

Annual Report
2021-2022

Legal Aid 
NEW SOUTH WALES

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 with an emphasis on assistance for socially and economically disadvantaged people. We have a network of 25 offices, two satellite offices and a statewide phone advice service.

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 19th Gold Award. This is our 43rd 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 2022 to you for presentation to Parliament.

Yours sincerely,



Monique Hitter

Chief Executive Officer
October 2022

Legal Aid
NEW SOUTH WALES



Our front cover celebrates our staff and partner organisations coming together to support clients across the state this financial year.

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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 CEO Monique Hitter, NSW Attorney General Mark Speakman and Legal Aid NSW Director, Criminal Law Robert Hoyles at the Legal Aid NSW Criminal Law Conference 2022, where Mr Speakman gave the opening address.

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Key achievements

- ★ We launched One Legal Aid – a new client service model, triage process, integrated intake and client appointment booking process, supported by our new Statewide Advice Team.
- ★ We established a Closing the Gap Project Board chaired by senior Aboriginal staff to guide our progress towards contributing to targets under Closing the Gap.
- ★ We introduced an Aboriginal Cultural Safety Framework.
- ★ We continued to provide services during the COVID-19 pandemic while minimising risk to our staff and clients.
- ★ We mobilised the Disaster Response Legal Service to provide 2,737 legal services in response to catastrophic flooding events in February 2022.
- ★ Our Lismore office continued to provide services to clients despite the enormous personal impact staff faced following the floods and the temporary closure of the Lismore office space.
- ★ We created the Family Law Service for Aboriginal Communities (FamAC) to provide outreach, casework and duty services at court to Aboriginal and Torres Strait Islander communities as a result of recommendations from the family law blueprint.
- ★ We established a Walama Unit comprising of a team of specialised solicitors and allied staff to assist clients eligible for the Walama List Pilot at Sydney District Court.

The year ahead

- ➔ We will expand services to people experiencing workplace sexual harassment or discrimination, people with mental health conditions and women experiencing or at risk of domestic and family violence.
- ➔ We will expand our Aboriginal Field Officer Program and improve access to culturally safe services for Aboriginal people and communities.
- ➔ We will develop the Civil Law blueprint to determine future direction and priorities for the Civil Law Division.
- ➔ We will improve our recruitment and grievance handling processes.
- ➔ We will implement our Allied Professional Workforce framework and improve access to caseworkers, social workers, mental health workers, youth workers and financial counsellors to support highly disadvantaged and vulnerable clients and help us contribute to Closing the Gap targets.
- ➔ We will continue to improve how we monitor workload and the wellbeing of our staff.
- ➔ We will support the expansion of the NSW Drug Court and Youth Koori Court in Dubbo.
- ➔ We will implement Project Respect, a program of actions and strategies to strengthen an inclusive and diverse culture at Legal Aid NSW.

Key challenge

- ▶ Implementing strategies to support our staff in managing workload and wellbeing and improving access to our services throughout NSW.

Our vision

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

Our purpose

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

The *Legal Aid Commission Act 1979* (NSW) is the foundation from which we work, and clearly outlines why we exist and what we do. We fulfil our obligations by providing accessible, quality legal services and education to disadvantaged and vulnerable clients.

Our outcomes

Our strategic outcomes will guide our efforts over the five-year period covered by the Legal Aid NSW Strategic Plan 2018-2023. This report highlights initiatives we pursued during 2021-2022 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

I acknowledge and pay my respects to the traditional owners and custodians on whose land we live and work.

On behalf of the Board of Legal Aid NSW it is my pleasure to introduce the 2021-2022 Annual Report. The report chronicles the outstanding services that Legal Aid NSW has provided in helping to ensure access to justice for the people of New South Wales. I thank the state and Commonwealth governments for the funding provided for this work. Legal Aid NSW strives to ensure that legal aid is provided in the most effective, efficient and economical manner.

The provision of excellent legal service relies on the passion and commitment of our staff to the cause of Legal Aid NSW and to our clients. In that regard we are ably assisted by private lawyers and community legal centres. The Board establishes and reviews the broad policies to ensure that the available resources are directed to those most in need. These policies include means tests and merit tests. Legal Aid NSW has been proactive in simplifying and speeding up the processes involved in determining grants of legal aid. The actions taken by the Board in this regard are published in this report.

2021-2022 was year four of our five-year strategic plan. The implementation of that plan was led by Brendan Thomas. Brendan left Legal Aid NSW on 1 November



2021 to take up the role of Deputy Secretary at the Department of Communities and Justice responsible for transforming outcomes for Aboriginal and Torres Strait Islander people. Brendan is a proud Wiradjuri man, an outstanding innovative leader and was an exemplary CEO. Brendan achieved much during his four years as CEO and left Legal Aid NSW in great shape. The Board looks forward to working with Brendan in establishing Legal Aid NSW policies and strategies directed at Closing the Gap.

Legal Aid NSW is well served by its Executive team. Monique Hitter, Deputy CEO, has very capably acted as CEO since November 2021. In December 2021 Annmarie Lumsden, Director Criminal Law, took up an appointment as Director of Northern Territory Legal Aid Commission. Annmarie led our largest practice area and her outstanding contribution to Legal Aid NSW was very much appreciated by the Board. The appointment of four Legal Aid NSW solicitors as Magistrates this year also reflects the quality of our staff. The work Legal Aid NSW is undertaking in the area of leadership development, as described in this report, is important for succession planning at all levels.

The Board receives reports on work, health and safety issues and advice from the Audit and Risk Committee. The Board also considers regular reports on finances, organisational performance and strategic planning implementation. The Board appreciates the quality of the materials and advice provided.

Over the past five years, the percentage of our clients who are Aboriginal and Torres Strait Islander people has risen from 14.2% to 21.3%. This increase is partly as a consequence of funding constraints at the Aboriginal Legal Service (NSW/ACT). Also, Legal Aid NSW has been very proactive in improving services in civil and in family law services to First Nations peoples. Legal Aid NSW continues to be proactive in seeking to employ a workforce of 11% Aboriginal and Torres Strait Islander people. The Board welcomed the Legal Aid NSW Aboriginal Cultural Safety Framework that is committed to creating a culturally inclusive and diverse environment for Aboriginal and Torres Strait Islander clients and staff. I congratulate the Aboriginal Services Branch for their work in developing this framework.

In consultation with the Board, Legal Aid NSW has been proactive in social governance. Sexual harassment and unacceptable behaviour policies have been implemented. The Board approved the Legal Aid NSW Strategic Plan for 2022–2023 that includes the delivery of a new Diversity, Equity and Inclusion Plan. The Board will be involved in the development of that plan.

The integration of LawAccess NSW with Legal Aid NSW has been very successful in improving outcomes for people who need legal help and in providing more efficient access to Legal Aid NSW. I acknowledge and thank all staff involved in this initiative.

This year, at least 60 local government areas across the state suffered severe flooding. Once again, our Disaster Response Legal Service provided assistance to the communities impacted, by coordinating the legal assistance sector disaster response. I thank all involved in providing an outstanding service to these vulnerable communities in very difficult circumstances.

I look forward to the implementation of the final year of our strategic plan in 2022–2023 and the development of our future strategic plan.

It is an honour and a privilege to work with such committed colleagues as the Board, the Audit and Risk Committee and the staff of Legal Aid NSW.



Craig Smith
Chair, Legal Aid NSW

Acting CEO's report

In November 2021, I took on the role of Acting Chief Executive Officer. Our former CEO, Brendan Thomas, departed to take on a newly created role of Deputy Secretary of Transforming Aboriginal Outcomes within the Department of Communities and Justice. This was a huge loss for our organisation, but for a very important reason, and Legal Aid NSW is strongly committed to supporting the program of work Brendan is now leading in every way we can.

I take this opportunity to express our thanks to Brendan for the immense contribution he made to Legal Aid NSW. Brendan led us through ambitious and critical reforms, which put our organisation on a very strong footing for the future. To just name a few, Brendan secured ongoing funding to meet the very significant shortfall created by the impending loss of funding from the Public Purpose Fund, whilst also providing far greater funding security from the Public Purpose Fund for future years.

Brendan's strong commitment to introducing flexible work for our staff provided the platform from which we were able to adapt to the constraints imposed by the pandemic, and ensured we continued to meet our service delivery obligations whilst always putting the safety of our staff first and foremost. Brendan led significant reforms to the experience of our clients in accessing our services and reformed our policies and systems to ensure we met the needs of those experiencing the most disadvantage regardless of where they live. This included welcoming LawAccess NSW into our organisation in 2020, which allowed us to fully integrate the call centre into our operations and establish a Statewide Advice Team.

We continue to be very well supported by a strong and cohesive Board and Executive team, and have continued to build on our achievements and continue our journey to realise our vision for Legal Aid NSW.

Our achievements are the result of the dedicated efforts of our staff, who are deeply committed to the work of Legal Aid NSW, even in the face of unprecedented challenges.

During the various and unpredictable periods of lockdowns over the past year, our staff continued to provide much needed services to our clients in creative and innovative ways, providing remote representation in courts and tribunals. Our administrative staff continued to find ways to support our solicitors and there was a great sense of collegiality across all our



offices to help wherever it was needed. Our corporate services staff also provided terrific support without which the rest of the organisation could not have continued to provide services so effectively.

Then in late February 2022, we responded to the catastrophic flooding events across New South Wales, with the most significant impact felt in northern NSW and north-western Sydney. Continued heavy rainfall exacerbated the situation over the following months and by 30 June 2022, our Disaster Response Legal Service had delivered 2,737 legal services in response, of which 2,276 were provided at Disaster Recovery Centres and 2,174 to people on the north coast. We are continuing to provide on-the-ground services at the remaining Recovery Centres and Rapid Assistance Points as well as attending 'Grants Blitz' days to assist people seeking grants from Service NSW.

I acknowledge the leadership team and all of our staff from the Lismore office, who continued to provide services to clients despite the enormous personal impact that they faced during and following the floods. In late April, services resumed from our office because of the extraordinary dedication and hard work of the Lismore team supported by our corporate services staff.

In May this year, we introduced an Aboriginal Cultural Safety Framework and established a Closing the Gap Project Board, chaired by senior Aboriginal staff to monitor and build on our strategies to meet the targets under Closing the Gap.

Legal Aid NSW is an organisation that is defined by its pursuit of social justice. As we head into the final year of our ambitious five-year strategic plan, we should be proud of all that we have achieved despite the disruption of the pandemic. Like the last four years, we have an ambitious program of work, whilst also continuing to provide legal services that is of the highest quality expertly assisted by our administrative, allied, and corporate services. We are also an organisation that remains and will always be, committed to being one that is defined by its fairness, diversity, and inclusivity.

I look forward to the coming year and delivering on all the very important work we have set ourselves to do to achieve for our staff and our clients.



Monique Hitter
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 the Board determine our broad policies and strategic priorities, and they monitor risks.

Meetings of the Board

The Board held six meetings in 2021–2022.

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.
- Closing the Gap Project Board, which monitors and guides our strategies to meet the socio-economic outcome targets under Closing the Gap.

Decisions of the Board 2021–2022

31 August 2021

- Noted the impact of the 2019 changes to the contributions policy.
- Noted the feedback arising from consultation on the Family Law Blueprint.
- Acknowledged the actions completed against the strategic plan for the financial year 2020–2021.

26 October 2021

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

26 November 2021

- Attended a strategic planning day with Executive staff members.

1 December 2021

- Acknowledged the achievements of Brendan Thomas and extended best wishes in his new role responding to Closing the Gap.
- Acknowledged the work of Annmarie Lumsden and congratulated her on her appointment to the role of Director, Northern Territory Legal Aid Commission.
- Recognised the contributions made by Robyn Gray during her period of appointment to the Audit and Risk Committee.

- Acknowledged the outstanding work by Brendan Thomas and Monique Hitter in response to COVID-19.
- Approved the Fee Scale for High Risk Offender Matters (State) including higher fee rates where costs are recovered.
- Approved changes to improve the efficiency of grants administration and the experience for clients and their lawyers, including:
 - funding Early Resolution Assistance (ERA) for family law disputes
 - removing the means test for certain types of matters
 - developing a simplified means test for certain types of matters, and
 - introducing the standard merit test for Commonwealth family law matters.

22 February 2022

- Approved the new fee scale and a change to the eligibility policy for High Risk Terrorist Offender matters (Commonwealth).
- Approved the appointment of Leah Fricke to the Audit and Risk Committee.
- Noted the results of the client satisfaction survey.
- Noted the updated Sexual Harassment and Unacceptable Behaviour Policies.

26 April 2022

- Approved the appointment of nominees to the Legal Aid Review Committee.
- Noted current levels of cybersecurity.

28 June 2022

- Approved an increase to family law fees for preparation in certain matters and noted possible alternate cost savings in family law matters.
- Approved the Strategic Plan Year 5 Update for 2022–2023.
- Noted the Closing the Gap Plan.
- Noted a new Aboriginal employment partnership with Macquarie University and TAFE NSW.
- Endorsed the actions set out in the Project Respect Plan presented to the Board in response to allegations of racism and passed a motion in support of the actions of the then-acting CEO on this issue.

Board members | 1 July 2021 to 30 June 2022



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 until November 2021

Appointed by the NSW Attorney General, Brendan Thomas was the CEO of Legal Aid NSW from 22 May 2017 until 1 November 2021.

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 two meetings)



Monique Hitter

BSW, Dip Law

Acting Chief Executive Officer from November 2021

Monique began acting as CEO in November 2021. She was previously the Deputy CEO of Legal Aid NSW.

Monique has been practising law since 1997 and has also served as a Senior Member of the NSW Civil and Administrative Tribunal in the Administrative and Equal Opportunity Division.

In over 30 years working in social justice, Monique is especially proud of having established the Civil Law Service for Aboriginal Communities, the Children's Civil Law Service and expanding the reach and scope of the Legal Aid NSW Civil Law Division, such that the Productivity Commission in its landmark Inquiry into Access to Justice Arrangements, stated that it set the national benchmark for the provision of civil law services.

More recently in her role as Deputy CEO, Monique led a process to establish new policies in response to sexual harassment and unacceptable behaviour, the development of the Family Law Blueprint and Legal Aid NSW's response to the pandemic.

