information.

The year ahead

- We will continue to implement people-centred design principles in our office fitouts.
- We will continue to upgrade our security solutions.
- We will consolidate service delivery, population and planning data to develop a strategy for resourcing and office accommodation across Western Sydney.
- We will work with the Department of Communities and Justice on the procurement and policy framework for the introduction of a telematics system on all fleet vehicles.



Updated spaces in the Gosford office.



Information technology

Information technology (IT) service management

With the introduction of new flexible working arrangements, many of our staff will continue to work from home or another location as the norm. Consequently, we have adjusted our IT service management processes to ensure staff are fully supported.

We engaged an external organisation to conduct a review of our IT environment to ensure that our underlying technologies, processes, and resourcing meet the changing demands of the organisation. A prioritised program of IT service improvement initiatives was identified, along with additional temporary roles to help manage the sustained increased workload, while project teams worked on service improvement initiatives.

Focus areas included:

- enhancing the reliability and experience of remote workers
- standardising telephone call flows into our frontline offices, and
- piloting more efficient ways for deploying laptops directly to staff at home.

This year we commenced the refresh of the laptop fleet and provided laptops and associated equipment to all staff working from home.

Uplifting our cyber security

This year our cyber security team engaged and collaborated with teams across Legal Aid NSW to embed cyber security requirements into projects and operational activities.

We made steady progress in uplifting our maturity against the mandatory requirements of the NSW cyber security policy. We implemented the principle of plan-do-check-act to ensure effective cyber security policies and procedures were in place and aligned with business objectives.

We developed a three-year roadmap to further uplift our cyber security capabilities. A program of initiatives is underway to ensure we continue to meet our cyber security objectives, including maintaining the confidentiality, integrity, and availability of information stored and processed within in-scope systems.

This year we launched mandatory cyber security training for all staff. A new cyber security awareness training policy was also introduced.

Launch of our new business intelligence platform

We modernised our business intelligence and reporting solution through implementation of a cloud-based solution that draws data from several systems. The launch of the new solution enables data-driven, informed decision-making to improve the services we deliver to our clients. Development of dashboards and reports are available via the platform,

and integration of new data sources such as LawAccess NSW, is planned for the coming year.

Making improvements to our Client and Case Management System (CCMS)

Following the introduction of our new Client and Case Management System (CCMS) in early 2020, this year we focused on a range of enhancements to the system. We improved the speed, usability, and efficiency of CCMS for administrative staff, and we made improvements to the handling of documents.

Subject matter experts provided a range of ongoing CCMS training to our legal practice and administrative staff. Next year we will be working on embedding this training within the broader training given to staff.

We enhanced CCMS to digitise and automate processes for booking mediations to resolve family disputes. The solution ensures seamless, timely, and safe interactions for our clients, legal representatives, mediators, and venue booking staff.

A new digital solution for distribution of back up duty work was also implemented to ensure accountability and transparency in the duty and urgent case allocation process. This solution provides private lawyers and internal stakeholders with seamless communication and ensures we automate offers for back up duty work fairly.

New ways to manage documents

We undertook a detailed discovery project to create a plan for transforming the way staff work with documents.

The exchange of documents between stakeholders in the justice system is still by paper in many situations, which is time-consuming and inefficient. This year we made improvements to document handling in our CCMS and tools were provided to staff to work with documents digitally. Additional improvements to transform the way staff work with documents will be progressed over the coming year.



The year ahead

- ➔ We will continue to enhance our Client and Case Management System (CCMS) and integrate our client appointment booking system functions into the system.
- ➔ We will transform the way our staff work with documents across the organisation.
- ➔ We will implement a range of process and system changes to improve our internal IT service management.

Environmental responsibility

Legal Aid NSW is committed to becoming more environmentally sustainable.

Goal	Target	Achievements in 2020–2021
Reduce electricity consumption	Install energy-efficient lighting in our premises.	LED fluorescent lighting is installed in 23 of our offices, which has reduced electricity consumption and maintenance needs.
Increase green paper purchasing	Minimum 85% of copy paper to contain recycled content.	Of the paper we purchased, 61% was recycled, compared with 38% in 2019–2020.
Reduce overall paper purchasing	We aim to reduce our paper purchasing by 10% each year.	We increased paper purchasing by 5%, which was likely driven by the combination of home- and office-based working.
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 are 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.
Maximise use of E10 fuel	Only cars that run on E10 and regular unleaded fuel may be purchased as fleet vehicles.	Only E10 fuel is used in Legal Aid NSW fleet vehicles. All fuel cards are restricted to payment of E10 fuel only. Payment for any other fuel type is not accepted and can only be paid for by the driver of the vehicle.
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 continue to implement principles of reuse and recycle in our office fitouts.
- ➔ We will continue to aim for reduced paper purchasing.
- ➔ We will aim for a larger proportion of our paper to contain recycled content.

Financial summary

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Key achievements

- ★ Our total income was \$393.0 million.
- ★ Our total expenses were \$404.7 million.
- ★ Our net equity was \$21.8 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 deficit of \$11.3 million.

	2019–20 (\$M)*	2020–21 (\$M)	Change %
Operating revenue	378.4	393.0	3.9%
Operating expenses	372.1	404.7	8.8%
Total assets	143.8	137.5	-4.4%
Total liabilities	110.8	115.7	4.4%
Surplus (deficit)	6.9	(11.3)	(263.8%)
Net equity	33.1	21.8	(34.1%)

*Slight changes affected our reporting of the operating revenue and total assets for 2019–20. The figures reported in this table are the updated figures.

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 Government. In addition, income is received from the Public Purpose Fund and client contributions.

Total income for 2020–2021 was \$393.0 million and expenditure was \$404.7 million.

Key developments

Our financial result was a deficit of \$11.3 million which is \$5.1 million less than the budgeted deficit of \$16.4 million.

We ended the year with net equity of \$21.8 million. Payments of \$137.8 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)

State appropriation including Commonwealth funding provided under the National Partnership Agreement	321.7
Public Purpose Fund grant	4.6
Other grants	54.0
Acceptance by the Crown Entity of employees' benefits and other liabilities	4.2
Other sources	8.5
Total	393.0

How we spent our money (\$M)

Employee-related expenses	156.9
External legal services	137.8
Grants and subsidies	70.0
Other	40.0
Total	404.7

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

Criminal law	193.8
Family law	93.8
Civil law	40.5
Community partnerships	76.6
Total	404.7

Financial performance

Our financial result was a deficit of \$11.3 million which is \$5.1 million less than the budgeted deficit of \$16.4 million.

Income

Total income for 2020–2021 was \$393.0 million and expenditure was \$404.7 million.

Funding from the NSW Government was \$219.8 million.

Funding from the Commonwealth under the National Partnership Agreement was \$101.9 million.

Acceptance by the Crown entity of employees' benefits and other liabilities was \$4.2 million.

Funding from other sources includes \$4.6 million from the Public Purpose Fund, \$54.0 million from other grants received and \$8.5 million from other sources.

Further details may be found in the notes to the financial statements that begin on page 73.

Expenses

Our major expenses for 2020–2021 were:

- employee-related expenses of \$156.9 million (\$153.8 million in 2019–2020), and
- payments to private lawyers and other professional services of \$137.8 million (\$119.6 million in 2019–2020).

Our financial performance over five years

Total expenses (\$M)

2016–2017	306.4
2017–2018	318.9
2018–2019	374.5
2019–2020	372.1
2020–2021	404.7

Budget outline 2021–2022 (\$M)

Operating statement	(\$M)
Revenue (including government contributions)	402.7
Expenditure	405.7
Other gains or losses	(0.2)
Net result	(3.2)

Balance sheet	(\$M)
Current assets	19.3
Non-current assets	110.8
Total assets	130.1
Current liabilities	44.6
Non-current liabilities	70.4
Total liabilities	115.0
Net assets	15.2
Equity	15.2

Surplus or (deficit) (\$M)

2016–2017	1.4
2017–2018	0.3
2018–2019	(25.6)
2019–2020	6.9
2020–2021	(11.3)

Financial statements

Legal Aid Commission of NSW

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

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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 Part 7.6 of the *Government Sector Finance Act 2018*, 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 *Government Sector Finance Act 2018* and *Government Sector Finance Regulation 2018*; and
 - the Treasurer's Directions issued under the Act.
2. The accompanying financial statements present fairly the financial position, financial performance and cash flows of the Legal Aid Commission of NSW as at 30 June 2021.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.

Craig Smith
Chair



Date: 27 September 2021

Brendan Thomas
Chief Executive Officer



Date: 27 September 2021



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 Legal Aid Commission of New South Wales (the Commission), which comprise the Statement by Members of the Board, the Statement of comprehensive income for the year ended 30 June 2021, the Statement of financial position as at 30 June 2021, 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:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2018* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Commission's financial position, financial performance and cash flows.

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 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.

The Board's Responsibilities for the Financial Statements

The members of the Board is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulations and Treasurer's Directions. The Board's responsibility also includes such internal control as the members of the Board determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the members of the Board are responsible for assessing the Commission's ability 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. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Commission carried out its 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.



Jan-Michael Perez
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

30 September 2021
SYDNEY

Statement of comprehensive income for the year ending 30 June 2021

	Notes	Consolidated			Commission	
		Budget 2021 \$'000	Actual 2021 \$'000	Actual 2020 \$'000	Actual 2021 \$'000	Actual 2020 \$'000
Expenses excluding losses						
Employee related expenses	2(a)	155,773	156,873	153,798	897	892
Personnel services	2(a)	-	-	-	156,438	153,254
Operating expenses	2(b)	22,042	20,435	19,892	19,921	19,492
Depreciation and amortisation	2(c)	18,325	17,829	14,713	17,829	14,713
Grants and subsidies	2(d)	69,239	70,052	62,641	70,052	62,641
Finance costs	2(e)	1,021	1,718	1,418	1,718	1,418
Services provided by private practitioners	2(f)	129,642	137,757	119,624	137,757	119,624
Total Expenses excluding losses		396,042	404,664	372,086	404,612	372,034
Revenue						
Sale of goods and services	3(a)	4,040	7,854	7,491	7,854	7,491
Investment revenue	3(b)	-	-	143	-	143
Grants and contributions	3(c)	371,904	380,360	363,607	380,360	363,607
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	3,597	4,190	6,036	4,138	5,984
Other revenue	3(e)	265	632	1,137	632	1,137
Total Revenue		379,806	393,036	378,414	392,984	378,362
Operating Result		(16,236)	(11,628)	6,328	(11,628)	6,328
Gain/(loss) on disposal	4	35	(1)	(8)	(1)	(8)
Other Gains/(losses)	5	(200)	299	584	299	584
Net Result	19	(16,401)	(11,330)	6,904	(11,330)	6,904
TOTAL COMPREHENSIVE INCOME		(16,401)	(11,330)	6,904	(11,330)	6,904

Statement of financial position as at 30 June 2021

	Notes	Consolidated		Commission		
		Budget 2021 \$'000	Actual 2021 \$'000	Actual 2020 \$'000	Actual 2021 \$'000	Actual 2020 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	7	11,137	21,644	25,393	21,644	25,393
Receivables	8	8,195	6,349	8,493	6,349	8,493
Total Current Assets		19,332	27,993	33,886	27,993	33,886
Non-Current Assets						
Receivables	8	8,032	9,736	6,948	9,736	6,948
Plant and equipment	9	9,473	10,736	9,505	10,736	9,505
Right-of-use assets	10	71,048	66,773	69,973	66,773	69,973
Intangible assets	11	22,234	22,216	23,530	22,216	23,530
Total Non-Current Assets		110,787	109,461	109,956	109,461	109,956
Total Assets		130,119	137,454	143,842	137,454	143,842
LIABILITIES						
Current Liabilities						
Payables	12	16,093	20,575	14,380	20,575	14,380
Borrowings	13	8,985	8,707	7,770	8,707	7,770
Provisions	14	19,474	20,202	19,347	20,202	19,347
Total Current Liabilities		44,552	49,484	41,497	49,484	41,497
Non-Current Liabilities						
Provisions	14	6,399	6,096	5,995	6,096	5,995
Borrowings	13	64,009	60,113	63,259	60,113	63,259
Total Non-Current Liabilities		70,408	66,209	69,254	66,209	69,254
Total Liabilities		114,960	115,693	110,751	115,693	110,751
Net Assets		15,159	21,761	33,091	21,761	33,091
EQUITY						
Accumulated funds	15	15,159	21,761	33,091	21,761	33,091
Total Equity		15,159	21,761	33,091	21,761	33,091

Statement of changes in equity for the year ending 30 June 2021

	Notes	Consolidated Accumulated Funds \$'000	Commission Accumulated Funds \$'000
Balance at 1 July 2020		33,091	33,091
Net result for the year		(11,330)	(11,330)
Other comprehensive income		-	-
Total comprehensive income for the year		<u>(11,330)</u>	<u>(11,330)</u>
Balance at 30 June 2021		<u><u>21,761</u></u>	<u><u>21,761</u></u>
Balance at 1 July 2019		26,187	26,187
Net result for the year		6,904	6,904
Total comprehensive income for the year		<u>6,904</u>	<u>6,904</u>
Balance at 30 June 2020		<u><u>33,091</u></u>	<u><u>33,091</u></u>

Statement of cash flows for the year ending 30 June 2021

	Notes	Consolidated			Commission	
		Budget 2021 \$'000	Actual 2021 \$'000	Actual 2020 \$'000	Actual 2021 \$'000	Actual 2020 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee related		(152,251)	(151,449)	(142,143)	(897)	(892)
Personnel services		-	-	-	(150,552)	(141,251)
Grants and subsidies		(69,239)	(77,057)	(68,905)	(77,057)	(68,905)
Private practitioners		(120,796)	(134,592)	(120,796)	(134,592)	(120,796)
Other		(31,834)	(19,448)	(35,297)	(19,448)	(35,297)
Total Payments		(374,120)	(382,547)	(367,141)	(382,547)	(367,141)
Receipts						
Sale of goods and services		3,840	6,421	5,293	6,421	5,293
Interest received		-	-	143	-	143
Grants and contributions		371,904	381,197	368,952	381,197	368,952
Other		265	8,808	9,169	8,808	9,169
Total Receipts		376,009	396,427	383,558	396,427	383,558
NET CASH FLOWS FROM OPERATING ACTIVITIES	19	1,889	13,880	16,417	13,880	16,417
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		35	-	-	-	-
Purchases of plant and equipment, and intangibles		(6,233)	(6,248)	(14,130)	(6,248)	(14,130)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(6,198)	(6,248)	(14,130)	(6,248)	(14,130)
CASH FLOW FROM FINANCING ACTIVITIES						
Payment of principal portion of lease liabilities		(9,947)	(11,381)	(8,508)	(11,381)	(8,508)
NET CASH FLOWS FROM FINANCING ACTIVITIES		(9,947)	(11,381)	(8,508)	(11,381)	(8,508)
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENT		(14,256)	(3,749)	(6,221)	(3,749)	(6,221)
Opening cash and cash equivalents		25,393	25,393	31,614	25,393	31,614
CLOSING CASH AND CASH EQUIVALENTS	7	11,137	21,644	25,393	21,644	25,393

The accompanying notes form part of these statements

1 STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting Commission

The Legal Aid Commission of NSW (the Commission) is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Commission is an independent statutory body, established under the *Legal Aid Commission Act 1979*. The Commission is a not-for-profit 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-entity transactions and balances have been eliminated and like transactions and other events are accounted for using uniform accounting policies.

The consolidated financial statements for the year ended 30 June 2021 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 27 September 2021.

(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 *Government Sector Finance Act 2018* (GSF Act) and Regulation, and
- Treasurer's Directions issued under the GSF 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 in right of the State of New South Wales (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) 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.

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

Effective for the first time in 2020–21

The Commission applied AASB 1059 Service Concession Arrangements: Grantors (AASB 1059) for the first time. The nature and effect of the changes as a result of adoption of this new accounting standard are described below.

Several other amendments and interpretations apply for the first time in FY2020–21, but do not have an impact on the financial statements of the Commission.

AASB 1059 Service Concession Arrangements: Grantors

AASB 1059 is effective for the entity from 1 July 2020. At the same time NSW Treasury Policy and Guideline Paper TPP 06-8: Accounting for Privately Financed Projects (TPP 06-8) was withdrawn effective from 1 July 2020. Service Concession Arrangements are contracts between an operator and a grantor, where the operator provides public services related to a service concession asset on behalf of the grantor for a specified period of time and manages at least some of those services.

Where AASB 1059 applies, the grantor recognises the service concession asset when the grantor obtains control of the asset and measures the service concession asset at current replacement cost. At the same time the grantor recognises a corresponding financial liability or unearned revenue liability or a combination of both.

The Commission has reviewed the Standard and has determined that it is not currently applicable to the Commission and has no effect on the Statement of comprehensive income, Statement of Financial position, and Statement of cashflows for the 2020–21 financial year.

Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards, unless Treasury determines otherwise. The following new Australian Accounting Standards have not been applied and are not yet effective.

- AASB 17 Insurance Contracts
- AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for Profit Tier 2 Entities
- AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current
- AASB 2020-3 Amendments to Australian Accounting Standards – Annual Improvements 2018–2020 and Other Amendments
- AASB 2020-5 Amendments to Australian Accounting Standards – Insurance Contracts
- AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date
- AASB 2020-7 Amendments to Australian Accounting Standards – COVID-19-Related Rent Concessions: Tier 2 Disclosures
- AASB 2020-8 Amendments to Australian Accounting Standards – Interest Rate Benchmark Reform – Phase 2

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 2022.

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
2 EXPENSES EXCLUDING LOSSES				
(a) Employee related expenses and personnel services				
Employee related expenses				
Salaries and wages (including annual leave)	132,424	126,926	-	-
Superannuation – defined benefit plans	948	948	-	-
Superannuation – defined contribution plans	11,922	11,423	-	-
Long service leave	3,033	5,528	-	-
Workers' compensation insurance	701	389	-	-
Payroll tax and fringe benefits tax	6,948	7,692	-	-
Agency staff costs	897	892	897	892
Total	156,873	153,798	897	892

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 2020–21 was \$0.463m (2019-20: \$1.653m), therefore excluded from the above.

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
Personnel services				
Personnel services provided by the Legal Aid Commission Staff Agency	-	-	156,438	153,254
Total	-	-	156,438	153,254

(b) Other operating expenses

Other operating expenses include the following:

Auditor's remuneration – audit of financial statements	191	155	191	155
Auditor's remuneration – audit of National Legal Advisory Service for Disability Royal Commission	10	10	10	10
Cleaning	943	765	943	765
Consultants	161	636	161	636
Contractors	179	472	179	472
Electricity and gas	354	393	354	393
Information Technology	7,364	5,931	7,364	5,931
Insurance	236	327	236	327
Internal audit and audit of Trust Account	232	62	232	62
Library resources	788	773	788	773
Maintenance	411	472	411	472
Expenses relating to short term leases and low value assets	2,238	1,133	2,238	1,133
Postage	687	735	687	735
Practicing certificates	323	599	323	599
Printing	766	979	766	979
Records management	813	767	813	767
Stationery, stores and provisions	595	673	595	673
Telephone	270	321	270	321
Travel	963	1,776	963	1,776
Other	2,911	2,913	2,397	2,513
Total	20,435	19,892	19,921	19,492

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.

Lease expense

The entity recognises the lease payments associated with the following types 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		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
(c) Depreciation and amortisation expenses				
Depreciation				
Leasehold improvements	2,218	2,123	2,218	2,123
Right of use leased assets	10,741	9,564	10,741	9,564
Plant and equipment	1,093	1,222	1,093	1,222
Total	14,052	12,909	14,052	12,909
Amortisation				
Software	3,777	1,804	3,777	1,804
Total	3,777	1,804	3,777	1,804
Total depreciation and amortisation expense	17,829	14,713	17,829	14,713

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	29,674	31,333	29,674	31,333
Community Legal Centres	33,798	26,388	33,798	26,388
Cooperative Legal Service Delivery Program	1,426	1,227	1,426	1,227
Grants to other organisations	5,154	3,693	5,154	3,693
Total	70,052	62,641	70,052	62,641

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

(e) Finance costs				
Interest expense from lease liabilities	1,610	1,504	1,610	1,504
Unwinding of discount on make good provision	108	(86)	108	(86)
Total	1,718	1,418	1,718	1,418

Recognition and Measurement

Finance costs consist of interest and other costs incurred in connection with the borrowing of funds. Borrowing costs are recognised as expenses in the period in which they are incurred, in accordance with Treasury's Mandate to not-for-profit NSW GGS entities.