(Attended four meetings)

Board members | 1 July 2021 to 30 June 2022



Peggy Dwyer

BA LLB (ANU) PhD (University of Edinburgh)

Board member

Dr 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 four meetings)



Ainslie van Onselen

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

Board member

Ainslie van Onselen was appointed by the NSW Attorney General as a representative of consumer and community interests. 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)



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 Macquarie Bank Limited, having been a director and Chair of the audit committees of Macquarie Group and Macquarie Bank from 2012 until 2022. He was Chair of Bingo Industries Limited from listing in 2017 until its takeover in 2021 and 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 University of New South Wales Australian School of Business, Deputy Chair and Audit Committee Chair of Planet Ark Environmental Foundation, and a Governor and Chairman of the Risk and Audit Committee of The Centenary Institute of Cancer Medicine and Cell Biology.

(Attended six meetings)

Board members | 1 July 2021 to 30 June 2022



Richard Henry

AM, MB BS, MD, FRACP, Dip Clin Epi

Board member

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 the 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 of Herbert Smith Freehills, and is also Chair of her firm's global governance body for Pro Bono and Responsible Business. Ms Gilchrist is Co-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. She is also a member of the Finance Audit and Risk Committee of the Art Gallery of NSW.

(Attended six meetings)



Anna Cody

LLM (Harvard), GDip LP (UTS), LLB (UNSW), BA (UNSW)

Board member

Professor Anna Cody was appointed by the NSW Attorney General as a representative of bodies providing community legal services. Professor Cody has been reappointed until 2 September 2022.

Professor Cody is Dean of the Western Sydney University School of Law, providing legal education to students from a range of culturally and linguistically diverse backgrounds who are sometimes the first in their families to attend university. She 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, leading it for 15 years. During this time the centre tripled in size and gained increased expertise in employment law and health justice partnerships.

Professor 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 the Chair of the Board of Community Legal Centres Australia.

(Attended five meetings)

Board members | 1 July 2021 to 30 June 2022



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 four meetings)



Alison McRobert

BA LLB (Wollongong University)

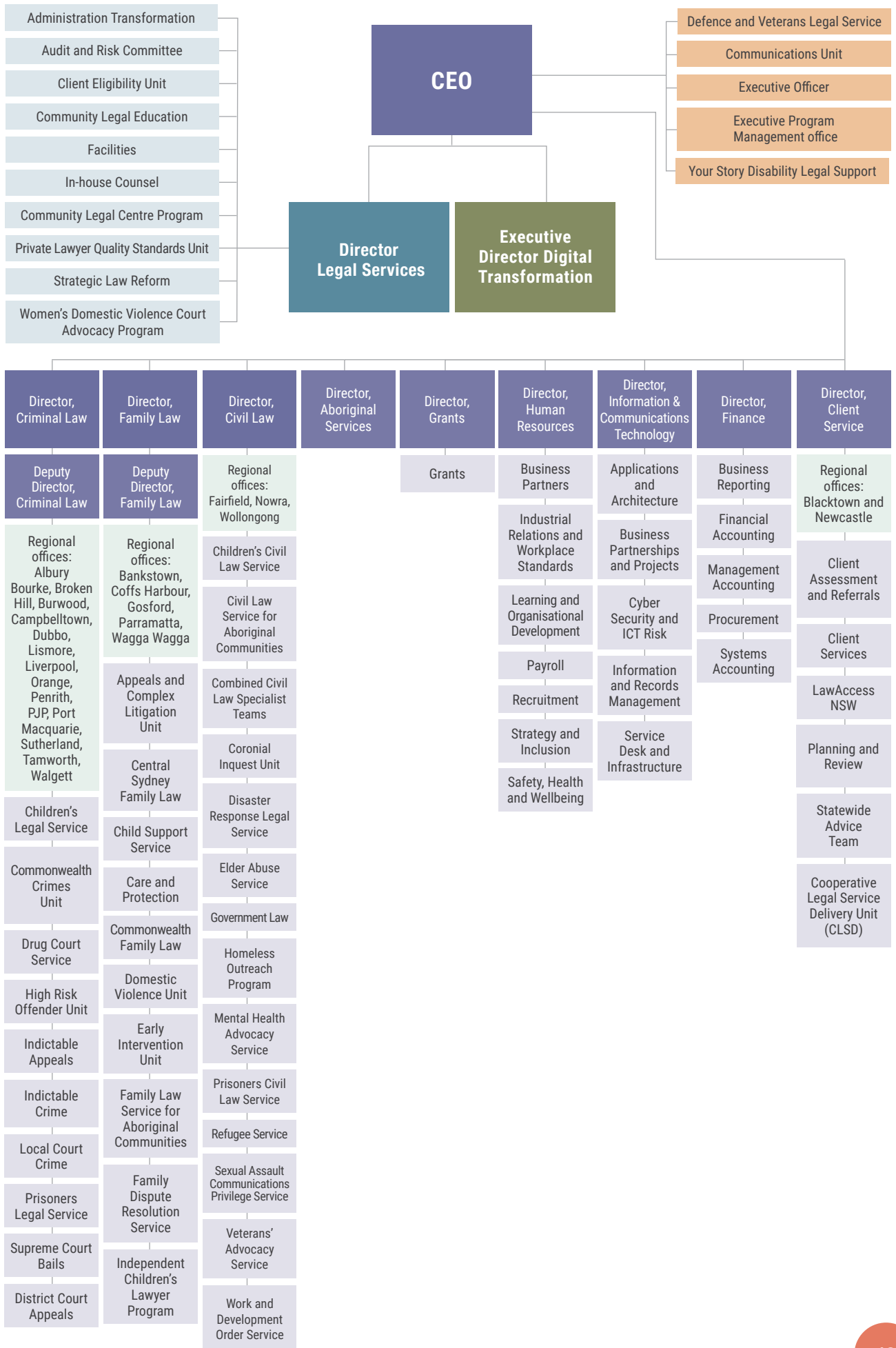
Board member

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 for over 20 years and previously worked at several employment law firms including McNally Jones Staff and Haywards Solicitors. Ms McRobert previously served as a Director at Federation Law Pty Ltd from 2013 to 2016. In November 2020 Ms McRobert was appointed as an advisory member of the Rule Committee of the Industrial Relations Commission of New South Wales.

(Attended six meetings)

Organisational structure as at 30 June 2022



Senior Executive | As at 30 June 2022



Monique Hitter

BSW, Dip Law

Acting Chief Executive Officer
(Band 3)

Budget total: \$426.9m
Total staff (full-time equivalent): 1,312.5
Total actual: 1,428

Brendan Thomas was Chief Executive Officer until 1 November 2021.

Our CEO has responsibility for the budget and staff of our whole organisation, and listed totals reflect this.



Helen Jessop

BA (Hons), ACMA, CGMA

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

Ms Jessop has been on secondment at the Department of Communities and Justice since 1 December 2021.



Trent Wilson

B Comm, MBA

Executive Director, Digital Transformation
(Band 2)

Budget total: \$0.7m
Total staff (full-time equivalent): 8.9
Total actual: 10



Michael Brodie

B Ec, CA, GAICD

Director, Finance
(Band 1)

Budget total: \$426.9m
Total staff (full-time equivalent): 21.0
Total actual: 21

Our Director, Finance has responsibility for the budget for our whole organisation, and his listed budget total reflects this.



Cherie Pittman

BA (Hons) Grad Dip, InfM LLB (Hons)

Acting Director, Legal Services
(Band 1)

Budget total: \$9.5m
Total staff (full-time equivalent): 357.9
Total actual: 399

Ms Pittman was appointed to this role on 8 November 2021.

Senior Executive | As at 30 June 2022



Robert Hoyles

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

Director, Criminal Law

(Band 1)

Budget total: \$146.5m
Total staff (full-time equivalent): 289.1
Total actual: 302

Annmarie Lumsden was Director, Criminal Law from 1 July 2021 to 27 October 2021. Mr Hoyles was Acting Director, Criminal Law until his appointment on 23 December 2021.



Alexandra Colquhoun

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

Director, Family Law

(Band 1)

Budget total: \$66.7m
Total staff (full-time equivalent): 211.9
Total actual: 231

Ms Colquhoun was appointed to this role on 3 November 2021 after acting in the position since 27 November 2020.



Meredith Osborne

BA (Hons), LLB

Director, Civil Law

(Band 1)

Budget total: \$31.8m
Total staff (full-time equivalent): 194.6
Total actual: 216



Jane Cipants

BSW, M Social Policy, EMPA

Director, Client Service

(Band 1)

Budget total: \$34.7m
Total staff (full-time equivalent): 68.7
Total actual: 81



Michelle Jones

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

Director, Human Resources

(Band 1)

Budget total: \$4.9m
Total staff (full-time equivalent): 31.5
Total actual: 33

Senior Executive | As at 30 June 2022



Jocelyn Flanagan

BA/LLB

Director, Grants

(Band 1)

Budget total: \$8.1m

Total staff (full-time equivalent): 62.7

Total actual: 66



Wayne Gale

*BA (Computing) M Com
(Accounting)*

**Director, Information and
Communications Technology**

(Band 1)

Budget total: \$15.8m

Total staff (full-time equivalent): 34.0

Total actual: 35



Kimberley Wilson

BA, LLB

Acting Director, Aboriginal Services

(Band 1)

Budget total: \$1.2m

Total staff (full-time equivalent): 4.7

Total actual: 5

Ms Wilson was appointed to this newly created role on 8 June 2022.



Melissa Burgess

BA, LLB

Deputy Director, Criminal Law

(Band 1)

This role shares management of the budget and staff overseen by the Director, Criminal Law.

Ms Burgess was appointed to this role on 6 June 2022.

Harriet Ketley acted in this role from 28 October 2021 to 6 June 2022.

Robert Hoyles held this role until 27 October 2021.



Katie Kelso

B Comm, LLB

Deputy Director, Family Law

(Band 1)

This role shares management of the budget and staff overseen by the Director, Family Law.

Ms Kelso was appointed to this newly created role on 23 May 2022.

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. Members of the Executive listed on pages 14–16 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)*.

Changes to our Executive structure

Brendan Thomas left Legal Aid NSW on 1 November 2021 to take on the new role of Deputy Secretary, Transforming Aboriginal Outcomes at the Department of Communities and Justice (DCJ).

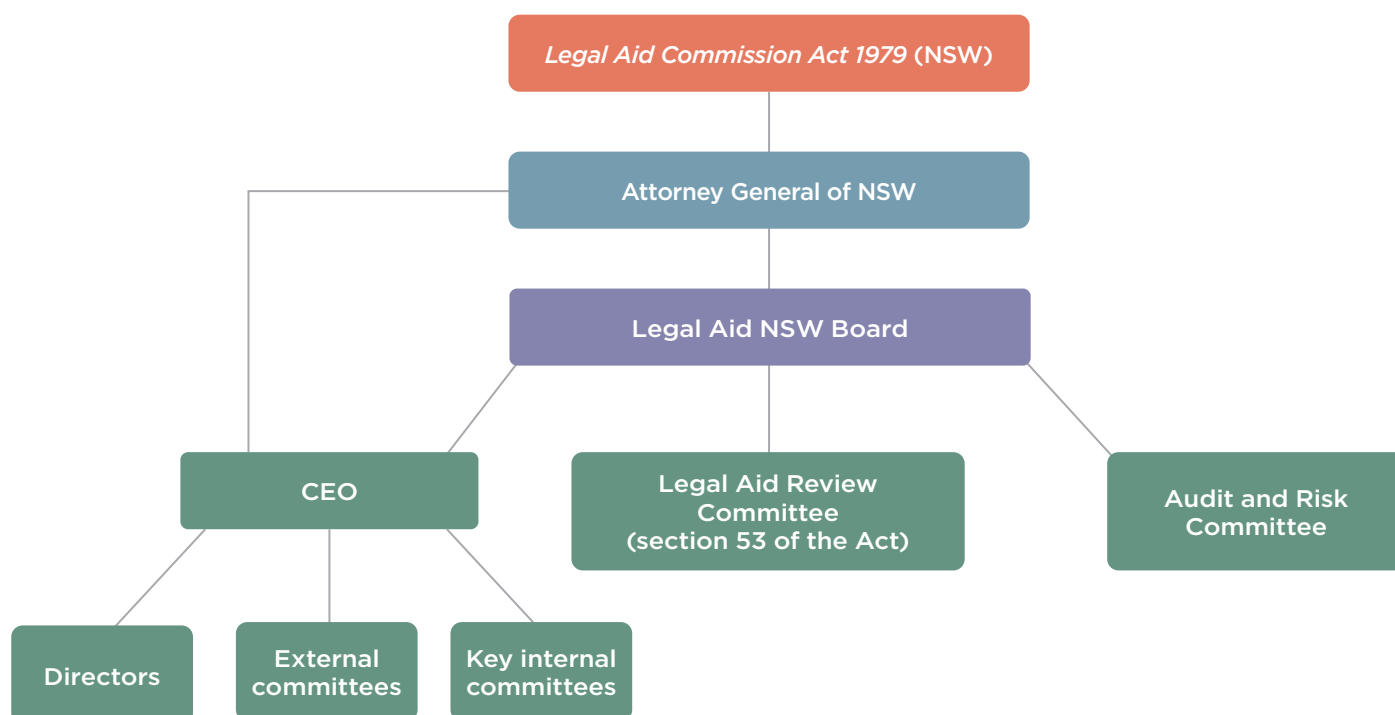
Monique Hitter, previously the Deputy Chief Executive Officer of Legal Aid NSW, acted in the role from 2 November 2021.

Cherie Pittman was appointed to the temporary role of Director, Legal Services on 8 November 2021. This role was created to manage some of the areas that previously reported to the Deputy CEO including the In-house Counsel Unit, the Strategic Law Reform Unit, the Client Eligibility Unit, the Community Legal Education Unit, Facilities, Administration Transformation, the Private Lawyer Quality Standards Unit and the Senior Internal Auditor. The role is also responsible for service disruption and serious incidents.

Helen Jessop, Executive Director of Business and Corporate Services and Chief Financial Officer, commenced a secondment on 1 December 2021 leading process and technology harmonisation at DCJ. This role has not been filled while Ms Jessop is on secondment. Instead, two new temporary roles were created. Trent Wilson was appointed to the role of Executive Director, Digital Transformation from 31 January 2022 to 30 January 2023. Michael Brodie was appointed to the position of Director, Finance from 24 January 2022 to 27 November 2023.