(f) Services provided by private practitioners				
Solicitor services provided by private practitioners	86,571	70,756	86,571	70,756
Barrister services provided by private practitioners	36,733	33,513	36,733	33,513
Disbursements	14,453	15,355	14,453	15,355
Total	137,757	119,624	137,757	119,624

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 with a result of additional \$3.17 million due to changes in assumptions of the impact of COVID-19 since the previous valuation, general growth in legal requirements and fee increases.

3 REVENUE

Recognition and Measurement

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*.

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
(a) Sale of goods and services				
Rendering of services				
Criminal law	4,439	4,186	4,439	4,186
Family law	2,737	2,470	2,737	2,470
Civil law	678	835	678	835
Total	7,854	7,491	7,854	7,491

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	-	143
Total	-	143	-	143

During 2020–21 interest on outstanding accounts was not imposed by Legal Aid due to its COVID-19 pandemic response.

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	305,327	258,704	305,327	258,704
Cluster Agency capital contribution	5,483	4,445	5,483	4,445
Law Society Public Purpose Fund ⁱ⁾	4,577	36,285	4,577	36,285
Law Society Public Purpose Capital Fund ⁱ⁾	1,000	1,400	1,000	1,400
Cluster Agency recurrent contribution – CLC specific ⁱⁱ⁾	10,918	11,022	10,918	11,022
Other grants and contributions ⁱⁱⁱ⁾	53,055	51,751	53,055	51,751
Total	380,360	363,607	380,360	363,607

Recognition and Measurement

Grants and contributions

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. Legal Aid NSW has received \$8.8m in grant funding in 20/21 recognised under AASB 1058 which will be expended in the 21/22 financial year.

ⁱ⁾ This fund provided a grant of \$5.6m (\$37.7m in 2019-20) to provide legal aid services in State matters.

ⁱⁱ⁾ Community Legal Centres (CLC) specific funding received from the Commonwealth Government via the National Partnership Appropriation. In 2020–21, \$10.918m was received (2019–20 \$11.022m). These funds were earmarked for distribution to various Community Legal Centres.

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
iii) Other State or Commonwealth grants and contributions include:				
Commonwealth	13,482	14,446	13,482	14,446
State	39,573	36,877	39,573	36,877
Other	-	428	-	428
Total	53,055	51,751	53,055	51,751

(d) Acceptance by the Crown in right of the State of New South Wales (Crown) of employee benefits and other liabilities

The following liabilities and/or expenses have been assumed by the Crown or other government agencies:

Superannuation – defined benefit	948	948	948	948
Long service leave	3,190	5,036	3,190	5,036
Payroll tax	52	52	-	-
Total	4,190	6,036	4,138	5,984

(e) Other revenue

Miscellaneous	632	1,137	632	1,137
Total	632	1,137	632	1,137

4 GAIN/(LOSS) ON DISPOSAL

Gain/(Loss) on disposal of plant and equipment

Proceeds from disposal	-	-	-	-
Less: Written down value of assets disposed	(1)	(8)	(1)	(8)
Net Gain/(loss) on disposal	(1)	(8)	(1)	(8)

5 OTHER GAINS/(LOSSES)

Impairment gain/(loss) on receivables	299	(537)	299	(537)
Gain/(loss) on make good provision	-	1,121	-	1,121
Net Other Gains/(losses)	299	584	299	584

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 STATE OUTCOME GROUP STATEMENTS FOR THE YEAR ENDING 30 JUNE 2021

CONSOLIDATED EXPENSES AND REVENUES	State Outcome Group 1 * Legal Services		State Outcome Group 2 * Community Partnerships		Not attributable **		Total	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
Expenses excluding losses								
Employee related/ Personnel services	153,282	150,597	3,591	3,201	-	-	156,873	153,798
Operating expenses	18,738	18,088	1,697	1,804	-	-	20,435	19,892
Depreciation and amortisation	15,282	12,611	2,547	2,102	-	-	17,829	14,713
Grants and subsidies	1,865	1,548	68,187	61,093	-	-	70,052	62,641
Finance costs	1,679	1,388	39	30	-	-	1,718	1,418
Services provided by private practitioners	137,186	119,198	571	426	-	-	137,757	119,624
Total Expenses excluding losses	328,032	303,430	76,632	68,656	-	-	404,664	372,086
Revenue								
Sale of goods and services	7,854	7,491	-	-	-	-	7,854	7,491
Investment income	-	143	-	-	-	-	-	143
Grants and contributions	296,878	288,729	83,482	74,878	-	-	380,360	363,607
Acceptance by the Crown of employee benefits and other liabilities	4,135	5,879	55	157	-	-	4,190	6,036
Other revenue	620	1,054	12	83	-	-	632	1,137
Total Revenue	309,487	303,296	83,549	75,118	-	-	393,036	378,414
Operating Result	(18,545)	(134)	6,917	6,462	-	-	(11,628)	6,328
Gain/(Loss) on disposal of non-current assets	(1)	(8)	(0)	-	-	-	(1)	(8)
Other gains/(losses)	299	587	-	(3)	-	-	299	584
Net Result	(18,247)	445	6,917	6,459	-	-	(11,330)	6,904
TOTAL COMPREHENSIVE INCOME	(18,247)	445	6,917	6,459	-	-	(11,330)	6,904

CONSOLIDATED EXPENSES AND REVENUES	State Outcome Group 1 * Legal Services		State Outcome Group 2 * Community Partnerships		Not attributable **		Total	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
Current Assets								
Cash and cash equivalents	-	-	-	-	21,644	25,393	21,644	25,393
Receivables	6,340	8,413	9	80	-	-	6,349	8,493
Total Current Assets	6,340	8,413	9	80	21,644	25,393	27,993	33,886
Non-Current Assets								
Receivables	9,722	6,882	14	66	-	-	9,736	6,948
Plant and equipment	10,490	9,307	246	198	-	-	10,736	9,505
Right-of-use assets	65,244	68,517	1,529	1,456	-	-	66,773	69,973
Intangible assets	21,707	23,040	509	490	-	-	22,216	23,530
Total Non-Current Assets	107,163	107,746	2,298	2,210	-	-	109,461	109,956
Total Assets	113,503	116,159	2,307	2,290	21,644	25,393	137,454	143,842
Current Liabilities								
Payables	20,192	14,114	383	266	-	-	20,575	14,380
Borrowings	8,508	7,608	199	162	-	-	8,707	7,770
Provisions	19,740	18,944	462	403	-	-	20,202	19,347
Total Current Liabilities	48,440	40,666	1,044	831	-	-	49,484	41,497
Non-Current Liabilities								
Provisions	5,956	5,870	140	125	-	-	6,096	5,995
Borrowings	58,737	61,942	1,376	1,317	-	-	60,113	63,259
Other	-	-	-	-	-	-	-	-
Total Non-Current Liabilities	64,693	67,812	1,516	1,442	-	-	66,209	69,254
Total Liabilities	113,133	108,478	2,560	2,273	-	-	115,693	110,751
Net Assets	370	7,681	(253)	17	21,644	25,393	21,761	33,091

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

STATE OUTCOME GROUP DESCRIPTIONS

State Outcome Group 1 – Legal Services

This 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.

State Outcome Group 2 – Community Partnerships

This 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		Commission	
	2021	2020	2021	2020
	\$'000	\$'000	\$'000	\$'000
7 CURRENT ASSETS – CASH AND CASH EQUIVALENTS				
Cash at bank	21,644	25,393	21,644	25,393
Total Cash	21,644	25,393	21,644	25,393

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)	21,644	25,393	21,644	25,393
Cash and cash equivalents (per Statement of Cash Flows)	21,644	25,393	21,644	25,393

Refer Note 21 for details regarding credit risk and market risk arising from financial instruments

The Commission has a business credit card facility of \$0.220m (2019-20: \$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	4,163	4,806	4,163	4,806
Less: – Allowance for expected credit loss	(277)	(345)	(277)	(345)
	3,886	4,461	3,886	4,461
Other debtors	30	26	30	26
GST recoverable from Australian Taxation Office	1,607	2,705	1,607	2,705
Prepayments	826	1,301	826	1,301
Total Current	6,349	8,493	6,349	8,493

Non-Current

Sale of goods and services	10,482	8,204	10,482	8,204
Less: – Allowance for expected credit loss	(746)	(1,256)	(746)	(1,256)
Total Non-Current	9,736	6,948	9,736	6,948

Movement in the allowance for expected credit loss

Balance at 1 July 2020	1,601	1,601
Amounts written off during the year	(281)	(281)
Amounts recovered during the year	2	2
Increase/(decrease) in allowance recognised in net result	(299)	(299)
Balance at 30 June 2021	1,023	1,023

Details of credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 21.

Receivables from the sale of goods and services (both current and non-current) in the amount of \$9.1m (2019-20: \$7.5m) are secured by way of caveat.

Recognition and Measurement

All 'regular way' purchases or sales of financial asset are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Subsequent measurement

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.

	Consolidated	Commission
	\$'000	\$'000
9 NON-CURRENT ASSETS – PLANT AND EQUIPMENT		
At 1 July 2020 – fair value		
Gross carrying amount	44,932	44,932
Less: Accumulated depreciation and impairment	(35,427)	(35,427)
Net carrying amount	9,505	9,505
At 30 June 2021 – fair value		
Gross carrying amount	49,414	49,414
Less: Accumulated depreciation and impairment	(38,678)	(38,678)
Net carrying amount	10,736	10,736

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:

	Consolidated		Commission	
	2021	2020	2021	2020
	\$'000	\$'000	\$'000	\$'000
Net carrying amount at beginning of year	9,505	9,774	9,505	9,774
Additions	2,608	3,084	2,608	3,084
Disposals	(1)	(8)	(1)	(8)
Transfers	1,935	-	1,935	-
Depreciation expense asset owned	(3,311)	(3,345)	(3,311)	(3,345)
Net carrying amount at end of year	10,736	9,505	10,736	9,505

Further details regarding the fair value measurement of property, plant and equipment are disclosed in Note 21.

Plant and equipment classification

Office equipment	421	410	421	410
IT hardware	994	1,712	994	1,712
Leasehold improvements	9,321	7,383	9,321	7,383
	10,736	9,505	10,736	9,505

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.

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.

Right-of-use assets acquired by lessees

From 1 July 2019, AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset for most leases. The entity has elected to present right-of-use assets separately in the Statement of Financial Position. Further information on leases is contained at Note 10.

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*, AASB 116 *Property, Plant and Equipment* and AASB 140 *Investment Property*.

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.

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 \$7.5m. AASB 16 Leases (AASB 16) requires a lessee to recognise a right-of-use asset and a corresponding lease liability for most leases.

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.

The following table presents right-of-use assets.

Right-of-use assets under leases	Plant and Equipment \$'000
Balance 1 July 2020	69,973
Additions and/or reassessment of leases	7,541
Depreciation expense right-of-use asset	(10,741)
Balance 30 June 2021	66,773
Balance 1 July 2019	69,914
Additions and/or reassessment of leases	9,623
Depreciation expense right-of-use asset	(9,564)
Balance 30 June 2020	69,973

Lease liabilities – Borrowings

The following table presents liabilities under leases:

	2021 \$'000	2020 \$'000
Balance 1 July	71,029	69,914
Additions and/or reassessment of leases	7,541	9,623
Interest expense on lease liabilities	1,610	1,504
Payments	(11,360)	(10,012)
Balance 30 June (see Note 13)	68,820	71,029

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 in respect of leases where the Commission is the lessee:

Depreciation expense right-of-use asset	10,741	9,564
Interest expense on lease liabilities	1,610	1,504
Total amount recognised in the statement of comprehensive income	12,351	11,068

The Commission had total cash outflows for leases of \$15.0m in FY2020–21 (FY2019–20 \$12.3m).

Recognition and Measurement

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. 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 entity estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount. 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 the net result.

(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 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.

The initial and subsequent measurement of right-of-use assets under leases at significantly below-market terms and conditions that are entered into principally to enable the entity to further its objectives is the same as for normal right-of-use assets. They are measured at cost, subject to impairment.

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
11 INTANGIBLE ASSETS				
At 1 July – fair value				
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)
Net carrying amount	23,530	14,046	23,530	14,046
At 30 June – fair value				
Cost (gross carrying amount)	41,732	39,269	41,732	39,269
Less: Accumulated amortisation and impairment	(19,516)	(15,739)	(19,516)	(15,739)
Net carrying amount	22,216	23,530	22,216	23,530
Reconciliation				
A reconciliation of the carrying amounts of intangible assets at the beginning and end of the current reporting period is set out below.				
Net carrying amount at beginning of year	23,530	14,046	23,530	14,046
Additions	4,398	11,288	4,398	11,288
Transfers to plant and equipment	(1,935)	-	(1,935)	-
Amortisation (recognised in "depreciation and amortisation")	(3,777)	(1,804)	(3,777)	(1,804)
Net carrying amount at end of year	22,216	23,530	22,216	23,530
Intangible assets classification				
IT software	16,518	17,977	16,518	17,977
IT software and hardware under construction	5,698	3,911	5,698	3,911
Leasehold improvements under construction	-	1,642	0	1,642
	22,216	23,530	22,216	23,530

Recognition and Measurement

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost. Where an asset is acquired at no or nominal cost, the cost is its fair value as at the date of acquisition. Following initial recognition, intangible assets are subsequently measured at fair value only if there is an active market. If there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation and impairment losses.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

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	1,993	1,547	-	-
Legal Aid Commission Staff Agency – accrued salaries, wages and on-costs	-	-	1,993	1,547
Creditors	2,362	1,078	2,362	1,078
Accrued expenses	3,870	2,558	3,870	2,558
Unearned revenue	-	12	-	12
Accrual of estimated legal expenses ¹⁾	12,350	9,185	12,350	9,185
Total	20,575	14,380	20,575	14,380

¹⁾ 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. The increase from previous year is primarily attributable to Court closures due to COVID-19 in 2020 and fee increases.

Details regarding liquidity risk, including a maturity analysis of the above payables are disclosed in Note 21.

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		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
13 CURRENT/NON-CURRENT LIABILITIES – BORROWINGS				
Lease liability – current	8,707	7,770	8,707	7,770
Lease liability – non-current	60,113	63,259	60,113	63,259
Total (see Note 10)	68,820	71,029	68,820	71,029

Details regarding liquidity risk, including a maturity analysis of the above payables are disclosed in Note 21.

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.

14 CURRENT/NON-CURRENT LIABILITIES – PROVISIONS

Current

Employee benefits and related on-costs

Annual leave	10,845	10,402	-	-
Annual leave expected to be taken after 12 months	2,240	2,149		
Provision for related on-costs	7,117	6,796	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	20,202	19,347
Total Current	20,202	19,347	20,202	19,347

Non-Current

Employee benefits and related on-costs

Provision for related on-costs	339	406	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	339	406
	339	406	339	406

Other provisions

Restoration costs *	5,757	5,589	5,757	5,589
	5,757	5,589	5,757	5,589
Total Non-Current provisions	6,096	5,995	6,096	5,995

* 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		Commission	
	2021	2020	2021	2020
	\$'000	\$'000	\$'000	\$'000
Aggregate employee benefits and related on-costs				
Provisions – current	20,202	19,347	-	-
Provisions – non-current	339	406	-	-
Accrued salaries, wages and on-costs (Note 12)	1,993	1,547	-	-
	22,534	21,300	-	-

Movements in provisions (other than employee benefits)

Restoration provision

Carrying amount at start of financial year	5,589	6,554	5,589	6,554
Additional provisions recognised	60	242	60	242
Amounts used or reduction in provision	-	(1,121)	-	(1,121)
Unwinding/change in the discount rate	108	(86)	108	(86)
Carrying amount at end of financial year	5,757	5,589	5,757	5,589

Recognition and Measurement

Employee benefits and related on-costs

To enable the Commission to carry out its functions, all personnel service requirements are provided by Legal Aid Commission Staff Agency which is a special purpose service Commission that is a Division of the Government of New South Wales. The personnel service is charged at cost.

Salaries and wages, annual leave and sick leave

Salaries and wages (including non-monetary benefits) and paid sick leave that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 Employee Benefits (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 7.9% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. Legal Aid has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the benefits accrued in the future.

Long service leave and superannuation

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown in right of the State of New South Wales (Crown). The Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as 'Acceptance by the Crown Entity of employee benefits and other liabilities'.

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using Commonwealth Government bond rate at the reporting date.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

Consequential on-costs

Consequential on-costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers' compensation insurance premiums and fringe benefits tax.

Provisions

Provisions are recognised when: the Commission has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation. When the Commission expects some or all of a provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognised as a separate asset, but only when the reimbursement is virtually certain. The expense relating to a provision is presented net of any reimbursement in the Statement of Comprehensive Income.

If the effect of the time value of money is material, provisions are discounted at 1.4% (2019 -0.3%), 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.

15 EQUITY

Recognition and Measurement

(i) Accumulated funds

The category 'accumulated funds' includes all current and prior period retained funds.

16 COMMITMENTS FOR EXPENDITURE

Capital commitments

Aggregate capital expenditure contracted for at balance date and not provided for: :

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
Not later than one year (to be determined at year end)	721	797	721	797
Total (including GST)	721	797	721	797

The total commitments above include input tax credits of \$0.0655m (2019-20: \$0.07m) that are expected to be recoverable from the Australian Taxation Office.

17 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

At the date of this report, there is no current litigation involving the Legal Aid Commission of NSW from which a contingent liability or contingent asset may arise (2019-20:\$15k).

18 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 deficit of \$11.3m is lower than the budget deficit of \$16.4m by \$5.1m. Total expenses of \$404.7m exceeded budget by \$8.7m, this was offset by Total revenue including Other revenue exceeding budget by \$13.2m. Net employee related expenses of \$156.9m exceeds the net budget by \$1.1m. Payments to private practitioners were above budget by \$8.2m. Grant and contribution income was \$8.5m above budget and revenue from Sale of goods and service exceeded budget by \$3.8m.

Assets and liabilities

Net assets are higher than budget by \$6.6m. Cash and cash equivalents of \$21.6m is above budget by \$10.5m. This is partially offset by payables over budget by \$4.5m. 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 effect of increasing both the right of use assets and the corresponding lease liabilities.

Cash flows

Net cash flows from operating activities were \$12m greater than budget principally due to additional grant revenue, along with higher GST revenue, classified under Receipts – Other. Closing cash and cash equivalent is above budget by \$10.5m.

The budget for Other receipts contains the expected revenue from the Public Purpose Fund due to NSW Treasury classification, however, the actual amounts for these are contained in Grants and contributions.

19 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income as follows:

	Consolidated		Commission	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
Net cash used on operating activities	13,880	16,417	13,880	16,417
Depreciation and amortisation expense	(17,829)	(14,713)	(17,829)	(14,713)
Decrease/(increase) in provisions	(956)	(3,658)	(956)	(3,658)
Decrease/(increase) in other liabilities	-	1,186	-	1,186
Decrease/(increase) in creditors	(7,068)	5,907	(7,068)	5,907
Increase/(decrease) in prepayments and other assets	644	1,531	644	1,531
Net Gain/(Loss) on disposal of plant and equipment	(1)	(8)	(1)	(8)
Additions/(Write backs) to lease restoration provision	-	242	-	242
Net Result	(11,330)	6,904	(11,330)	6,904

20 TRUST FUNDS

The Legal Aid Commission of NSW does not control the funds in the following Trust Account:

	2021 \$'000	2020 \$'000
Legal Aid Commission Trust Account ¹		
Cash balance at the beginning of the financial year	204	378
Add: Receipts	2,615	947
Less: Expenditure	(1,954)	(1,121)
Cash balance at the end of the financial year	865	204

As the Legal Aid Commission of NSW performs only a custodial role in respect of trust monies, and because the monies cannot be used for the achievement of its objectives; that is, the definition criteria for assets is not met, trust funds are not brought to account in the financial statements, but are shown in the notes for information purposes.