A new role of Director, Aboriginal Services was created on 8 June 2022. Kimberley Wilson is currently acting in this role.

Robert Hoyles was appointed as Director, Criminal Law on 23 December 2021 after a period acting in the role following Annmarie Lumsden's departure on 27 October 2021 to take on the position of Director of the Northern Territory Legal Aid Commission.



Melissa Burgess was appointed to the role of Deputy Director, Criminal Law on 6 June 2022. Harriet Ketley acted in this role from 28 October 2021 to 3 June 2022.

Alexandra Colquhoun was appointed to the role of Director, Family Law on 3 November 2021. She acted in the role from 23 November 2020 to 1 November 2021 following Kylie Beckhouse’s appointment as a Judge of the Federal Circuit and Family Court of Australia.

Katie Kelso was appointed to the newly established temporary position of Deputy Director, Family Law on 23 May 2022 until 25 November 2022. This role is approved to 30 June 2023.

A new temporary role of Deputy Director, Civil Law will be created in the next reporting period.

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 other boards and audit committees, including at 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 several 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.

Leah Fricke has had a 20-year executive career as a lawyer, governance professional and lecturer, and 10 years’ experience as a non-executive director. She is an independent non-executive director of Columbus Capital and Forager Funds, the Independent Chair of the Audit and Risk Committee (ARC) for Western NSW Local Health District, and an independent member of the ARC of Sydney Local Health District. Ms Fricke is a qualified lawyer and holds a Bachelor of Laws/ Bachelor of Arts from the University of Melbourne as well as an MBA from the University of Sydney. She is a Fellow of the Australian Institute of Company Directors (AICD), a Fellow of the Governance Institute of Australia and a member of the Association of Professional Futurists.



Business continuity

We have an Organisational Service Disruption Plan to respond to events that pose a risk to the continuation of business activities, and service disruption plans for each Legal Aid NSW office. These are activated when Legal Aid NSW is unable to continue to provide services from a regional office or a metropolitan office, including Central Sydney. The plans address required actions and specify 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 for dealing with the ongoing impacts of the pandemic. It outlines risk management strategies for 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 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. Controls include responsibility structures, risk assessment, reporting systems, investigation standards, and conduct and disciplinary standards. The Fraud and Corruption Prevention Plan implements key parts of the framework and complements related policies including the Code of Conduct and Protected Disclosure Policy.

The year ahead

- ➔ We will conduct 10 internal audits.
- ➔ We will implement the fifth year of the Legal Aid NSW Strategic Plan 2018-2023.

Report from the Audit and Risk Committee 2021–2022

The objective of the Audit and Risk Committee is to provide independent assistance to the Chief Executive Officer 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 comprised the following independent members in 2021–2022.

- Michael Coleman – Chair.
- Peter Whitehead – Committee Member.
- Robyn Gray – Committee Member (until 20 November 2021).
- Leah Fricke – Committee Member (since 1 March 2022).

The CEO, Deputy CEO (who is also the Chief Audit Executive and Chief Risk Officer), Executive Director Corporate Services and Chief Financial Officer (or Director Finance and Executive Director Digital Transformation), Acting Director Legal Services (when acting for the Chief Audit Executive), 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 eight occasions in 2021–2022 and reviewed a range of matters including:

- monitoring of strategic plan and 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
- payroll process reviews
- compliance with financial delegations
- panel lawyer audits
- CCMS post implementation review
- procurement processes in the context of the Procurement Reform Program of Stronger Communities (Procurement Board Reform Program)
- PaTH Project
- Digital Transformation Project
- proposal to give a delegation under section 69 of the *Legal Aid Commission Act 1979* (NSW) to lawyers on our private lawyer panels
- the process for ensuring panel lawyers not recover costs and disbursements from legally assisted persons under section 41 of the *Legal Aid Commission Act 1979* (NSW)
- Service Disruption Plans (SDP) and COVID-19 risk register
- NSW Audit Office's management letter
- NSW Audit Office's Your-Disability-Story Acquittal Audit report
- 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
- cybersecurity risk including risk maturity assessment under NSW Cyber Security Policy and the Essential Eight
- financial, compliance and reputational risk
- updated Enterprise Risk Management Policy and Framework, strategic risk register and risk maturity assessment
- record management maturity assessment
- circulars and guidelines of NSW Treasury, Department of Customer Service (Cybersecurity) and Independent Commission Against Corruption (Fraud and Corruption) and sector-wide performance reports of the NSW Audit Office as applicable
- internal controls to mitigate risks in the areas of work, health and safety, cybersecurity, fraud and 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. Data Loss Prevention and Privacy processes.
2. Purchasing cards, travel expenses and claims for minor expenses.
3. Processes for interpreter fees.
4. Accounts payable – payment to private practitioners.
5. ISMS for conformance with ISO 27001 controls and compliance with NSW Government Cyber Security Policy.
6. Conflict of Interest Policy (two six-monthly audits).
7. Compliance with TfNSW's DRIVES24 Terms of Access Agreement.
8. Surveillance audit under ISO 27001.

Performance audits completed

2017–18	6
2018–19	5
2019–20	4
2020–21	9
2021–22	9

Target for 2022–2023: 10



Monique Hitter

Deputy CEO, Acting CEO and Chief Audit Executive and Chief Risk Officer

Cyber Security Annual Attestation Statement for the 2021/22 Financial Year for Legal Aid NSW

I, Monique Hitter, 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 ISO 27001 certified Information Security Management System (ISMS) in place.

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

- maintaining a certified Information Security Management System (ISMS) that aligns to the ISO27001:2013 standard, with the objective of continual information security improvements whilst supporting security policies and objectives
- progressing a Cyber Security Uplift Program to improve cyber security maturity at Legal Aid NSW.
- 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.



Monique Hitter
Chief Executive Officer
20 October 2022

Internal Audit and Risk Management Attestation Statement for the 2021-2022 Financial Year for Legal Aid NSW

I, Monique Hitter, 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 (7) 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 consistently 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 (ARC)	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent ARC 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 the ARC
3.2 The Accountable Authority shall ensure the ARC 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 3.1.3 as per TPP 15-03.

Membership

The Chair and members of the ARC 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 20 November 2021
- **Ms Leah Fricke** – Independent Member
1 March 2022 to 28 February 2025

Departures from Core Requirements

I, Monique Hitter advise that the internal audit and risk management processes for Legal Aid NSW depart from the following Core Requirements 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 our ARC, whose maximum term of office of five years expired 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 ARC from 29 June 2016 to 22 June 2019 and reappointed from 23 June 2019 to 23 June 2021.</p> <p>Mr Coleman’s maximum five-year term on the ARC would have expired 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 would be very difficult to replicate.</p> <p>It was the Board’s determination that the alignment of Mr Coleman’s term as both Chair of the ARC and as a Legal Aid NSW Board member would ensure continuity. It was therefore proposed to extend his term as Chair to coincide with the term of appointment to the Board. Ministerial exemption from the Attorney General was obtained for the extension.</p> <p>Mr Coleman was reappointed as Chair of the ARC for a 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 within Legal Aid NSW.



Monique Hitter
Chief Executive Officer
23 August 2022

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 two public interest disclosures made during this reporting period.

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

Considine v Legal Aid Commission of NSW [2022] NSWCATAD 43

In 1997 the Attorney General granted an exemption under section 126A of the *Anti-Discrimination Act 1977* (NSW) to Legal Aid NSW for the Domestic Violence Court Assistance Program. In 2021 Mr Considine made a complaint to Anti-Discrimination NSW that he was discriminated against on the basis of sex by a Women's Domestic Violence and Advocacy Service (WDVCAS) worker. Anti-Discrimination NSW referred the complaint to the NSW Civil and Administrative Tribunal, which accepted the submission made by Legal Aid NSW that the exemption granted in 1997 allowed the Women's Domestic Violence and Advocacy Program to provide services for women only, despite the fact that the exemption certificate does not refer to women. The tribunal held that the exemption also applies to Women's Domestic Violence and Advocacy Services and their workers, even though the services are not managed by Legal Aid NSW and the workers are not employed by Legal Aid NSW.

Privacy

Legal Aid NSW manages personal information in accordance with our Privacy Management Plan. The plan explains how we manage personal information in accordance with the principles set out in 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 in our application forms and other public documents and provides advice and guidance to staff on how to deal with privacy issues.

In the 2021-2022 financial year, KPMG conducted an audit of our privacy practices against key standards and legislative requirements and made several recommendations that are being implemented to strengthen Legal Aid NSW privacy processes and mitigate associated risks.

No internal review applications on privacy were received this year.

Right to information

Legal Aid NSW adopts a proactive approach to the release of information where possible. We review our published information on a regular basis and routinely upload information to our website that may be of interest to the general public. This includes updating a wide range of publications and resources for the public, including factsheets, brochures and pamphlets about legal rights and responsibilities, policy documents and law reform submissions. Publications are also available in a variety of community languages.

During the 2021-2022 reporting period we received 42 formal applications under the *Government Information (Public Access) Act 2009* (NSW), also known as GIPA. Most of these were requests by individuals for their own personal information. Five applications for internal review of a GIPA decision were received. The full details of these applications are set out in Appendix 7.



The year ahead

- The Board and the Audit and Risk Committee will oversee the implementation of Project Respect, a broad program of work that will ensure our workplaces live up to our values of safety, belonging and respect.
- The Board will oversee the implementation of the final year of the Legal Aid NSW Strategic Plan 2018-23.



Key challenge

- ▶ The Board will work with the Executive to develop a strategic plan to meet increasing demand while ensuring services remain targeted and tailored to the needs of our clients.

Complaints handling

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

We received 54 frontline complaints about wait times and customer service issues, three privacy related complaints, 204 frontline complaints about solicitor conduct (both in-house and private lawyers), and 15 other non-categorised complaints in 2021-2022. These were handled at a local level and did not require a formal response or investigation.

We received 182 escalated complaints. These complaints required further investigation and often further explanation or action was required.

We received 159 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 83 compliments in 2021-2022.

Complaints response times

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

- 15 business days, or
- 30 business days for complaints about private lawyers.

Where we do not meet these response times for a complaint, we report this to the Legal Aid NSW Executive. We consistently met our performance targets for complaints managed within a 15 business day timeframe. For information on response times for complaints about private lawyers, see page 62.

Complaints working group

Key representatives from across Legal Aid NSW met bi-monthly in 2021-2022 to identify and discuss complaints and areas of potential service improvement. This included monitoring the impact of COVID-19 and improving processes for priority clients to create a consistent approach.

Complaints training for staff

All new staff complete an induction which includes training on feedback and complaints to improve staff understanding of complaint-handling processes. In addition, the Complaints and Client Services Officer works one on one with teams to support staff to better understand and respond to challenging client behaviour.

Complaints by type

Complaints	2020-21	2021-22
Grants – refusals	28	14
Grants – contribution policy	2	0
Grants – costs	1	4
Grants – section 25 or 26	5	1
Grants – termination	8	8
In-house – customer service	11	14
In-house – conduct	80	47
Staff – conduct (other than in-house lawyer)	15	11
Policy or administrative processes	11	8
Private lawyer – conduct	38*	9*
Private lawyer – section 41	1	3
Private lawyer – complaints about Legal Aid NSW	2	1
Independent Children's Lawyer – conduct	15	18
Mediator – conduct	8	11
Funding allocations	2	1
Other	28	26
To be determined	18	6
Total complaints	273	182

**In 2020-2021 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 and provide training to staff on handling complaints and feedback.

What we did over the past year

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

Services for flood-affected communities

In February and March 2022 at least 60 local government areas across NSW were impacted by severe flooding. The Commonwealth Government allocated more than \$3 million to legal assistance providers in NSW to support people affected by the floods.

Four community legal centres (CLCs) were awarded Flood Assistance Support funding to increase their capacity to provide legal assistance to the people and communities that need it most. Northern Rivers CLC and Western Sydney CLC are local, generalist services in impacted areas. Justice Connect and the Tenants' Union of NSW are specialist services that will provide extra assistance in their areas of law.

CLCs responded quickly to provide services at Disaster Recovery Centres and in communities that were still accessible. Mobile services were provided by travelling lawyers and virtual services increased to help meet increased demand. As a result of the funding boost, CLCs will employ more lawyers and non-legal staff such as social workers to help people and connect them with pro bono legal services. CLCs will also continue to work in collaboration with our Disaster Response Legal Service to ensure clients have access to the services they need.

One Legal Aid – making it easier and faster for people in NSW to get legal help

We know that people receive an excellent legal service when they get to the right place within Legal Aid NSW. We also know that we can be confusing to navigate, and that people often need to tell their story multiple times. Clients can be bounced around, forced to wait, or receive varied levels of service based on where they are in NSW.

As a result of the culmination of work from our strategic plan, we launched a new client service model this year to address these issues – One Legal Aid. All clients approaching Legal Aid NSW or LawAccess NSW are now triaged in the same way, and their details are entered in a new integrated intake record. Their information follows them through the system, reducing the need for them to repeat their details.

Our new booking system allows any staff member to book the client into any advice clinic across the state. This means that client intake and bookings all happen in the first phone call. This gives certainty to the client and reduces the number of phone calls they need to make.

A new Statewide Advice Team (SWAT) is also available to provide legal advice by phone to eligible clients not able to be serviced by a Legal Aid NSW office.

Establishing LawAccess NSW as the first point of call

Aligning our triage system via One Legal Aid recognises and elevates LawAccess NSW as the starting point to access legal help in NSW, and to access services from Legal Aid NSW.

LawAccess NSW now uses the same booking system as Legal Aid NSW offices, allowing information officers who speak to clients on the phone and via webchat to:

- identify appropriate referrals to services based on location and matter type
- provide an SMS or email to the customer with service details or information to empower the customer to take the next step in resolving their legal issue, or
- find and book the next suitable appointment at a Legal Aid NSW Office.

LawAccess NSW integrated with Legal Aid NSW

LawAccess NSW has continued to leverage its integration with Legal Aid NSW to improve outcomes for people who need legal help.

This year, LawAccess NSW:

- assisted 130,052 customers via its telephone service
- assisted 13,040 customers via its webchat service
- received over 1.4 million visitors to the LawAccess NSW website
- averaged a 4:53 minute wait time to speak to an information officer over the phone, and
- averaged a one-minute wait time to speak to an information officer on webchat.



Rachael Thomas, Solicitor in Charge at our Lismore Office, Attorney General Mark Speakman and Ma'ata Solofoni, Senior Solicitor Disaster Response Legal Service.



Elizabeth Lehmann, civil law solicitor, and Ma'ata Solofoni, Senior Solicitor Disaster Response Legal Service, at the Mullumbimby Disaster Recovery Centre in March.



LawAccess NSW Information Officer Lachlan Lugg and Legal Aid NSW Senior Solicitor Alexandra Rumore.



Fairfield solicitor Matt Hazard at the Wiseman's Ferry Disaster Recovery Centre.

Fact file

Our clients*



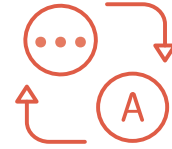
21.3%

Aboriginal and Torres Strait Islander people



8.9%

Born in non-English speaking countries



3.6%

Interpreter required



34.4%

Female



14.5%

Under 18



81.7%

Aged 18-60



3.8%

Over 60



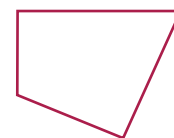
50.8%

On Commonwealth benefits



10.5%

With dependants

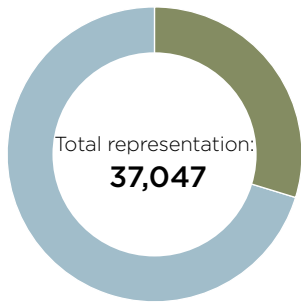


60.9%

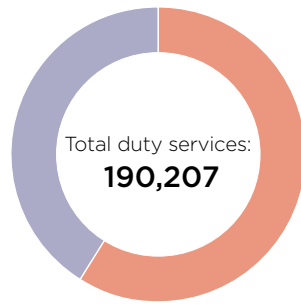
Rural and regional (includes Newcastle and Wollongong)

**Client profile data is for casework, being total grants of legal aid, extended legal assistance services, and early resolution assistance. As with the prior two years, 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.*

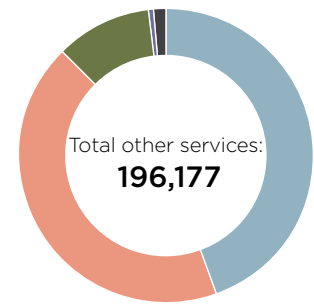
Services to clients



- In-house: 10,675
- Private lawyers: 26,372



- In-house: 112,275
- Private lawyers: 77,932

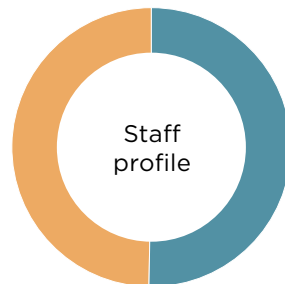


- Information services: 86,873
- Legal advice: 84,946
- Minor assistance: 20,709
- Extended legal assistance: 1,149
- Early resolution assistance: 2,500

Our staff



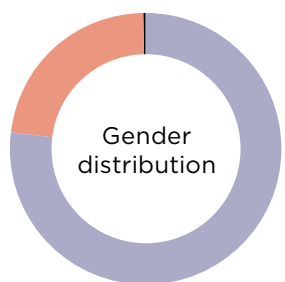
- Regional NSW offices: 191
- Metropolitan offices: 520
- Central Sydney: 717



- Lawyers: 730
- Administrative and corporate services staff: 698



- Lawyers: 26
- Field officers and other Aboriginal and Torres Strait Islander staff: 72

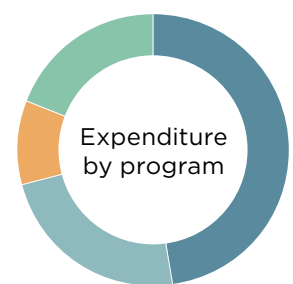


- Women: 1,121
- Men: 306
- A gender term other than male or female, (eg non-binary)*: 1

Total staff: 1,428

**We are working with the NSW Public Service Commission to change the way we use language and ask employees about their gender identity, gender expression and pronouns across the sector in order to promote a positive workplace culture of inclusion and safety where diversity is valued.*

Our finances



- Criminal law services: 46.9%
- Family law services: 22.9%
- Civil law services: 10.3%
- Community partnerships: 19.9%

Our total income was \$438.9 million.

We spent \$426 million.

See the financial overview on pages 77–79 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 establishing community awareness, in ensuring accessibility to legal aid, and in upholding our service standards.

Key performance indicators	2019-20	2020-21	2021-22
Community awareness of legal rights and responsibilities			
Client satisfaction*	N/A	76%	N/A
Information services we provided	196,435	170,981	86,873
Advice and minor assistance services we provided	125,001	119,003	105,655
Number of publications distributed	495,680	420,145	299,055
Accessibility of legal aid			
Means test income limit as a percentage of national minimum weekly wage	54.0%	53.1%	51.8%
Percentage of Local Court sittings served by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive in-house file reviews	97.9%	97.3%	98.3%
Number of Legal Aid NSW lawyers with specialist accreditation	60	61	64

*We measure client satisfaction through surveys conducted every two years. The methodology and scope of the 2020-2021 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 was 83% in 2020-2021.

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.

As part of our responsibilities under this partnership, we reported the number of legal assistance services we provided including 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 2021 to June 2022

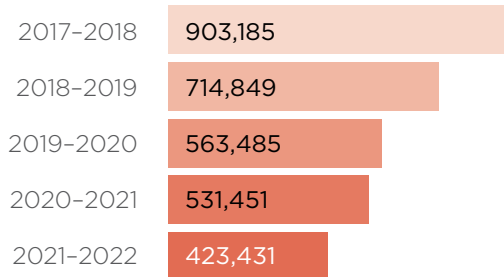
Performance indicator	Percentage
Proportion of Legal Aid NSW Commonwealth representation services delivered to people experiencing financial disadvantage	99%
Proportion of facilitated resolution conferences held by Legal Aid NSW that resulted in either partial or full settlement	74.7%*

*Commonwealth conferences only. The combined total for NSW and Commonwealth conferences was 75%.

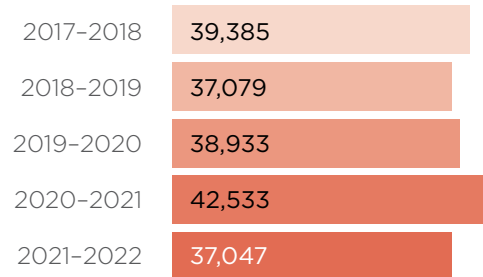
How our key services tracked over the last five years

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

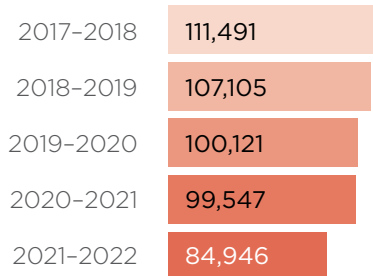
Total client services*



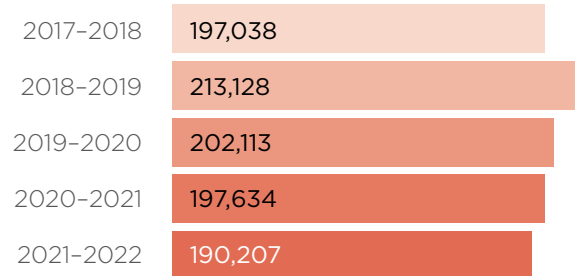
Legal representation



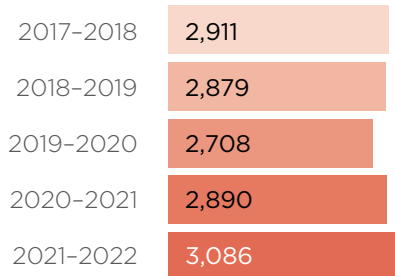
Legal advice services



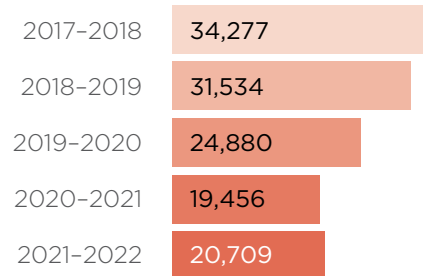
Duty services at courts and tribunals



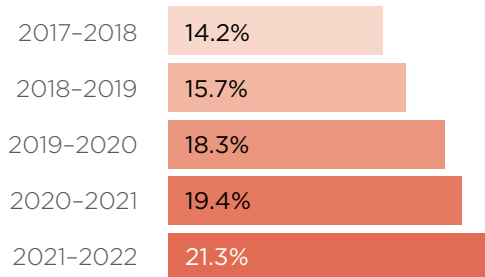
Family law mediations



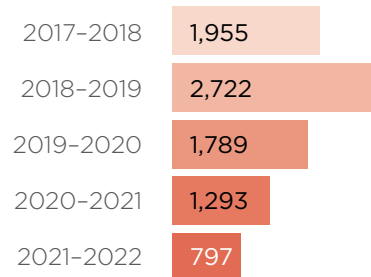
Minor assistance services



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 onwards, in-house duty services are not included in the calculation due to the unavailability of data following a system change.

Year-on-year trends — a snapshot

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

Legal advice and assistance

We provided



105,655

advice and minor assistance services



11.2%

decrease on the previous year.

We offer free, targeted legal advice across many areas of law at our 25 offices, two satellite offices and advice clinics offered primarily over the telephone covering the whole state. In some circumstances, our lawyers will also provide minor assistance by writing a letter or helping clients fill out court documents.

We provided



1,149

extended legal assistance services



8.3%

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



37,047

matters



12.9%

decrease 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 towards their grant of aid.

We acted in



10,675

matters

and we funded private lawyers to act in 26,372 matters.

On-the-spot help in courts and tribunals

We provided



190,207

duty services



3.8%

decrease on the previous year.

Of these services



112,275

were provided by Legal Aid NSW lawyers and we funded private lawyers to provide the remaining 77,932 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



3,086

conferences



6.8%

increase on the previous year.

Hotline for young people

We answered



17,974

calls to our hotline for young people



11.2%

decrease on the previous year.

We helped parties reach an agreement in 75%* 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 settlement rate was 74.7%. The percentage of Commonwealth-only matters was 98%.*

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



299,055*

factsheets, brochures and other publications



28.8%

decrease on the previous year.

Resources were viewed online



663,656

times



12.1%

increase on the previous year.

We provided



797

community legal education sessions



38.4%

decrease on the previous year.

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

**This number does not include Legal Aid NSW application forms, which have been included in this figure in previous years.*

2

Client services

Our clients come from diverse backgrounds and have diverse needs. This year, as COVID-19 lockdowns continued and floods swept across the state, 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.



Legal Aid NSW staff provide legal education materials to members of the community at the Sydney Royal Easter Show.

In this section

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- 35 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
- 57 Community legal education

Key achievements

- ★ We launched our new One Legal Aid triage system to ensure a consistent, streamlined service for clients across the state.
- ★ We simplified our eligibility policies by applying a single merit test to all criminal, civil and family law matters.
- ★ We partnered with Macquarie University and TAFE NSW to rapidly accelerate the implementation and evaluation of a skilled and credentialled Aboriginal workforce.

The year ahead

- ➔ We will improve services to our clients by launching new client service standards and an online client portal.
- ➔ We will build new online tools to tell the public about what we do and make it easy for them to access legal assistance.
- ➔ We will create a blueprint for our Civil Law Division that outlines our future direction and priorities.
- ➔ We will implement a new agreement with the Department of Communities and Justice and the Aboriginal Legal Service (NSW/ACT) to refer families to us for legal advice.
- ➔ We will implement our Aboriginal Cultural Safety Framework and continue to progress towards our goal of an 11% Aboriginal and Torres Strait Islander workforce.

Key challenges

- ▶ Outline what clients can expect of us and hold ourselves accountable to these expectations by developing client service standards.
- ▶ Improve the consistency of our services to ensure we can meet client needs regardless of location.

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.

One Legal Aid – streamlining triage, intake and appointments

We launched One Legal Aid, our new streamlined client service delivery model, in May 2022. The model creates consistent access for clients regardless of where they live in NSW, or which office or service they approach. Changes include:

- an integrated intake function across Legal Aid NSW and LawAccess NSW
- a new client intake form and a new customer management system for LawAccess NSW integrated with the Legal Aid NSW system
- a clear and consistent triage process that matches clients to the level of service they require and prioritises clients with greater need
- a connected system that allows staff to book clients an advice appointment on first contact regardless of whether they approach Legal Aid NSW or LawAccess NSW, and
- a Statewide Advice Team (SWAT) made up of experienced criminal, family and civil lawyers providing advice over the phone.

The changes have had positive impacts:

- incoming telephone call volumes have reduced to pre-2019 levels, presumably due to decreased call bounce and wait times for clients
- we can see what level of service we're providing – 67% of callers are being directed to in-house clinics or specialist services, and 13% to information only, and
- SWAT is providing 20% of advice services overall, creating capacity for litigation and specialist teams to increase the volume and intensity of casework services.

A new Statewide Advice Team (SWAT)

Launched as part of One Legal Aid, SWAT is a team of 18 experienced criminal, family and civil lawyers who were previously part of the LawAccess NSW Legal Advice Group. The new team provides advice to eligible clients and helps alleviate in-house workload.

SWAT provides one-off telephone advice through a mix of booked appointments, direct call-backs, and urgent calls. The team ensures local office overflow clients are provided with timely advice, and that people who reside outside of Legal Aid NSW office catchment areas are not disadvantaged by distance.

SWAT also contributes to the creation of legal resources for both staff and the public by updating and adding to the Representing Yourself resources and Law Prompt on the LawAccess NSW website, an information service heavily relied upon by the NSW legal assistance sector. A range of new topics have already been added assistance to both platforms this year, including topics covering Public Health Orders.

Webchat offers welcome support

LawAccess NSW launched webchat in April 2022 to support clients with low complexity legal issues looking to find help quickly. The average wait time for webchat is around a minute and around 50% of chats are resolved with information only. Common legal inquiries through webchat are about:

- debt issues
- motor vehicle property damage
- issues with neighbours around fences, trees, and animals
- consumer matters
- parking offences
- penalty notices and court fines
- wages and entitlements, and
- apprehended domestic violence orders.