¹ Pursuant to Section 64A of the *Legal Aid Commission Act 1979*, a Legal Aid Commission Trust Account is maintained for verdict and settlement moneys held on behalf of legally aided persons represented by Commission in-house practitioners. The Legal Aid Commission of NSW may recover some costs upon finalisation of these matters.

21 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.

(a) Financial instrument categories	Note	Category	Carrying Amount 2021 \$'000	Carrying Amount 2020 \$'000
Financial assets				
Class:				
Cash & cash equivalents	7	Amortised cost	21,644	25,393
Receivables ¹	8	Amortised cost	13,652	11,435
Financial liabilities				
Class:				
Payables ²	12	Financial Liabilities measured at amortised cost	20,730	14,285

¹ Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

² Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7)

The Commission determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

(b) Derecognition of financial assets and financial liabilities

A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Commission transfers its rights to receive cash flows from the asset or as assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- where substantially all the risks and rewards have been transferred; or
- the Commission has neither transferred nor retained substantially all the risks and rewards of the asset, but has transferred control.

When the Commission has transferred its rights to receive cash flows from an asset or has entered into a passthrough arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the Commission has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Commission's continuing involvement in the asset. In that case, the Commission also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Commission has retained. Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of Consideration that the Commission could be required to repay.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

(c) Offsetting financial instruments

Financial assets and financial liabilities are offset and the net amount is reported in the Statement of Financial Position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

(d) Financial risks

i) Credit Risk

Credit risk arises when there is the possibility of the 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 Commission.

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.

Accounting policy for impairment of trade receivables and other financial assets – Receivables

Collectability of receivables is reviewed on an ongoing basis with appropriate follow-up letters sent.

The Commission applies the AASB 9 simplified approach to measuring expected credit losses which uses a lifetime expected loss allowance for all trade receivables.

To measure the expected credit losses, receivables have been grouped based on shared credit risk characteristics and the days past due.

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. The Commission's impairment of receivables is calculated by an actuarial firm.

Receivables are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include, amongst others a failure to make contractual payments for a period after the matter has been closed. 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:

	01/01/2021 to 30/06/2021	01/07/2020 to 31/12/2020
Overdue debt (Section 71A of <i>Legal Aid Commission Act</i>)	3.05%	3.13%
Local Court judgements (Section 101 of <i>Civil Procedure Act 2005</i>)	6.10%	6.25%
Family Court judgements (Section 117B of <i>Family Law Act</i>)	6.10%	6.25%

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 (2021: \$0.547m 2020: \$0.738m) and not less than one month past due (2021: \$1.352m 2020: \$0.253m) are not considered impaired and together these represent 13.9% of the total debtors (2020: 8.3%).

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^{1,2} \$'000	Considered loss allowance^{1,2} \$'000
2021			
< 3 months overdue	1,901	1,901	-
3 months – 6 months overdue	1,012	735	277
> 6 months overdue	10,741	9,995	746
2020			
< 3 months overdue	738	738	-
3 months – 6 months overdue	1,033	688	345
> 6 months overdue	10,236	8,980	1,256

¹ Each column in the table reports 'gross receivables'

² 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

The Commission did not have any deposit with TCorp during the financial year.

ii) Liquidity risk

Liquidity risk is the risk that the commission will be unable to meet its payment obligations when they fall due. The Commission continuously manages risk through monitoring future cash flows and maturities planning to ensure adequate holding of high quality liquid assets. The objective is to maintain a balance between continuity of funding and flexibility through the use of overdrafts, loans and other advances.

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. For small business suppliers, where terms are not specified, payment is made not later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received. 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 CEO 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.

	Consolidated and Commission			
	Nominal Amount ¹	Maturity < 1 year	Maturity 1 to 5 years	Maturity > 5 years
	\$'000	\$'000	\$'000	\$'000
2021				
Payables				
Accounts payables	20,730	20,730	-	-
Borrowings				
Lease liabilities	68,820	8,707	42,550	17,563
2020				
Payables				
Accounts payables	14,285	14,285	-	-
Borrowings				
Lease liabilities	71,029	7,770	63,259	-

¹ The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which Legal Aid can be required to pay except for Borrowings which are discounted at weighted average effective interest rate of 1.81%

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.

22 RELATED PARTY DISCLOSURE

The Commission's key management personnel compensation is as follows:

	2021 \$'000	2020 \$'000
Short term employee benefits:		
Salaries	589	636
Total Remuneration	589	636

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 Property and Development NSW.

23 EVENTS AFTER REPORTING PERIOD

No events have occurred subsequent to the reporting date, which will materially affect the financial statements.

END OF AUDITED FINANCIAL STATEMENTS

Other information (unaudited)

1 PAYMENT PERFORMANCE

(a) Payment to creditors

Legal Aid NSW processed 99.46% of invoices received within 30 days in 2020–21, an increase compared with 99.04% in 2019–20.

Period	2020–21		2019–20	
	Invoices	%	Invoices	%
Within 30 days	147,342	99.46%	150,061	99.04%
Over 30 days	803	0.54%	1,453	0.96%
Total	148,145	100%	151,514	100%

Accounts paid within 30 days by quarter is as follows:

Accounts paid within 30 days by quarter	Target %	Achieved %	Amount paid within 30 days \$'000	Total amount paid \$'000
September	100.00	98.18%	73,972	75,346
December	100.00	99.20%	60,631	61,117
March	100.00	98.57%	66,777	67,748
June	100.00	96.13%	58,424	60,776

(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	913	1	3	2
December	1,262	1	2	5
March	545	1	2	4
June	2,346	2	11	3

(c) Consultancies

Consultancy projects equal to or more than \$50,000:

Nil.

Consultancy projects less than \$50,000:

Legal Aid NSW engaged 10 consultants for individual projects costing less than \$50,000 per project during 2020–21. The total cost of these consultancies was \$171,000. This was less than the 2019–20 total cost of \$427,000.

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 2020–21 premium for workers compensation insurance increased by 63% to \$609,700 from \$375,000 in 2019–20. The premium for the other insurance types increased to \$236,000, compared to \$162,000 in 2019–20.

Motor vehicle claims

The number of motor vehicle claims in 2020–21 was 6, a decrease compared to the number of 20 in 2019–20. This incurred a net cost of \$31,785.26, a decrease compared with a net cost of \$56,229 in 2019–20. The average number of vehicles in the Legal Aid NSW fleet is 75, a decrease compared with 78 in 2019–20. This results in an average claim cost per vehicle of \$5,297.54 compared with \$2,677 in 2019–20.

The 2020–21 deposit premium for motor vehicles was \$62,800, an increase compared with the 2019–20 deposit premium of \$52,000.

Workers compensation

There were 18 workers compensation claims in 2020–21 compared with 15 in 2019–20.

For 2020–21 the total net incurred costs for the 18 workers compensation claims was \$21,925.

A total of \$507,460 was spent on active workers compensation claims this financial year, with a breakdown as follows:

- Physical injuries accounted for 17% of total claim costs, and
- Psychological injuries accounted for 83% of total claim costs.

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.

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Appendices

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Appendix 1 Human resources information

FTE staff as at 30 June 2021

Central Sydney	660.9
Metropolitan offices	319.8
Regional offices	291.2
Total staff FTE	1272.0

FTE staff as at 30 June 2021

CEO/Executive	13.0
Legal officers	653.5
Legal admin support staff	605.5
Total staff FTE	1272.0

Number of actual staff by employment type	2018–19	2019–20	2020–21
Ongoing full-time	829	831	873
Ongoing part-time	239	230	247
Temporary full-time	177	222	209
Temporary part-time	62	62	81
Contract executive	11	10	13
Non-executive	0	0	0
Casual	3	0	12
Other	5	5	5
Total	1,326	1,360	1,440

Number of actual staff by type of work	Central Sydney	Metropolitan	Regional	Total
Lawyers	311	208	209	728
Administration	416	172	124	712
Total	727	380	333	1,440

Number of Executive roles

Band	Salary range (\$)	Average remuneration		2019–20		2020–21	
		2019–20	2020–21	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$345,551–\$487,050	\$487,024	\$487,024	0	1	0	1
Band 2 (Executive Director)	\$274,701–\$345,550	\$298,600	\$311,172	1	0	2	0
Band 1 (Director)	\$192,600–\$274,700	\$237,340	\$231,650	6	2	7	3
Total				7	3	9	4

Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups*	2018–19	2019–20	2020–21
Men	327	322	330
Women	999	1,037	1,109
Unspecified gender**	0	1	1
Aboriginal and Torres Strait Islander people	68	83	87
People from racial, ethnic, ethno-religious minority groups	227	294	310
People whose first language is not English	165	195	208
People with disability	73	86	97
People with disability requiring a work-related adjustment	15	17	21
Total staff	1,326	1,360	1,440

* Data includes casual staff.

** We will be reviewing the way we ask employees about their gender identity or gender expression, including their 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 (%)	2018–19	2019–20	2020–21
Women	50	75.5	76.2	77.1
Aboriginal and Torres Strait Islander people	3.3	5.1	8.0	8.1
People whose first language spoken as a child was not English	23.2	12.5	20.3	19.9
People with disability	5.6	5.5	9.1	9.4
People with disability requiring a work-related adjustment	N/A	1.1	1.8	2.0

Table 2: Trends in the distribution of workforce diversity groups

Distribution index

Workforce diversity group	Benchmark or target (%)	2018–19	2019–20	2020–21
Women	100	93	92	93
Aboriginal and Torres Strait Islander people	100	89	89	88
People whose first language spoken as a child was not English	100	95	98	97
People with disability	100	100	101	97
People with disability requiring a work-related adjustment	100	N/A	103	98

Staff numbers as at 30 June 2021.