While many access webchat because it's convenient, it has also been well received by customers with a disability, who can directly engage without the need for a relay service, and those who feel safer using webchat rather than making a telephone call. On average, customers surveyed rated their satisfaction with the webchat service an average of 4 out of 5 stars.

Prisoners Service Model

The ongoing Prisoners Service Model Project aims to improve the ways we provide legal services to prisoners, starting with gaining a clearer picture of our current practices and looking for opportunities for improvement. The project has:

- spoken with 23 ex-prisoners about their experience of our services
- consulted with criminal law staff about barriers to providing services to prisoners
- conducted an audit of 100 Inner City Local Court files to determine the average number of services provided to clients under a duty file, and
- completed a literature review to understand the current prison population and changes to that population over time, including as a result of COVID-19.

The volume of our Local Court practice and the needs of prisoners receiving criminal duty services were major themes of this work. Our in-house crime practice provides more than three times as many services to prisoners as the Family Law Division, Civil Law Division and the Prisoners Legal Service combined. Eighty per cent of the criminal law services provided to prisoners are duty services. Amongst the people we spoke with who had recently been released from custody, most experiences with Legal Aid NSW related to duty services provided by in-house and private solicitors.

The project has produced several suggestions about how we could modify duty services to ensure priority prisoner cohorts are receiving the level of service they require. In 2022–2023 the project will produce an end-to-end prisoner model based on further consultations around these options, costings and trials of suggested improvements to service.

Making it easier to access legal help online

We collaborated with the NSW Department of Communities and Justice (DCJ) and the NSW Police Force to enable people charged with a criminal offence in NSW to register for legal help with us online via JusticeHub. The initiative was launched as a pilot with Bankstown, Sutherland, Penrith, Blacktown and Mount Druitt police stations and corresponding Legal Aid NSW offices.

When issuing a court attendance notice, police provide the person with a JusticeHub flyer that has a QR code. When the person scans the QR code, they are taken to the JusticeHub website where they can select the option to ask for legal help from Legal Aid NSW by entering their personal and court details. The request for legal help is then sent to the relevant Legal Aid NSW office, who contacts the client to provide advice and prepare for court.

It is anticipated that making it easier for our clients to ask for legal help prior to their court date will result in:

- reduced wait times to access a duty lawyer
- increased client confidence and reduced anxiety about what will happen at court
- matters being finalised quicker due to reduced adjournments and court delays
- better allocation of resources by Legal Aid NSW, and
- police being able to direct people to resources that can help them.



The year ahead

- ➔ We will launch new Legal Aid NSW Client Service Standards and deliver our client portal – a one-stop-shop for clients to interact online with us about their cases.
- ➔ We will build a new Legal Aid NSW website that is easy to use and integrates the existing LawAccess NSW and Legal Aid NSW websites.
- ➔ We will build an online triage tool to make it easy for people to find the help they need online.
- ➔ We will continue our Prisoners Service Model Project to improve access to legal help.

Providing services to those who need them the most

To ensure access to justice for those most in need, we consistently review and amend our policies.

Our eligibility policies help us ensure that our limited resources are directed to those most in need. This year, we made changes to our policies and our services in response to emerging demand in certain areas of law.

Early Resolution Assistance

We expanded the types of matters that can be administered as Early Resolution Assistance (ERA). ERA uses a simplified application process – it requires

less information from the applicant, and there is no paper application form. It has a simplified means and merit test, streamlining application and administration processes. This makes it easy for lawyers to apply and for clients to access.

Early intervention mediation for family law disputes

In January 2022 we changed the way early intervention mediation is administered in family law matters. Early intervention mediation helps clients to settle family law disputes early, avoiding costly, time-consuming and traumatising court proceedings. Instead of a grant of legal aid, it is now an ERA service, a change

which has streamlined the application and grants administration process making it easier for lawyers and clients alike.

Early intervention for pre-filing adoption

Legal Aid NSW and the Department of Communities and Justice (DCJ) began a pilot to formalise mediation processes for interested parties at the pre-filing stage of adoption in July 2021. The new process allows interested parties to engage with DCJ or the authorised adoption service and allows us to assist birth parents and other relatives of the child to contribute to the development of the adoption plan and discuss and resolve issues in dispute early in the adoption process.

This supported involvement is particularly important for Aboriginal and Torres Strait Islander families who want to ensure the adoption plan reflects the child's connection to their kinship systems, including but not limited to their shared cultural, tribal and community connections.

One Merit Test

We simplified our eligibility policies in January 2022 by applying a single merit test to all applications for criminal, civil and family law matters that are merit tested. Previously, Commonwealth family law matters applied a different test. This change has improved the consistency and transparency of decisions around merit for applications for legal aid.

Matters exempted from the Means Test

We exempted certain kinds of ERA matters from the means test to make the grants application process quicker and easier to ensure some of our most disadvantaged clients can access essential legal services when they need them.

Exempted matters include guardianship and mental health matters where the client is the subject of the proceedings, parents in primary care and protection proceedings, and some prisoners' legal matters. The people who are affected by these legal matters are among our most disadvantaged clients. They face the biggest challenges accessing the financial information required for a grant of legal aid because of complex life circumstances surrounding their legal problem and/or because they are in prison or another detention facility. By exempting these matters from the Legal Aid NSW Means Test, we have removed this barrier to accessing legal services.

Correcting errors on the NSW Child Protection Register

We expanded our extended legal assistance service to provide assistance to people seeking to correct errors in their registration status on the NSW Child Protection Register.

Evidence showed that incorrect decisions about a person's inclusion and the length of a person's reporting period had left errors in the register, and that some of our most vulnerable clients were incorrectly included on the register.

Errors on the NSW Child Protection Register can have an enormous impact on a person's life, impacting where they live and work, and in some cases, leading to wrongful imprisonment. Being able to assist in these matters has improved the lives of some of our most vulnerable clients.

High-risk offender matters

In 2021-2022 we introduced a new fee scale for state and Commonwealth high-risk offender matters. Along with a fit-for-purpose grants template, this has improved the efficiency of the grants administration process for these matters. Legal aid is also now available for people who are subject to extended supervision orders made under Commonwealth high risk terrorism legislation.



The year ahead

- ➔ We will continue to simplify the grants application and administration process.
- ➔ We will implement the approved recommendations from the means test review.
- ➔ We will continue to ensure our eligibility policies target disadvantaged people.

Meeting the needs of diverse clients

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

Fact file

- Proportion of grants delivered to clients born in non-English speaking countries: 8.9%.
- Amount spent on interpreters and translators: \$1,730,623.
- Community legal education sessions presented to multicultural audiences: 188.

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.

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.

Supporting women on temporary visas experiencing domestic violence

Our Domestic Violence Unit and Civil Law Immigration teams launched a partnership with the Australian Red Cross in July 2021 to provide integrated legal and support services to women on temporary visas escaping violent relationships.

The teams worked collaboratively to provide generalist and specialist legal advice and representation to vulnerable women who need help with migration, family violence and family law issues, as well as social work support and financial counselling. They have also provided community education for domestic and family violence groups.



Removing barriers to social housing - negative classification of former social housing tenancy

We assisted a vulnerable 55-year-old woman to exit homelessness and secure stable social housing. She is a National Disability Insurance Scheme (NDIS) recipient and reliant on the disability support pension, suffering from several chronic health conditions including rheumatoid arthritis, vision impairment and osteomyelitis, and requiring use of a wheelchair. Her daughter is her full-time carer. She became homeless after a private landlord issued her with a 'no grounds' termination notice. She couldn't secure another rental property despite applying for over 30 and having previously sustained a tenancy in regional NSW for 10 years. She was living week to week in temporary accommodation provided by the Department of Communities and Justice (DCJ).

Our client tried to apply for social housing but was told she was ineligible. In 2007, her social housing tenancy was terminated due to allegations of illegal use, and she was classified as an ineligible former tenant. We obtained our client's housing file and successfully helped her appeal the classification on the basis that the illegal use charges had been withdrawn in 2007. She also met the special conditions for being put back on the social housing list under DCJ policy, because her circumstances had significantly worsened. Our client was given priority classification and housed in a property with her carer daughter.

Afghan crisis response

The Taliban's return to power in Afghanistan in August 2021 and the ensuing evacuation of Afghan citizens to Australia created a sudden surge in demand for legal services in NSW.

By 31 October 2021, our Refugee Service and Immigration Law team had provided over 450 services to clients seeking advice connected to the Afghanistan crisis. That included answering a high number of calls and emails from people in Afghanistan seeking help with evacuation before Kabul airport closed and advice on visa options to enter Australia. Permanent residents of Afghan descent also sought assistance getting loved ones to Australia.

We developed fact sheets on visa options and delivered community legal education sessions to over 600 people. Service demand has continued, with evacuees seeking advice about their long-term visa status in Australia and sponsoring family in Afghanistan to join them in Australia.

Supporting interpreters to assist our clients

Our Community Legal Education team ran seven live webinars for interpreters in 2021–2022 about understanding legal words. Sessions supported them to interpret tricky concepts like 'injunction,' 'arraignment' or even 'leave [of the court]'.



Fee-free birth certificates for vulnerable people born in NSW

Having a birth certificate is critical for people like Damien* to access core government services and participate in society. Damien is a long-term rough sleeper and regular at Soul Café in Newcastle, which provides meals and support daily for people experiencing disadvantage.

This year, Damien attended a birth certificate clinic organised by the Legal Aid NSW Cooperative Legal Service Delivery (CLSD) program and Soul Café. The clinic was made possible thanks to a new partnership between the CLSD program and the NSW Registry of Births, Deaths, and Marriages that aims to make fee-free birth certificates available to vulnerable people born in NSW who live in regional and remote areas and face significant barriers to obtaining their birth certificate.

Outside of meals, this was the first event Damien had ever attended. After completing his application, Damien reported that the event had given him the confidence to renew other identification like his Medicare and pension cards. Damien also made an appointment with a bank and asked for support to open an account. Opening a bank account will allow Damien to access Centrelink benefits.

Damien said that the process of applying for a birth certificate and the respectful encouragement and support that he received from the lawyers led him to take steps to change his circumstances, that he may not have taken otherwise.

**name has been changed*

Aboriginal and Torres Strait Islander clients

Partnership Employment Program with Macquarie University and TAFE NSW

We have partnered with Macquarie University and TAFE NSW to implement and evaluate a program to support the employment of additional skilled and credentialed Aboriginal staff by building the capacity and credentials of Aboriginal candidates.

Under our Aboriginal Employment and Career Development Strategy 2019–2023 we are committed to increasing our Aboriginal workforce to 11% of our total workforce.

Expansion of the Aboriginal Field Officer Program

This year we expanded our Aboriginal Field Officer Program with two new positions created in our Newcastle office. Aboriginal Field Officers have been operating in Dubbo, Port Macquarie, Walgett and Bourke for many years and are a vital link between offices and the Aboriginal communities that they service.

Aboriginal Field Officers also help increase the cultural competency of offices by bringing knowledge of the local Aboriginal community and culture to their positions. Both the Newcastle and Hunter region represent significant Aboriginal populations with complex legal needs. The two new positions are a significant step in the expansion of the program and represent our commitment to increasing the cultural safety of our organisation.

Legal Aid NSW Aboriginal Cultural Safety Framework

We announced that we were developing an Aboriginal Cultural Safety Framework at the inaugural Legal Aid NSW Conference in April 2021. The Aboriginal Services Branch developed and launched the framework in May 2022.

The framework builds upon our commitment to provide the best quality services to Aboriginal clients and is the next step in a journey that has seen us providing Aboriginal cultural awareness, Aboriginal cultural competency and practice area specific training for over 10 years. The framework provides us with the tools we need to ensure our services are culturally inclusive and diverse for our clients and our workplace is culturally inclusive and diverse for our Aboriginal colleagues.

Aboriginal cultural safety is a shared journey of respect and understanding and implementing the framework is the responsibility of all staff at Legal Aid NSW. Critical components of the Aboriginal Cultural Safety Framework include learning and self-reflection, as well

as a recognition that nobody can ever be an expert in another's culture, but everyone can learn the tools to practise cultural safety.



The year ahead

- Achieve our goal of an 11% Aboriginal and Torres Strait Islander workforce under the Aboriginal Employment and Career Development Strategy 2019–2023.
- Implement the Aboriginal Cultural Safety Framework to ensure cultural safety for our Aboriginal client base and our Aboriginal workforce.
- Continue the expansion of the Aboriginal Field Officer Program to connect our offices with their local communities and ensure those communities receive high quality, culturally inclusive and diverse legal representation.

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, minor assistance, extended legal assistance, duty services, and representation in criminal courts at each jurisdictional level across the state.

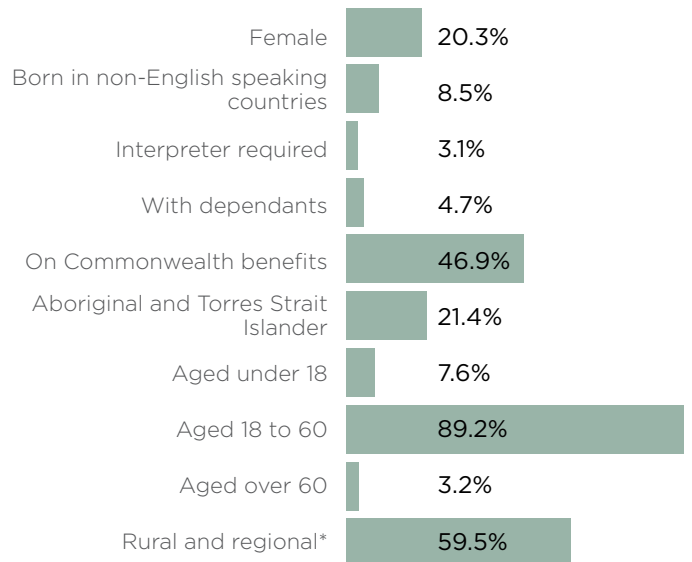
The practice offers community legal education throughout NSW and contributes to law reform initiatives. The Children’s Legal Service, Prisoners Legal Service (PLS), Drug Court Unit, High Risk Offender Unit, Indictable Appeals Unit, and the Commonwealth Crime Unit provide specialist criminal law services.

Fact file

- Total staff: 302.
- Total expenditure on criminal law services: \$199.9 million.
- Proportion of overall expenditure on criminal law services: 46.9%.

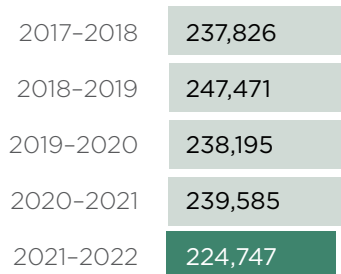
Criminal law client profile

Based on total casework, including extended legal assistance services.



*Includes Newcastle and Wollongong.

Criminal law services over five years



Legal Aid NSW Director, Criminal Law Robert Hoyles presents Rachael Thomas with the Director’s Medal at the Legal Aid NSW Criminal Law Conference 2022.

We provided 224,747 criminal law services to clients in 2021–2022.*

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

Total legal representation: 26,162



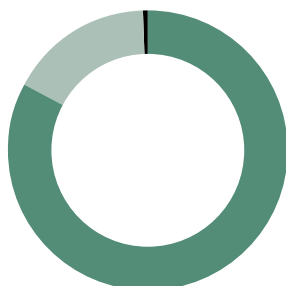
- In-house: 8,386
- Assigned: 17,776

Total duty services: 164,479



- In-house: 100,229
- Assigned: 64,250

Total other services: 34,106



- Legal advice: 28,089
- Minor assistance: 5,883
- Extended legal assistance: 134

New Walama Unit

Our dedicated Walama Unit was established in our Central Sydney office in May 2022. The specialist team comprises a small number of solicitors who work with advocates and a social worker to support clients to access and remain part of the Walama List Pilot at Sydney District Court.

The pilot provides an alternative sentencing procedure for eligible Aboriginal and Torres Strait Islander defendants. It introduces a First Nations narrative that informs the court about a client's circumstances and formulates an appropriate and effective case plan before they are sentenced. The aim of the Walama List is to reduce rates of Aboriginal and Torres Strait Islander incarceration and reoffending. The List's inauguration was marked by a ceremonial sitting of the NSW District Court on 4 April 2022.

Annual Criminal Law Conference

Legal Aid NSW's annual Criminal Law Conference was again a virtual event this year and was livestreamed to an audience of over 650 in-house and private lawyers over two days in early June 2022 from the Novotel Sydney Darling Square.

The conference was opened by NSW Attorney General the Hon. Mark Speakman SC and included a keynote speech on 'When an accused goes into evidence' from the Hon. Andrew Bell, Chief Justice of New South Wales. Other highlights included engaging panel sessions on sexual assault consent reforms, the Walama List and terrorism prosecutions. Several presentations were of particular practical relevance to Local Court and Children's Court duty solicitors including sessions on child protection prohibition orders and the Child Protection Register – an area of increasing relevance to all practitioners.

Training on new consent laws

The Crimes Legislation Amendment (Sexual Consent Reforms) Act 2021 implemented new affirmative consent reforms in NSW on 1 June 2022. The Act aimed to clarify consent provisions in the *Crimes Act 1900*, including that consent is a free and voluntary agreement that should not be presumed. The reforms implemented recommendations made by the NSW Law Reform Commission (LRC) in *Report 148: Consent in relation to sexual offences*. New jury directions about consent have also been introduced.

To ensure lawyers were well-informed and prepared for the reforms, we provided a range of training and resources throughout May and June 2022. This included a presentation and panel session providing an overview of the changes at the annual Criminal Law Conference, as well as webinars on the reforms presented by Public Defender Christine Mendes and University of Wollongong Professor Julia Quilter.

Improving Early Appropriate Guilty Plea (EAGP) reforms

As a member of the EAGP Working Group, we worked with other stakeholders including the ALS, the Public Defenders and the Law Society of NSW to identify opportunities to improve the implementation of EAGP reforms. We aim to continue achieving the intended outcomes of the reforms – fewer late guilty pleas, resulting in fewer trials, fewer delays and reduced stress on those involved in criminal proceedings.

The scheme was evaluated in 2021 by the NSW Bureau of Crime Statistics and Research. The evaluation found that ongoing delays in briefs of evidence being served on the Office of the Director of Public Prosecutions by investigating police, delays in the charge certification process and lack of continuity in legal representation, contributed to an undermining of the scheme objectives.

Digital practices trial

Offices in the hard lockdown local government areas adapted quickly to digital ways of working in 2021 to maintain service delivery to clients in Western Sydney where access to courts and offices was limited.

Our Local Court practices at Liverpool, Blacktown, Bankstown, Fairfield, Burwood and Parramatta started working with digital-only files, digitising court documents for virtual court appearances and receiving briefs and fresh custody papers entirely electronically from police. Files were opened and closed without needing to archive or physically store any documents.

Review of the Commonwealth high risk offender regime

In June 2022 the Criminal Law Division contributed to the Independent National Security Legislation Monitor's Review of Division 105A of the *Criminal Code Act 1995* (Cth).

Division 105A establishes a scheme for the continuing detention or supervision of 'terrorist offenders', where a court is satisfied that a person poses an unacceptable risk of committing a serious terrorism offence if released into the community at the end of their gaol term.

Our evidence and submission to the review drew on the experience of the High Risk Offender Unit in representing the first respondent to a Commonwealth continuing detention order application in NSW, an Aboriginal man from the South Coast of NSW. We recommended legislative safeguards to ensure that the scheme is appropriately targeted to meet its intended objectives and to prevent the scheme impacting disproportionately on offenders with mental and/or cognitive impairment and on First Nations people.

New terrorism community of practice

An increasing number of our clients are charged with terrorism offences, have a designation as a national security inmate, come to the attention of authorities for their views or face terrorism related post-sentence orders. We have set up a community of practice aiming to bring together practitioners in this area of law to better facilitate the sharing of resources and provide peer support.



Successful appeal results in changes to federal sentencing law

Totaan v R [2022] NSWCCA 75

Our client pleaded guilty to a series of offences involving under-declaring or failing to declare Centrelink income over a period of approximately 10 years. During that period she had been the subject of emotional, financial, and physical abuse at the hands of her former partner, the father of her two children.

Section 16A(2)(p) of the *Crimes Act 1914* (Cth) provides that, when sentencing a federal offender, a court must consider 'the probable effect that any sentence or order under consideration would have on any of the person's family or dependants'. During the sentencing proceedings, our client gave evidence about the hardship on her mother and her two young children should she be imprisoned.

The sentencing judge applied existing caselaw to conclude that any hardship experienced by the applicant's family was not exceptional and therefore did not take it into account. Our client was sentenced to four years gaol.

A full bench of the NSW Court of Criminal Appeal (CCA) allowed our client's appeal. The CCA held the sentencing judge erred by failing to take the hardship to third parties into account. The CCA found that hardship to a family member or dependant does not have to rise to the level of 'exceptional' and that prior cases were 'plainly wrong'.

The CCA reduced our client's gaol term, and she was subsequently released on a good behaviour bond.

Advocacy on behalf of prisoners impacted by COVID-19

Representing prisoners in COVID-19-related isolation or prison lockdowns was one of our Criminal Law Division's major challenges in 2021-2022. COVID-19 entered the mainstream NSW prison system in August 2021, prompting a statewide lockdown of all correctional centres in NSW.

Our in-house crime solicitors made bail applications as appropriate, noting the risk of transmission within the prison system and the impact of restrictive measures implemented within prisons to mitigate that risk.

Legal Aid NSW criminal lawyers continued to highlight in sentencing submissions their clients' appalling experience in custody during the COVID-19 pandemic – which included lockdowns, isolation and quarantine.

The Criminal Law Division also commissioned a report from Professor Caroline Homer, Co-Program Director Maternal and Child Health at the Burnet Institute, on the risk of COVID-19 to pregnant women and their unborn babies and the impacts this may have on pregnant women in custody.

The PLS advocated on behalf of individual prisoners seeking early release to parole and for systemic measures that the State Parole Authority could take to reduce revocations of intensive correction orders or parole orders. The PLS also instituted Supreme Court judicial review proceedings on behalf of a number of prisoners at particular risk of COVID-19 in prison. The plaintiffs sought review of the Commissioner of Corrective Service's refusal to grant early release to parole under the COVID-19 emergency power in section 276 of the *Crimes (Administration of Sentences) Act 1999* (NSW). Two of our clients, including a pregnant First Nations prisoner, were ultimately released on leave permits because of the action.

We continued to advocate for improvements in accessing clients in custody through the contribution of case studies to the Inspector of Custodial Services' review into the response to COVID-19 in youth and adult custodial centres in NSW.

Legal Aid NSW's audio-visual link team took part in an Inmate Mobile Phone Pilot, in which some inmates affected by COVID-19 isolation at Silverwater prison, were given phone access via Bluetooth headsets. Despite challenges getting access, our AVL team and the PLS called inmates every day who were otherwise extremely isolated from friends, family, support services and their lawyer.



Court Orders amended to reflect cultural considerations

State of New South Wales v De Vries (Final) [2022] NSWSC 247

We appeared in proceedings under the *Crimes (High Risk Offenders) Act 2006* (NSW) brought against Glenn De Vries, a Gamilaraay man with significant complex needs including post-traumatic stress disorder and a cognitive impairment. The state of NSW was seeking an extended supervision order (ESO) which contained a series of complex and potentially confusing conditions. Any breach of an ESO condition carries five years gaol.

The Supreme Court was asked to consider the appropriateness of the ESO conditions sought. By consent of the parties the conditions were simplified in plain English and explained through pictures. The conditions were also revised to reflect insights provided by Wiradjuri expert Aunty Glendra Stubbs, who provided a report to the court on the types of conditions that might be appropriate for an Aboriginal person and the support and management needed to help our client comply with them. The court agreed to impose conditions that were better adapted to our client's cultural, family and cognitive circumstances and needs, and more likely to assist in achieving both the protection of the community and our client's rehabilitation.

The decision highlights the importance of First Nations expertise in appropriate framing of court orders and the benefits of plain English court orders – which can be more readily understood and are more likely to be complied with. The decision is particularly important given the high proportion of people with cognitive impairment in the criminal justice system.

Law Enforcement and Conduct Commission's review of the sex offender register

In 2017 the Law Enforcement and Conduct Commission (LECC) commenced an investigation into the NSW Police Force's (NSWPF) administration of the NSW Child Protection Register under the *Child Protection (Offenders Registration) Act 2000* (NSW). The investigation found that serious problems had been evident with the register for 17 years. NSW Police had made over 700 incorrect decisions about who needed to be included on the register, or about the number of years for which people on the register were legally required to report. A second review in 2021 looked at actions taken to fix these issues.

The Criminal Law Division provided a submission to the second LECC review. The submission highlighted the inadequacy of letters sent by NSW Police to individuals who may have mistakenly been put on the register or given incorrect information by police about the length of their reporting periods. As a result of the LECC review, NSW Police agreed to send a further letter to these individuals providing more specific information and confirming whether the person has current reporting obligations.

The LECC report also highlighted our efforts to assist in the detection of errors on the register by developing training and resources for lawyers about the sex offender registration scheme. In August 2021 the Legal Aid NSW Board approved expanding the Extended Legal Assistance service to people seeking to correct errors in their registration status on the NSW Child Protection Register.

Supporting the Local Court expansion

Additional PLS Magistrates were appointed in several Local Courts across NSW in 2022 including Albury, Port Kembla and Coffs Harbour. The aim of the Local Court expansion is to reduce pandemic-related delays in the Local Court. To support this initiative, additional criminal lawyers have been employed in relevant regional offices. Planning around placement of new roles was informed by the Crime Resource Allocation Model – a tool developed by our Business Reporting Unit which enables us to assess existing workload demands across regional crime practices and make sure that limited public funding for criminal law services is directed to those locations of greatest need.

Working with Community Corrections to reduce breaches of intensive correction orders (ICOs)

Breaches of ICOs are a key driver of the incarceration of Aboriginal and Torres Strait Islander people.

The availability of ICOs was expanded as part of the 2018 NSW sentencing reforms. Breaches of ICOs are reported to the State Parole Authority (SPA) by Community Corrections officers. In many cases, breach action leads to revocation of the ICO and the offender's return to custody. Legal Aid NSW has observed a substantial increase in revocation proceedings since the 2018 sentencing reforms even though many conditions such as community service, drug and alcohol testing, and home visits were paused during the pandemic. By mid-2019 more than 25% of ICOs were revoked.

Over the last year we engaged with Community Corrections and the SPA to identify opportunities to reduce the rate of unnecessary breaches and prevent returns to custody. In late 2021, an early ICO intervention pilot commenced with the Community Corrections' Remote Service Delivery Team and the

PLS. Community Corrections identified offenders at risk of breach action and, with consent, passed on the offender's contact details so that the Prisoners Legal Service could provide advice and assistance to the offender. The aim of the pilot was to prevent breaches of ICOs and parole orders. The pilot was expanded to Dubbo in early June 2022 and will be reviewed in early 2023.



Important Supreme Court decision on child protection registration orders

[redacted] v Commissioner of NSW Police [2021] NSWSC 1159

Our client was a 30-year-old man with diagnosed mental health problems and drug dependency. He had been in trouble with the police for minor but repeated offending. He had never been convicted of a child sex offence and so was not subject to automatic registration under the *Child Protection Offenders Registration Act 2000* (NSW) (CPOR Act).

However, the Local Court can also make an order under the Act if a sentence (apart from a non-conviction order) has been imposed for any offence, including a traffic violation, and the court is satisfied that 'the person poses a risk to the lives or sexual safety of one or more children'. Orders place enormous restrictions on the liberty and privacy of the registrable person.

The NSW Police applied to the Local Court for a child protection registration order against our client. The order was made in our client's absence. The Magistrate made no reference or finding at all as to whether our client posed a risk to the lives or sexual safety of children.

On appeal to the Supreme Court, Lonergan SCJ found that the original order was invalid. The Commissioner of Police conceded that there was jurisdictional error arising from the failure of the Magistrate to consider the mandatory requirements under the CPOR Act. The order was quashed and a series of convictions and sentences that had wrongly been imposed for breaching the order were also set aside. Our client spent more than six months in jail before his sentences were quashed.

This case provides a reminder of the importance of courts carefully applying the CPOR Act given the significant incursion on civil liberties and increased risk of criminal liability involved.