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 provided funding to 27 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 (\$)	Other funding (\$)	Total funding (\$)
Blue Mountains (inactive as at July 2020)	Blue Mountains Women's Health and Resource Centre Inc			7,000	7,000
Burwood	Burwood Community Welfare Services	923,226		84,563	1,007,789
Central Coast	Central Coast Domestic Violence Court Advocacy Service	1,152,322		102,817	1,255,139
Central North-West	Mission Australia	452,236		46,034	498,271
Central West	Housing Plus	1,028,637		219,551	1,248,189
Coffs-Clarence	Warrina Women and Children's Refuge Co-operative Society	1,047,260		95,926	1,143,186
Cumberland	Western Sydney Community Legal Centre Inc	1,093,333	265,921	247,117	1,606,371
Far West	Far West Community Legal Centre	493,891		49,353	543,244
Hunter Valley	Carrie's Place Women's and Children's Services	1,363,675		123,658	1,487,333
Illawarra	Wollongong Women's Information Service	1,204,957	132,960	107,011	1,444,929
Macarthur	Macarthur Legal Centre	908,966		590,277	1,499,242
Mid-Coast	Mid-Coast Women's Domestic Violence Court Advocacy	1,096,235		218,868	1,315,103
Monaro-Hume	Molonglo Women's and Children's Services	547,090		106,992	654,082
Murray River	Linking Communities Network Ltd	582,405		58,406	640,811
Murrumbidgee	Linking Communities Network Ltd	469,759		47,431	517,189
Nepean-Blue Mountains	Penrith Women's Health Centre	1,380,602		120,007	1,500,609
New England	Tamworth Family Support Service	718,307		70,235	788,542
Newcastle	Hunter Women's Domestic Violence Court Service	1,366,020	132,960	269,845	1,768,826
North West Sydney	Blacktown Women's and Girls Health Centre	1,733,767		149,147	1,882,914
Northern Rivers	Northern Rivers Community Legal Centre	1,257,414		114,191	1,371,605
Northern Sydney	CatholicCare Broken Bay	917,613		84,116	1,001,729
Oxley	Tamworth Family Support Service	628,428		128,923	757,351
Riverina	Linking Communities Network Ltd	588,375		507,032	1,095,407
South Coast	Southern Women's Group	984,804		250,175	1,234,979
South West Sydney	South West Sydney Legal Centre	2,036,540		174,272	2,210,812
Southern Sydney	Sutherland Shire Family Services (The Family Co)	1,186,782		105,563	1,292,345
Sydney	South West Sydney Legal Centre	1,577,790	132,960	136,719	1,847,469
Western	Housing Plus	920,098		83,312	1,003,410
Women's Safety NSW	Women's Safety NSW (peak representative body for WDVCASs)	113,472		136,421	249,893
Relationships Australia NSW			581,198		581,198
Total		27,774,002	1,246,000	4,434,964	33,454,966

Macarthur and Riverina WDVCASs received \$920,000 in case management funding for clients with complex needs. This funding is included in the total funding column for these two WDVCASs.

WDVCASs received \$824,000 in Social and Community Services (SACS) Modern Award Equal Remuneration Order (ERO) supplementation funding. This funding is included in the total funding column for each WDVCAS.

WDVCASs received \$1,380,000 in COVID-19 Domestic and Family Violence Stimulus Tranche 1 (NSW and Commonwealth) funding. This funding is included in the total funding column for each WDVCAS.

WDVCASs received \$270,000 in one-off funding to assist with set-up costs following the new service agreements (which commenced on 1 July 2020). This funding is included in the total funding column for each WDVCAS.

A number of WDVCASs and Women's Safety NSW received \$240,821 in one-off funding for additional costs.

\$762,145 in COVID-19 Domestic and Family Violence Stimulus Tranche 2 (Commonwealth Government) funding was provided to Central West, Cumberland, Mid-Coast, Newcastle, Oxley, and South Coast WDVCASs. This funding is included in their total funding column.

\$38,000 in funding was forwarded to WDVCASs for small enhancements to 38 Local Court safe rooms across NSW. This funding is included in their total funding column.

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	313,678	254,412	568,090
Central Coast Community Legal Centre	522,981	370,735	893,717
Central Tablelands and Blue Mountains Community Legal Centre	258,796	355,746	614,542
Community Legal Centres NSW	0	870,157	870,157
Community Restorative Centre (Court Support Scheme)	42,187	27,336	69,523
Environmental Defenders Office	0	201,112	201,112
Far West Community Legal Centre	540,084	255,073	795,157
Financial Rights Legal Centre	607,487	197,871	805,358
HIV/AIDS Legal Centre	107,641	326,705	434,346
Hume Riverina Community Legal Service	186,260	183,583	369,843
Hunter Community Legal Centre	709,146	537,823	1,246,968
Illawarra Legal Centre	585,800	351,018	936,818
Immigration Advice and Rights Centre	230,347	380,659	611,005
Inner City Legal Centre	223,537	804,988	1,028,525
Intellectual Disability Rights Service	0	130,000	130,000
Kingsford Legal Centre	322,977	333,669	656,646
Macarthur Legal Centre	535,131	542,682	1,077,813
Marrickville Legal Centre	482,974	373,802	856,776
Mid North Coast Community Legal Centre	548,252	488,781	1,037,033
North and North West Community Legal Service	557,724	271,990	829,714
Northern Rivers Community Legal Centre	577,676	207,301	784,977
Public Interest Advocacy Centre	145,901	186,733	332,634
Redfern Legal Centre	252,437	660,853	913,290
Refugee Advice and Casework Service	0	456,250	456,250
Seniors Rights Service	196,829	276,589	473,417
Shoalcoast Community Legal Centre	591,385	627,546	1,218,931
South West Sydney Legal Centre	656,768	702,343	1,359,111
Tenants' Union of NSW	95,915	186,364	282,279
University of Newcastle Legal Centre	0	232,000	232,000
Welfare Rights Centre	395,978	303,942	699,920
Western NSW Community Legal Centre	691,719	335,850	1,027,569
Western Sydney Community Legal Centre	1,273,712	969,561	2,243,272
Wurringa Baiya Aboriginal Women's Legal Centre	169,151	698,516	867,668
Women's Legal Service NSW	1,037,128	1,034,747	2,071,875
Total	12,859,600	14,136,737	26,996,337

Figures have been rounded off.

Both NSW and Commonwealth funding includes the Social and Community Services Equal Remuneration Order supplementation.

Excludes Commonwealth funding for COVID-19, bushfires and Domestic Violence Unit (DVU).

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

Legal Aid NSW total	2018–19	2019–20	% change from previous year	2020–21	% change from previous year
Case matters					
Applications received	45,442	47,729	5.0%	51,431	7.8%
Applications refused	9,161	9,633	5.2%	8,809	-8.6%
In-house grants	11,413	12,955	13.5%	12,829	-1.0%
Assigned grants	25,666	25,978	1.2%	29,704	14.3%
Total case grants	37,079	38,933	5.0%	42,533	9.2%
Grant rate	80.2%	80.2%	0.0%	82.8%	3.3%
Applications determined	46,240	48,566	5.0%	51,342	5.7%
Applications undetermined at year end	1,669	923	-44.7%	1,273	37.9%
Grants finalised	40,754	34,390	-15.6%	37,601	9.3%
Current grants on hand at year end	42,708	47,295	10.7%	52,742	11.5%
Duty services					
In-house duty services	133,177	125,463	-5.8%	117,486	-6.4%
Assigned duty services	79,951	76,650	-4.1%	80,148	4.6%
Total duty services	213,128	202,113	-5.2%	197,634	-2.2%
Other services					
Advice	107,105	100,121	-6.5%	99,547	-0.6%
Minor assistance	31,534	24,880	-21.1%	19,456	-21.8%
Extended legal assistance	847	950	12.2%	1,061	11.7%
Early resolution assistance	N/A	53	N/A	239	350.9%
Information	325,156	196,435	-39.6%	170,981	-13.0%
Total other services	464,642	322,439	-30.6%	291,284	-9.7%
Total client services	714,849	563,485	-21.2%	531,451	-5.7%
Criminal law					
	2018–19	2019–20	% change from previous year	2020–21	% change from previous year
Case matters					
Applications received	28,172	29,984	6.4%	33,877	13.0%
Applications refused	4,513	4,692	4.0%	4,862	3.6%
In-house grants	8,244	9,889	20.0%	9,887	0.0%
Assigned grants	15,776	15,863	0.6%	19,066	20.2%
Total case grants	24,020	25,752	7.2%	28,953	12.4%
Grant rate	84.2%	84.6%	0.5%	85.6%	1.2%
Applications determined	28,533	30,444	6.7%	33,815	11.1%
Applications undetermined at year end	892	472	-47.1%	653	38.3%
Grants finalised	25,462	22,491	-11.7%	25,384	12.9%
Current grants on hand at year end	20,280	23,565	16.2%	27,434	16.4%
Duty services					
In-house duty services	119,346	113,813	-4.6%	107,113	-5.9%
Assigned duty services	64,453	61,609	-4.4%	64,898	5.3%
Total duty services	183,799	175,422	-4.6%	172,011	-1.9%
Other services					
Advice	32,240	30,062	-6.8%	32,282	7.4%
Minor assistance	7,410	6,875	-7.2%	6,251	-9.1%
Extended legal assistance	2	84	4100.0%	88	4.8%
Information	115,660	52,335	-54.8%	43,724	-16.5%
Total other services	155,312	89,356	-42.5%	82,345	-7.8%
Total client services	363,131	290,530	-20.0%	283,309	-2.5%

Civil law	2018–19	2019–20	% change from previous year	2020–21	% change from previous year
Case matters					
Applications received	2,171	2,272	4.7%	2,175	-4.3%
Applications refused	908	911	0.3%	778	-14.6%
In-house grants	781	818	4.7%	826	1.0%
Assigned grants	506	566	11.9%	594	4.9%
Total case grants	1,287	1,384	7.5%	1,420	2.6%
Grant rate	58.6%	60.3%	2.9%	64.6%	7.1%
Applications determined	2,195	2,295	4.6%	2,198	-4.2%
Applications undetermined at year end	63	47	-25.4%	32	-31.9%
Grants finalised	1,375	1,247	-9.3%	1,333	6.9%
Current grants on hand at year end	1,663	1,805	8.5%	1,906	5.6%
Duty services					
In-house duty services	2,625	2,122	-19.2%	1,463	-31.1%
Assigned duty services	13,181	12,855	-2.5%	12,927	0.6%
Total duty services	15,806	14,977	-5.2%	14,390	-3.9%
Other services					
Advice	43,140	37,627	-12.8%	32,958	-12.4%
Minor assistance	18,640	12,996	-30.3%	6,286	-51.6%
Extended legal assistance	756	669	-11.5%	800	19.6%
Early resolution assistance	-	-	N/A	15	N/A
Information	127,454	93,413	-26.7%	86,383	-7.5%
Total other services	189,990	144,705	-23.8%	126,442	-12.6%
Total client services	207,083	161,066	-22.2%	142,252	-11.7%