The year ahead

- We will place more staff in Dubbo to support the expansion of the NSW Drug Court to far west NSW.
- We will support commitments to Closing the Gap targets on reducing adult incarceration by trialling early intervention services for offenders on parole and subject to intensive correction orders.
- We will work with Youth Justice NSW and other stakeholders to pilot measures to reduce unnecessary short-term remand rates for children and young people.
- We will develop a quality assurance framework to support and sustain high standards of service delivery by our in-house criminal lawyers.

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.

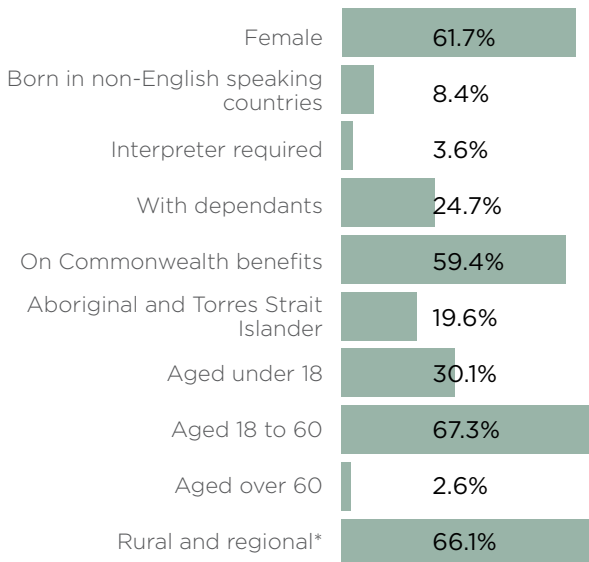
The Early Intervention Unit, Domestic Violence Unit, Child Support Service, Appeals and Complex Litigation Unit, and Family Dispute Resolution Unit provide specialist services. These services are available at our offices and outreach locations.

Fact file

- Total staff: 231.
- Total expenditure on family law services: \$97.4 million.
- Proportion of overall expenditure on family law services: 22.9%.

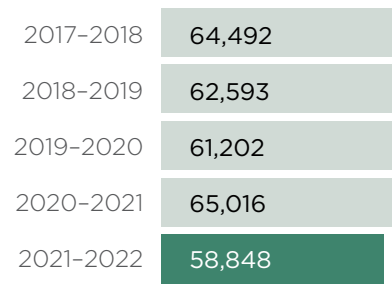
Family law client profile

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



*Includes Newcastle and Wollongong.

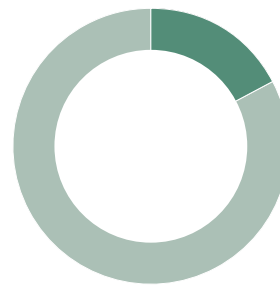
Family law services over five years



We provided 58,848 family law services to clients in 2021-2022*

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

Total legal representation: 9,473



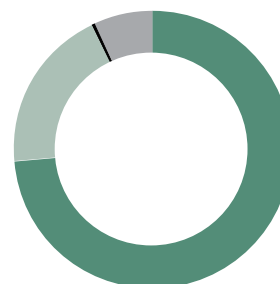
- In-house: 1,499
- Assigned: 7,974

Total duty services: 13,154



- In-house: 11,011
- Assigned: 2,143

Total other services: 36,221



- Legal advice: 26,706
- Minor assistance: 6,921
- Extended legal assistance: 96
- Early resolution assistance: 2,498

Developing our family law blueprint

In 2021–2022, we developed a blueprint about the future direction of our Family Law Division. It prioritises our most vulnerable and disadvantaged clients, ensures our services are culturally safe and accessible, and provides greater consistency. The blueprint identified care and protection as our key priority and helped articulate the purpose of our Family Law Division: to keep families safe and functional.

The blueprint articulates our commitment to meeting Closing the Gap targets by reducing the overrepresentation of Aboriginal and Torres Strait Islander children in out of home care and keeping women and families safe from domestic and family violence. To address these goals, we established the Family Law Service for Aboriginal Communities.

Family Law Service for Aboriginal Communities (FamAC)

Our new specialist team FamAC, has been created to provide outreach, casework, community legal education and duty services at court to Aboriginal and Torres Strait Islander communities. The FamAC team also supports and trains other family law and care and protection lawyers who work with Aboriginal and Torres Strait Islander families and advocates on systemic issues that affect those families.

A solicitor in charge and two solicitors have been appointed to roles in the team and funding has been secured for the team's expansion. The team has already started providing outreach services in Moree.

Priority client guidelines

In 2021–2022, we implemented better screening for domestic and family violence and revised our Priority Client Guidelines to help staff better identify and prioritise vulnerable clients to ensure they receive representation from an in-house lawyer wherever possible.

Clients who are Aboriginal or Torres Strait Islander people, are children, have a disability, are experiencing domestic and family violence, are at risk of forced marriage or human trafficking, live in a remote area, identify as LGBTQI+, or have other vulnerabilities, are now prioritised for an in-house service.

In addition, we implemented an interdisciplinary approach to casework in some locations, providing wrap-around legal and social support to help clients engage more fully in the legal process.

Family Dispute Resolution

We made it easier for clients to get our help by introducing a new pathway to representation in Family Dispute Resolution (FDR) mediation, which is now administered through Early Resolution Assistance. This pathway does away with the need for a client to complete a complex application for legal aid and makes representation in a Legal Aid NSW FDR conference more accessible.

Legal Assistance for Families: Partnership Agreement (LAFPA)

In June 2022, the Family Law Division executed the LAFPA with the Department of Communities and Justice (DCJ) and the Aboriginal Legal Service following 12 months of consultation. The agreement will introduce a new process allowing DCJ to refer families they work with for legal advice at the earliest opportunity. The new process prioritises early intervention and alternative dispute resolution, ensures a more collaborative relationship through regular meetings and embeds electronic processes for service. This piece of work will greatly assist Legal Aid NSW to contribute to work aimed at meeting Closing the Gap targets.

Family is Culture Legislative Reform Discussion paper

The Family Law Division led Legal Aid NSW's response to the Family is Culture Legislative Reform Discussion paper. The *Family is Culture Review Report* released in 2019 is arguably the most important report in relation to the NSW child protection system. The report proposes whole-system reform to create a culturally safe experience for Aboriginal families.

In developing our response, consultations with staff across the Family Law Division were held to share experiences, ideas and case studies, and workshop new initiatives and progressive ways to ensure the child protection system is fit for purpose. It is likely that legislative amendments will now be introduced in three stages commencing in 2022.

Merger of the Federal Circuit Court and Family Court

On 1 September 2021 the Federal Circuit Court and the Family Court of Australia merged to form the Federal Circuit and Family Court of Australia (Divisions 1 and 2), creating a variety of new rules and processes.

To support both in-house and panel lawyers, the Family Law Division organised virtual training to help family lawyers prepare for these changes.



Support with child support debts

We recently assisted an Aboriginal man who approached us at a WHOS Health Justice Partnership at Lilyfield where he was undergoing a residential drug and alcohol rehabilitation program. The man has adult children and had accumulated \$8,000 worth of penalties for a small amount of child support he owed.

We advised our client that he needed to pay his child support debt and we could then ask Child Support to consider his special circumstances and waive the penalties. The man readily agreed to a payment plan to repay the child support and we successfully made an application to waive the penalties. Our client was so happy, telling our solicitor that he would now have more money to spend on his grandchildren each week.

Mediation numbers rise

In 2021–2022, the Family Dispute Resolution (FDR) team delivered 3,078 mediations, the highest number of mediations ever held in a financial year and a 5% increase on the previous highest number.

Available data shows that FDR has seen an increase in referrals to the Court Ordered Mediations Program (COMP), which reflects the confidence courts place in the service. We also saw an increase in referrals and a 35% increase in mediations held under the Commonwealth Property Pilot, performing 110 mediations over the last 12 months.

Delivering training to the family law sector

This year we delivered 17 training sessions to a total of 1,009 staff and 812 panel lawyers, often making these sessions available as recordings.

We trained 39 new independent children's lawyers (ICLs) through the three phases of the national ICL training program and trained new solicitors to undertake work in the Federal Circuit and Family Court of Australia as part of the Family Violence and Cross-Examination Scheme.

We developed and rolled out specialist training for lawyers new to care and protection, delivering sessions to 100 in-house staff. We also developed a mandatory training package focused on child representation involving senior care practitioners and Children's Court registrars, clinicians and Magistrates, and delivered this package to 79 participants.

2021 Legal Aid NSW Family Law and Care and Protection Conference

The 2021 Legal Aid NSW Family Law and Care and Protection Conference brought together more than 450 lawyers, judges, community sector professionals and experts from across NSW. The conference's theme challenged attendees to 'do things differently for vulnerable families' – and the event was also done differently. It was the division's first ever entirely virtual conference and took place mid-lockdown.

Speakers attended both virtually and in-person, and audiences participated from around the state in an event described by attendees as 'informative', 'impressive', and 'fantastically facilitated'. An impressive line-up of speakers included Judge Elizabeth Boyle of the Federal Circuit and Family Court of Australia, Children's Court of NSW President Judge Peter Johnstone, Federal Circuit and Family Court of Australia Deputy Chief Justice Robert McClelland and recent Legal Aid NSW alumna and now Federal Circuit and Family Court of Australia Judge Kylie Beckhouse.

Child Protection Legal Conference

In May 2022, we joined with the DCJ, the Children's Court and the Office of the Children's Guardian to host the Child Protection Legal Conference. Held over two days at the International Convention Centre, over 600 delegates attended in-person and online to hear from a range of international and local speakers on the topic of 'My Life, My Story, My Culture'. Sessions focused on doing things differently for Aboriginal families, advocacy, cross-over kids and hearing the voices of children in care proceedings.

Ensuring high-quality mediators

Our mediator panel was consolidated and reduced in 2021–2022 to ensure that all Family Dispute Resolution panel members have the skills, qualifications and experience required to continue to undertake high-quality mediation services for legal aid clients.

A competitive recruitment was also undertaken, which resulted in the appointment of a number of highly skilled and experienced mediators in central Sydney and across the regions.

Appeals and Complex Litigation Unit

Abduction of women and children to countries that are not signatories to the Hague Convention is a significant issue for Legal Aid NSW's clients, especially vulnerable culturally and linguistically diverse clients. We have been working on enhancing Legal Aid NSW's capacity to assist these clients, and ran an interim hearing in 2021-2022 which considered the concept of habitual residence in cases where a child is stranded in another country without their mother.

We have also looked at legal, practical and strategic visa and passport issues for clients and have had good results in a number of cases. We will continue this work over the next 12 months.



Helping a young man in care return to New Zealand

The Coffs Harbour family law team acted for a 13-year-old boy this year who was originally from New Zealand. He came to Australia and was passed between family members for a few years until no one was available to care for him, resulting in him being dropped off at a police station.

We have worked with DCJ to support him to return to live in New Zealand with his older sister. As arrangements were made for the transition, he was originally in a group home. Following negotiations, he was granted a temporary placement where he had a much more positive relationship with his carers.

We liaised with a New Zealand care lawyer to ensure that his sister's home was appropriate. We successfully obtained an order for the young person to be placed in care to 18 years, with long-term care arrangements to be transferred to the New Zealand care team for management. A carer from NSW accompanied him on the trip to ensure he felt safe on the journey.

Supporting families impacted by domestic violence during the pandemic

We continued to provide flexible and innovative service delivery to assist families impacted by domestic and family violence in 2021-2022. We experienced unprecedented demand for these services – our Domestic Violence Unit (DVU) received over 11,245 telephone calls, over 5,500 email referrals, and provided 7,460 duty services, 1,750 advice services and 1,530 minor advice services.

The DVU upgraded its telephone system to a 1800 hotline number with several features, such as call routing and a call back function, in response to this unprecedented number of calls. The team worked in partnership with the Family Law Courts, Local Courts and key external stakeholders such as the the Women's Domestic Violence Court Advocacy Service (WDVCAS) and police to ensure that high-quality, targeted services continued to be provided to families impacted by domestic and family violence despite the impacts of COVID-19 – particularly during periods when courts were closed.



Supporting a victim of coercive control

Tien* experienced extreme coercive control perpetrated by her ex-husband. Her marriage was characterised by a long and unreported history of domestic and family violence, including physical, sexual and emotional abuse. Tien's ex-husband used gaslighting and manipulation to undermine her relationship with their child and to isolate Tien from her family, friends, and community.

Tien separated from her ex-husband after his behaviour escalated and a neighbour called the police following a serious violent incident. Tien's ex-husband was charged with domestic violence-related offences and an apprehended domestic violence order (ADVO) was made for Tien's protection.

Tien was referred to the Domestic Violence Unit urgently by WDVCAS after her ex-husband attended her home in breach of the ADVO and took their young child. The DVU attempted to negotiate the child's return, and assisted Tien with an urgent recovery application.

Following an ex-parte interim hearing, Tien's child was returned to her. No orders were made for the child to spend time with his father due to unacceptable risk of harm. Tien is engaged with the WDVCAS and a DVU social worker to assist with her non-legal needs, including risk assessment and safety planning.

**not her real name*

Working with partner agencies to achieve change

We work with external agencies to provide community legal education, advocate for changes to the law, and refine our ways of working to make the biggest impact for vulnerable families. In 2021-2022:

- the Domestic Violence Unit (DVU) continued its partnership with the Department of Communities and Justice to provide education about domestic violence to religious and community leaders
- the DVU partnered with NSW Police and services such as WDVCAS to provide training to domestic violence operatives about domestic and family violence alongside victim-survivors
- our staff gave evidence on then-proposed federal family violence orders in the Senate Legal and Constitutional Affairs Legislation subcommittee
- we supported the Law Society of NSW to develop *Working with clients affected by domestic and family violence, a guide for family law practitioners* which was released in October 2021
- our Early Intervention Unit established an internal Health Justice Partnership Community of Practice to help improve services
- staff participated in and chaired a huge number of working groups including the Greater Sydney Family Law Pathways Network, the national Forced Marriage Consultation Group, the LGBTQIA+ People on Temporary Visas Experiencing Violence Community of Practice, the Legal Aid NSW Family

Violence Specialist Network and the National Family Advocacy and Support Services Community of Practice.