Family law	2018–19	2019–20	% change from previous year	2020–21	% change from previous year
Case matters					
Applications received	15,099	15,473	2.5%	15,379	-0.6%
Applications refused	3,740	4,030	7.8%	3,169	-21.4%
In-house grants	2,388	2,248	-5.9%	2,116	-5.9%
Assigned grants	9,384	9,549	1.8%	10,044	5.2%
Total case grants	11,772	11,797	0.2%	12,160	3.1%
Grant rate	75.9%	74.5%	-1.8%	79.3%	6.5%
Applications determined	15,512	15,827	2.0%	15,329	-3.1%
Applications undetermined at year end	714	404	-43.4%	588	45.5%
Grants finalised	13,917	10,652	-23.5%	10,884	2.2%
Current grants on hand at year end	20,765	21,925	5.6%	23,402	6.7%
Duty services					
In-house duty services	11,206	9,528	-15.0%	8,910	-6.5%
Assigned duty services	2,317	2,186	-5.7%	2,323	6.3%
Total duty services	13,523	11,714	-13.4%	11,233	-4.1%
Other services					
Advice	31,725	32,432	2.2%	34,307	5.8%
Minor assistance	5,484	5,009	-8.7%	6,919	38.1%
Extended legal assistance	89	197	121.3%	173	-12.2%
Early resolution assistance	N/A	53	N/A	224	322.6%
Information	82,042	50,687	-38.2%	40,874	-19.4%
Total other services	119,340	88,378	-25.9%	82,497	-6.7%
Total client services	144,635	111,889	-22.6%	105,890	-5.4%

Commonwealth and State allocation of Legal Aid services	State matters	State matter %	Commonwealth matters	Commonwealth matter %	Total
Family law					
Grants	4,316	35.5%	7,844	64.5%	12,160
Duty services	5,999	53.4%	5,234	46.6%	11,233
Advice	5,800	16.9%	28,507	83.1%	34,307
Minor assistance	1,658	24.0%	5,261	76.0%	6,919
Extended legal assistance	53	30.6%	120	69.4%	173
Early resolution assistance	1	0.4%	223	99.6%	224
Information services*	-	-	-	-	40,874
Total	17,827	16.8%	47,189	44.6%	105,890
Criminal law					
Grants	28,477	98.4%	476	1.6%	28,953
Duty services	170,142	98.9%	1,869	1.1%	172,011
Advice	31,820	98.6%	462	1.4%	32,282
Minor assistance	6,202	99.2%	49	0.8%	6,251
Extended legal assistance	60	68.2%	28	31.8%	88
Information services*	-	-	-	-	43,724
Total	236,701	83.5%	2,884	1.0%	283,309
Civil law					
Grants	1,166	82.1%	254	17.9%	1,420
Duty services	14,031	97.5%	359	2.5%	14,390
Advice	22,208	67.4%	10,750	32.6%	32,958
Minor assistance	4,436	70.6%	1,850	29.4%	6,286
Extended legal assistance	414	51.8%	386	48.3%	800
Early resolution assistance	7	46.7%	8	53.3%	15
Information services*	-	-	-	-	86,383
Total	42,262	29.7%	13,607	9.6%	142,252
Legal Aid NSW total					
Grants	33,959	79.8%	8,574	20.2%	42,533
Duty services	190,172	96.2%	7,462	3.8%	197,634
Advice	59,828	60.1%	39,719	39.9%	99,547
Minor assistance	12,296	63.2%	7,160	36.8%	19,456
Extended legal assistance	527	49.7%	534	50.3%	1,061
Early resolution assistance	8	3.3%	231	96.7%	239
Information services*	-	-	-	-	170,981
Total	296,790	55.8%	63,680	12.0%	531,451

* A breakdown of information services by jurisdiction is not available.

In-house and private practitioner allocations of legal work	In-house practitioner	In-house practitioner %	Private practitioner	Private practitioner %	Total
Family law					
Duty services	8,910	79.3%	2,323	20.7%	11,233
Grants of legal aid	2,116	17.4%	10,044	82.6%	12,160
Total	11,026	47.1%	12,367	52.9%	23,393
Criminal law					
Duty services	107,113	62.3%	64,898	37.7%	172,011
Grants of legal aid	9,887	34.1%	19,066	65.9%	28,953
Total	117,000	58.2%	83,964	41.8%	200,964
Civil law					
Duty services	1,463	10.2%	12,927	89.8%	14,390
Grants of legal aid	826	58.2%	594	41.8%	1,420
Total	2,289	14.5%	13,521	85.5%	15,810
Legal Aid NSW total					
Duty services	117,486	59.4%	80,148	40.6%	197,634
Grants of legal aid	12,829	30.2%	29,704	69.8%	42,533
Total	130,315	54.3%	109,852	45.7%	240,167

Community legal education	2018–19	2019–20	% change from previous year	2020–21	% change from previous year
Criminal law	715	470	-34.3%	376	-20.0%
Family law	739	427	-42.2%	193	-54.8%
Civil law	1,268	892	-29.7%	724	-18.8%
Total	2,722	1,789	-34.3%	1,293	-27.7%

Family dispute resolution	2018–19	2019–20	% change from previous year	2020–21	% change from previous year
Number of conferences	2,879	2,708	-5.9%	2,890	6.7%
Agreements reached	2,262	2,061	-8.9%	2,223	7.9%
Agreement rate	78.6%	76.1%	-3.1%	76.9%	1.1%

Appendix 6 Law reform submissions

In 2020–2021, Legal Aid NSW made 33 law reform submissions to a range of government and non-government public consultations on issues that affect our clients and our organisation.

- House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into family, domestic and sexual violence, July 2020
- ASIC consultation – Using the product intervention power: Continuing credit contracts, August 2020
- Independent Pricing and Regulatory Tribunal consultation on regional and rural bus fares, August 2020
- NSW Department of Communities and Justice review of the *Bail Act 2013* (NSW), August 2020
- ASIC Consultation – the sale of add-on motor vehicle financial risk products: Summary of changes to draft product intervention order, August 2020
- NSW Fair Trading Discussion Paper – Statutory Review of the *Motor Dealers and Repairers Act 2013*, August 2020
- Telecommunications Industry Ombudsman Consultation – Modernising the Telecommunications Industry Ombudsman Terms of Reference, August 2020
- NSW Parliament Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody Inquiry into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody, September 2020
- National Commissioner for Defence and Veteran Suicide Prevention Taskforce Inquiry into the National Commissioner for Defence and Veteran Suicide Bill 2020, September 2020
- NSW Sentencing Council review of sentencing for offences involving assaults on emergency services workers, September 2020
- Department of Infrastructure, Transport, Regional Development and Communications Discussion Paper: Consumer Safeguards Review – Release of Part C (Choice and Fairness), September 2020
- NSW Department of Education consultation on NSW Education Draft Student Behaviour Strategy, October 2020
- Treasury consultation on responsible lending reforms, November 2020
- NSW Parliament Inquiry into the effectiveness of the NSW child protection and social services system in responding to vulnerable children and families, December 2020
- Commonwealth Attorney-General's Department Review of the *Privacy Act 1988*, December 2020
- Senate Economics Legislation Committee Inquiry into National Consumer Credit Protection Amendment (Supporting Economic Recovery) Bill 2020 [Provisions], January 2021
- NSW Audit Office audit into the NSW Government's policy response to homelessness, January 2021
- NSW Department of Communities and Justice Inquiry into the Exposure Draft of the Crimes Legislation (Offences Against Pregnant Women) Bill 2020, January 2021
- NDIS Consultation Paper: Access and Eligibility Policy with independent assessments, National Legal Aid submission to the National Disability Insurance Scheme, February 2021
- NDIS Consultation Paper: Planning Policy for Personalised Budgets and Plan Flexibility, National Legal Aid submission to the National Disability Insurance Scheme, February 2021
- Senate Legal and Constitutional Committee Inquiry into the Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill 2020, February 2021
- Senate Education and Employment Legislation Committee Inquiry into the Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020, February 2021
- NSW Parliament Joint Select Committee on Coercive Control Inquiry into coercive control in domestic relationships, February 2021
- NSW Law Reform Commission Open Justice Review – Discussion Paper – Open justice: Court and tribunal information: access, disclosure and publication, March 2021
- Department of Home Affairs consultation on partner visas and the English language test, March 2021
- Senate Legal and Constitutional Affairs References Committee Inquiry into the efficacy, fairness, timeliness and costs of the processing and granting of visa classes which provide for or allow for family and partner reunions, April 2021
- ASIC consultation on implementation of the legislative deferred sales model for add-on insurance, April 2021
- Treasury Review of the Australian Financial Complaints Authority, April 2021
- NSW Department of Communities and Justice consultation on the exposure draft Children's Guardian Regulation 2021, May 2021
- NSW Chief Judge's Indictable Process Review – Reforms to improve the operation and management of juries, May 2021
- NSW Legislative Council Portfolio Committee No. 6 Inquiry into road tolling regimes in NSW, June 2021
- ASIC consultation on updates to the ePayments Code, June 2021
- Parliamentary Joint Committee on Intelligence and Security Review of the Migration and Citizenship Legislation Amendment (Strengthening Information Provisions) Bill 2020, June 2021

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 22 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 three 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	Information already available	Refuse to deal with application
Members of the public (by legal representative)	1	0	0	0	0	1
Members of the public (other)	4	5	3	3	2	1
Total	5	5	3	3	2	2

* Excludes two records that have yet to be decided. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application
Access applications (other than personal information applications)	0	0	2	2	0	1
Access applications that are partly personal information applications and partly other	0	3	0	0	0	0
Personal information applications*	5	2	1	1	2	1
Total	5	5	3	3	2	2

* 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)	1
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	1
Number of invalid applications that subsequently became valid applications	0

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to the Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Total	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of the Act

	Number of occasions when application not successful
Responsible and effective government	2
Law enforcement and security	0
Individual rights, judicial processes and natural justice	5
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
Total	7

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	19
Decided after 35 days (by agreement with applicant)	1
Total	20

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	1	0	1
Review by NCAT	0	0	0
Total	1	0	1

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (section 54 of the Act)	0
Total	0

Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)

	Number of applications transferred
Agency-initiated transfers	0
Application-initiated transfers	0
Total	0

Appendix 8 Report on multicultural and disability-related matters

The reporting below follows requirements under the Multicultural NSW Multicultural Policies and Services Program (MPSP) Multicultural Framework and the NSW Family and Community Services Disability Inclusion Action Plan Guidelines.

The 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, people from rural and regional areas and people from LGBTQIA+ communities.

Focus area	Key outcome areas	What we achieved
Service delivery	Mainstream services deliver for everyone	<p>9.5% of our case grant and in-house duty services were provided to clients born in non-English speaking countries.</p> <p>We spent \$1,539,634 (excl GST) on interpreting and translation services.</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"> • 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.
Planning	Strong plans to deliver services	<p>In 2019–2020 we undertook a comprehensive review of barriers in access to justice for culturally and linguistically diverse groups. This year we have been delivering the recommendations under the report, including:</p> <ul style="list-style-type: none"> • sourcing new providers of interpreting and translating services • improving training on working with interpreters and translators for lawyers, and • adding information on accessing interpreters and translators at court on our website.
Leadership	Demonstrated leadership in culturally inclusive practices	The Legal Aid NSW Equity and Diversity Committee is chaired by the CEO. This year we sought to revitalise the committee by developing refreshed Terms of Reference which focus on building stronger leadership and pathways across the agency through the development of a Diversity, Equity and Inclusion Allies and Champions Network led by the committee.
Engagement	Understanding the needs of people from diverse backgrounds	The 2021 Client Satisfaction Survey included 342 clients who do not speak English at home (23% 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
Liveable communities	<p>Your Story Disability Legal Support offers free, independent information and legal advice to support people to share their story with the Disability Royal Commission. The service is delivered by community-controlled Aboriginal and Torres Strait Islander legal services and legal aid commissions, including Legal Aid NSW, in each state and territory. In the 2020–2021 financial year, Your Story lawyers provided 3,189 legal services to people with disability, their families and their supporters. This included legal advice services, support with private sessions and preparing submissions, and connecting clients with counselling, advocacy and other legal support, and represented an increase of 124 percent on legal services provided in 2019–2020.</p> <p>The information line run by Your Story Disability Legal Support received 2,598 calls, email and website inquiries in 2020–2021, compared to 1,502 in the previous financial year.</p>
Employment	<p>Legal Aid NSW has met the NSW Premier’s Priority target of 5.6% of government sector roles held by people with a disability. We have set ourselves a stretch target of 8% by 2023 which we are on track to meet. The percentage of staff with disability is 6.8%.</p>
Systems and processes	<p>Supported by the Australian Network on Disability, we reviewed and revamped our staff disability network. The new network is made up of two interconnected but discrete forums, the peer-to-peer forum and the consultative forum. Through this approach, the network aims to provide a confidential peer community alongside expert advice and advocacy across the organisation.</p> <p>In November 2020, Your Story Disability Legal Support established a prison phone line to receive calls from people with disability in youth detention centres and prisons. Between 30 November 2020 and 30 June 2021, 676 calls were received from people in prison.</p>
Community attitudes and behaviours	<p>We delivered community legal education on topics including:</p> <ul style="list-style-type: none">• the National Disability Insurance Scheme• the Disability Service Pension• fetal alcohol spectrum disorder• My Health Record, and• elder abuse. <p>Your Story Disability Legal Support delivered legal education events all over the country. They were flexible and creative in continuing to educate people about their service and the Disability Royal Commission, overcoming the challenges of the pandemic to deliver a 740% increase in events in 2020–2021.</p> <p>We celebrated the International Day of People with Disability in December 2020.</p>

Appendix 9 Private law firm expenditure

Based on payments made for case and duty services during 2020–2021.

Top 20 earning firms						
Firm name	Case payments (\$)	Number of case files on which payments made	Duty payments (\$)	Number of duty services provided	Total amount paid (\$)	
1 Karim and Nicol Lawyers	739,015	902	147,120	192	886,135	
2 Blomfield Legal	776,108	1,441	104,177	165	880,284	
3 Ross Hill & Associate Solicitors	762,074	744			762,074	
4 Ryan Payten Le	563,771	561	85,647	100	649,418	
5 Ramsland Laidler Solicitors	501,539	408	72,768	88	574,306	
6 George Sten & Co	570,134	593			570,134	
7 Ark Law	541,304	695	14,240	24	555,544	
8 Kathryn Renshall Pty Ltd	521,974	835	10,400	20	532,374	
9 Phillip A Wilkins & Associates	530,088	815			530,088	
10 Voros Lawyers	491,757	521	30,680	34	522,437	
11 O'Brien Criminal & Civil Solicitors	489,489	572	15,417	20	504,906	
12 Tim Mara Solicitor with Rafton Family Lawyers	478,238	1,023	22,713	51	500,951	
13 Harpers Legal	468,341	1,273	25,457	70	493,798	
14 Acorn Lawyers	481,188	903	3,600	11	484,788	
15 Nicole S Carroll	448,756	234			448,756	
16 Coast Law	419,415	1,144	28,440	56	447,855	
17 Criminal Law Group Pty Ltd	442,509	333			442,509	
18 Mark MacDiarmid Family Lawyers	435,600	581			435,600	
19 Abbas & Co Lawyers	426,420	323			426,420	
20 Brian Samuel and Associates	417,923	577	2,960	7	420,883	

Appendix 10 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 section 53 of 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 2020–2021, and their work builds confidence in the integrity of our decision-making.

Legal Aid Review Committee members 2020–2021

Legal Aid Review Committee One

- Lucy Pinnock
- Brett Thomson
- Claudia Pendlebury
- Jeremy Styles
- Jane Sanders
- Paul Blacket SC
- Maria Good
- Anna Buduls

Legal Aid Review Committee Two

- Marina Rizzo (from Jan 2021)
- Peter Robinson (until Jul 2020)
- Kathleen Hainsworth
- Stephanie Koch
- Simon Buchen SC (until Dec 2020)
- Sharyn Hall
- Andrew Boog
- Anne Healey
- Pauline Mueller
- Rita Zammit

Legal Aid Review Committee Three

- Alexandra Brown
- Ellyse McGee
- Lucy Boyle (until Dec 2020)
- Tracey Howe (from Jan 2021)
- Pauline David
- Richard Pontello SC (from Jan 2021)
- Jonathan Prowse
- Elena Berrocal Capdevila
- Brian Dalton

Family Law Legal Aid Review Committee One

- Christopher Frommer (from Jan 2021)
- Penny Csenderits (until Dec 2020)
- Anthea Tomlin
- Leanne Spencer (until Dec 2020)
- Kushlani Sitsabesan (from Jan 2021)
- Clyllyn Sperling (until Dec 2020)
- Cassie Banks (until Dec 2020)
- Tessa Kelman (until Dec 2020)
- Lorelle Longbottom (from Jan 2021)
- Benjamin Bryant (from Jan 2021)
- Paul Sansom SC (from Jan 2021)
- Donald Sword
- Lina Rapone

Family Law Legal Aid Review Committee Two

- Nick Mitrevski
- Johanna Geddes
- David Nguyen
- Mark Whelan
- Gemma Slack-Smith
- Paul Guterres (until Dec 2020)
- Christopher Othen (from Jan 2021)
- Melanie Faithfull
- Kathleen Lamoureux

Family Law Legal Aid Review Committee Three

- Michael Granziera
- Cheryl Drummy (until Dec 2020)
- Rebecca Atherton (from Jan 2021)
- Nicole Hailstone
- Claire Cantrall (from Jan 2021)
- Terese Messner (until Dec 2020)
- Martha Barnett
- Kayte Lewis
- Stephen van der Mye
- Stephen Stuart (until Dec 2020)
- Helen Rogers (from Jan 2021)

Decrease in appeals received by Legal Aid Review Committees

We recorded a significant decrease in family law and civil law appeals, and a slight increase in criminal appeals this year compared to last year. This is attributed to improved client communication and organisation-wide participation in continuous business and quality improvements to Legal Aid Review Committee processes and reporting.

Appeals allowed by Legal Aid Review Committees

There was a 56 percent decrease in family law appeals allowed this year compared with last year. This may be attributable to policy changes for property settlement matters. Appeals allowed in criminal law matters increased by 70 percent, which may be attributable to leniency allowed toward appeals refused on means or failure by applicants to comply with conditions of a grant during the COVID-19 pandemic.

Appeals and outcomes 2020–2021

Law type	Allowed	Disallowed	Deferred	Not appellable	Withdrawn	Total appeals	Appeals allowed
Civil	2	98	1	0	2	103	1.9%
Criminal	17	211	9	92	7	336	5.1%
Family	15	374	22	0	12	423	3.6%
Total	34	683	32	92	21	862	3.9%

Appeals and outcomes over five years

Review outcome	2016–17	2017–18	2018–19	2019–20	2020–21
Appeal allowed	65	66	46	45	34
Appeal disallowed	878	822	882	786	683
Deferred	19	14	51	37	32
Not appellable	58	48	72	96	92
Withdrawn	29	24	12	31	21
Total	1,049	974	1,063	995	862

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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.

Central Sydney

323 Castlereagh St
Sydney 2000
PO Box K847
Haymarket NSW 1240
Tel: 9219 5000
TTY: 9219 5126

Metropolitan offices**Bankstown**

Level 7, Civic Tower
66–72 Rickard Rd
Bankstown 2200
Tel: 9707 4555

Blacktown

Suite 36–37
15 Kildare Rd
Blacktown 2148
Tel: 9621 4800

Burwood

Level 4
74–76 Burwood Rd
Burwood 2134
Tel: 9747 6155
TTY: 9747 0214

Campbelltown

Suite 1, Level 4
171–179 Queen St
Campbelltown 2560
Tel: 4628 2922

Fairfield

Suite 1, Level 2
25 Smart St
Fairfield 2165
Tel: 9727 3777

Liverpool

Level 4, 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: 9066 6000
TTY: 9687 7538

Penrith

Level 4, 2–6 Station St
Penrith 2750
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Sutherland

Ground Floor
Endeavour House
3–5 Stapleton Ave
Sutherland 2232
Tel: 9521 3733

Regional offices**Broken Hill**

190 Argent St
Broken Hill 2880
Tel: 08 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 5.00pm

All other offices: 9.00am to 5.00pm

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