Local links support families in regional hubs

Lawyers in our regional offices continued to work with local agencies in 2021-2022, allowing them to be accessible and to develop personal connections to valuable service providers in their area.

The team in Wagga Wagga has worked with DCJ since the beginning of 2022 to implement early intervention referral processes and to ensure all parents in care proceedings are represented.

The Wollongong family team continues to play an active role with the Illawarra Southern Highlands Family Law Pathways Network, and the Lismore family law team is part of the Tweed Domestic Violence Integrated Response Committee (DVIRC), Lismore DVIRC and Kyogle Anti-Violence Alliance. The Lismore team participates in interagency meetings attended by health and community workers, police, council members, Momentum Collective, Lucy's Project and other interested groups.



Assisting a young woman caring for her siblings

Our Bankstown office is assisting a young Aboriginal woman in parenting proceedings who has been the carer for her siblings for several years. We helped her file a recovery order application when the children were retained by their father, which caused significant concern for their safety. The children were then returned to our client's care.

Complex family dynamics, intergenerational trauma, and multiple social issues are involved in this matter, and created stressors during the court proceedings. Our client has experienced significant family violence in two relationships, Centrelink issues and severe financial hardship. She has been at risk of homelessness, and has struggled with debts, minor criminal charges, and mental health difficulties.

We took a holistic and multi-disciplinary team approach. Our social worker engaged with the client to advocate for her with various services, resulting in her being able to pay off her rental arrears and retain her home, obtain food vouchers for essentials, apply for financial support from Victims Services, obtain her Centrelink payment, and apply for a priority housing transfer due to safety concerns in her current property.

The team took a flexible and sensitive approach throughout the legal process. A solicitor has been able to arrange assistance from our criminal law team regarding our client's criminal law matters and our client has maintained engagement with her solicitor and social worker throughout the proceedings. Our client is currently engaging well with supports and has both children in her care as the court proceedings continue.



The year ahead

- We will trial the LAFPA early intervention referral process in three locations and roll it out across the state.
- We will expand FASS duty lawyer services across all Federal Circuit and Family Court of Australia circuit locations, allowing us to better serve vulnerable clients.
- We will partner with the Civil Law Division to expand the Aboriginal Women Leaving Custody program to deliver family law, care and protection and domestic violence legal support.
- We will establish a holistic, wrap-around legal and social support service to Aboriginal parents experiencing mental health issues (delivered by FamAC).
- We will consult with the FDR Aboriginal mediator panel and with the community to develop and implement a trial mediation model that is more culturally appropriate and safe for Aboriginal families.

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. Our civil practice covers housing and tenancy, human rights, social security, consumer protection, disaster response and insurance, employment, discrimination, immigration, visa cancellation, the NDIS, mental health law, fines, coronial inquests, and the Sexual Assault Communications Privilege Service (SACP). We have dedicated services for Aboriginal and Torres Strait Islander communities, children, refugees, prisoners, veterans, older people experiencing elder abuse, and communities affected by disasters.

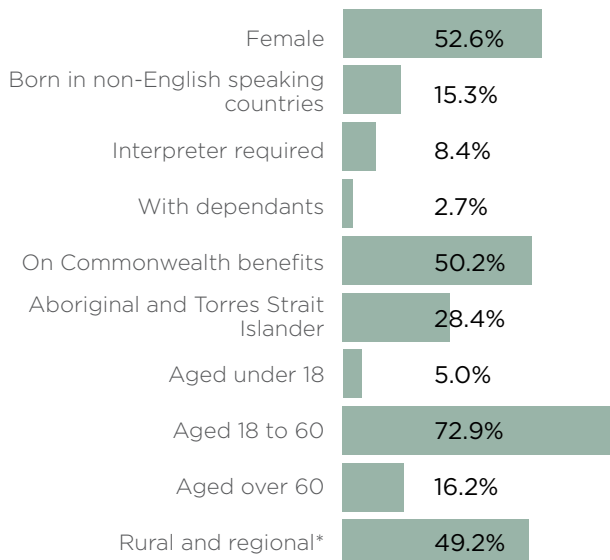
We provide civil law services in our offices, by phone and at outreach locations. We also provide duty services at the Mental Health Review Tribunal and Youth Koori Court.

Fact file

- Total staff: 216.
- Total expenditure on civil law services: \$43.8 million.
- Proportion of overall expenditure on civil law services: 10.3%.

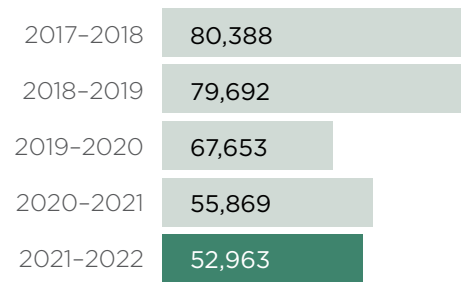
Civil law client profile

Based on total casework, including extended legal assistance services.



*Includes Newcastle and Wollongong.

Civil law services over five years



We provided 52,963 civil law services to clients in 2021-2022.*

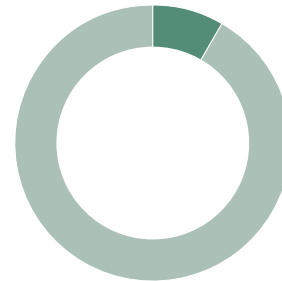
*Information services are not included in service counts in this section.

Total legal representation: 1,412



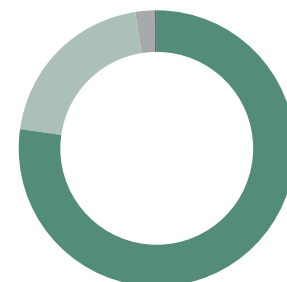
- In-house: 790
- Assigned: 622

Total duty services: 12,574



- In-house: 1,035
- Assigned: 11,539

Total other services: 38,977



- Legal advice: 30,151
- Minor assistance: 7,905
- Extended legal assistance: 919
- Early resolution assistance: 2

Responding to the flood crisis

In February and March 2022, catastrophic floods impacted thousands of people in the Northern Rivers, Clarence Valley and Hawkesbury regions, causing homelessness and financial hardship. Legal Aid NSW immediately mobilised the Disaster Response Legal Service (DRLS), and the response is ongoing. From 1 March to 30 June 2022 we provided over 2,700 legal services.

The magnitude of this disaster required an adaptive and flexible approach to reach as many communities as possible. The DRLS service model developed after the Black Summer bushfires was activated, offering a 1800 helpline, legal help at recovery centres, community legal education and a dedicated website with self-help tools.

Legal Aid NSW coordinated the statewide legal assistance sector disaster response with community legal centres, tenants' advice and advocacy services, Justice Connect, the Law Society of NSW and the NSW Bar Association. We also worked with the NSW Tenants Union and the Financial Rights Legal Centre's Insurance Law Service who provided specialist legal and strategic input.

Given the scale and geographic spread of the floods, Resilience NSW established 11 recovery centres and 25 recovery assistance points across NSW. We combined our resources with the Northern Rivers Community Legal Centre and the Western Sydney Community Legal Centre and local tenancy services to maximise our presence at recovery centres. This collaboration was essential in ensuring that the worst-impacted communities could access frontline legal help. Together we staffed recovery centres, responded to emerging systemic issues and shared training and resources to ensure clients received consistent, trauma-informed services.

Addressing systemic issues in disaster recovery

We regularly engage with industry, regulators and government to advocate for improved practices and reform in the aftermath of a disaster, particularly where a decision has had a disproportionate impact on disadvantaged members of the community.

During the 2022 floods, the DRLS and the Northern Rivers Community Legal Centre identified an issue with the eligibility criteria for the NSW Government's Back Home Grant. The definition of homeowner, taken from the *Real Property Act 1900* NSW, excluded caravan owners who lived in Residential Land Lease Communities (caravan parks) and paid site fees, many of whom had lost everything in the floods.

As a result of our advocacy, Service NSW revised its guidelines to make eligible caravan owners entitled to \$15,000 for structural damage in addition to \$5,000 for contents.



Assisting flood victims

We assisted an elderly client during the February 2022 floods who attended the Lismore Recovery Centre. His home was inundated, and he needed temporary accommodation near his medical specialists and General Practitioner due to multiple health issues.

Our client wanted a lump sum payment for a temporary dwelling on his property so he could be close to medical services and supervise the rebuild of his home. In response to the floods, the Lismore City Council amended its policies to allow temporary dwellings on land without a Development Application (DA) for up to two years.

Eleven weeks after the flood, our client's insurer had not paid anything towards his temporary accommodation or paid his benefit for lost contents. Even though he was covered for flood and his benefit included temporary accommodation, he had to rely on friends for a place to stay.

Legal Aid NSW wrote to the insurer to try to resolve the matter. After 14 days without a response despite follow up, we lodged a dispute with the Australian Financial Complaints Authority (AFCA). Three days after lodging the dispute the client's full temporary accommodation benefit and the total loss amount for contents were paid. The client was happy and relieved as the situation had caused him a great deal of stress.

Responding to the COVID-19 pandemic

Public Health Order fines

During 2021–22, 58,403 fines were issued for breaches of Public Health Orders amounting to \$51,848,440. The 10 local government areas most affected by these fines, adjusted for population size, were Brewarrina, Coonamble, Gilgandra, Moree Plains, Walgett, Bourke, Gunnedah, Sydney, Cumberland and Blacktown. Seven of these communities are in remote locations with high Aboriginal populations.

In December 2021 our Work and Development Order (WDO) Service partnered with Revenue NSW to hold an online WDO sponsor forum in Central West and Far West NSW. Information about Public Health Order fines and the ability to clear them through the WDO Service was provided to over 45 WDO sponsors, advocates and organisations so they could support their communities in reducing the impacts of fines debt. Similar community legal education was delivered to a further 773 lawyers, advocates and community workers across NSW.

COVID-19 employment advice

We responded to a significant increase in demand for legal advice for employment-related issues resulting from COVID-19, providing over 270 COVID-19-related advice services out of a total of 1,538 for the year.

Resumption of outreach

Many of our metropolitan and regional outreach services resumed face to face, including most of those run by our Civil Law Service for Aboriginal Communities (CLSAC).

We embraced new outreach opportunities – CLSAC partnered with the Family Law Service for Aboriginal Communities to establish a new joint outreach service in Moree, an area of significant legal need. The outreach was well received by the community and a great success, with more than 20 Aboriginal clients helped at each visit.

Work and Development Order service model

In line with our strategic plan, we developed a model for the Work and Development Order (WDO) Service. The WDO Service assists eligible clients to clear unpaid fines through participation in activities or treatment programs, and recruits and trains WDO sponsors.

After 10 years of operation, our aim was to increase access to WDOs for clients who need them most and align WDO operations with our client service framework. Our new model establishes clear service principles to ensure consistent delivery across NSW and allows for variation according to the client's level of vulnerability and the barriers they experience. We have also improved our data and planning processes to ensure that services are targeted to regions and clients with the greatest need.

Improving regional access to Work and Development Orders

The Work and Development Order (WDO) Service partnered with the Cooperative Legal Service Delivery Program (CLSD) and the Advocacy Law Alliance to develop the CLSD Third Party Referral Project in 2021–2022. The project enables a third party CLSD service to sponsor eligible people to participate in WDO activities, improving access in remote and regional areas where approved sponsors can be hard to find.

Civil lawyers implement the General Advice Model

Our General Advice Model trains and supports civil lawyers to provide basic family and criminal law advice when requested by clients, with support from specialist colleagues when needed.

In 2021–2022 the model was implemented by participating teams, with civil lawyers providing nearly 600 generalist services to clients in the last quarter. Teams report that being equipped to assist clients with a broader range of issues is professionally rewarding and means that disadvantaged clients, including those in remote locations and/or experiencing homelessness, are receiving immediate help for family and criminal law issues they would otherwise be unlikely to pursue.



Successful Stolen Generations Reparations Scheme outcome

Our client came to us for assistance after being twice declined a Stolen Generations Reparations Scheme payment. He was declined as his date of removal was after the 2 June 1969 cut-off. Our client told us that he had grown up on an Aboriginal mission and was raised by his father after his mother died when he was young. He recalled being taken when he was in kindergarten and started school somewhere else before going back to his father and being taken again.

We obtained our client's admission record and documents. When reviewing them we noted that whilst the court date was after the end of the scheme, the decision to remove had been made several weeks prior and delayed while staff were waiting on availability in the children's home. We argued that this made our client eligible for the scheme based on the date that he was committed to care. Aboriginal Affairs said that they had some documents that alluded to our client and his four siblings being temporarily removed at that time, and this combined with the later removal being within time was sufficient to be awarded the payment.

The client's siblings also made successful applications for reparations with assistance from our Civil Law Service for Aboriginal Communities.

Domestic violence and immigration

During 2021–2022, we received Commonwealth funding to provide advice and representation services to women in Australia on temporary visas who left a relationship because of domestic and family violence. The Immigration Law team and our Domestic Violence Unit provided over 130 advice and minor assistance services, over 30 grants of aid and extended legal services, and obtained six permanent visas for women.

Responding to the collapse of the Aboriginal Community Benefit Fund/Youpla

In November 2021, the collapse of the Aboriginal Community Benefit Fund (ACBF)/Youpla, a major funeral insurance provider, left thousands of Aboriginal consumers without funeral benefits.

We provided a significant number of services to affected clients and helped 207 to make successful complaints about ACBF's conduct to the Australian Financial Complaints Authority. We successfully advocated for a reduction in the administrator's fees and provided advice and education to Aboriginal communities and workers to help them understand the impacts of liquidation.

Legal Aid NSW raised concerns about the liquidity, conduct and regulation of ACBF companies since 2014. We are now advocating to government for fair compensation for Aboriginal consumers and working with consumer advocates on the Save Sorry Business campaign.

Extension of the Stolen Generations Reparations Scheme (SGRS)

The Civil Law Service for Aboriginal Communities (CLSAC) successfully advocated for a one-year extension of the SGRS, originally due to end on 30 June 2022, because of the impacts of COVID-19. CLSAC will continue to raise awareness in Aboriginal communities about the scheme through community education efforts, and to help Stolen Generation survivors gather evidence and make submissions.

Holistic services at the Youth Koori Court

In December 2021, the Children's Civil Law Service (CCLS) received permanent funding to continue partnering with the Aboriginal Legal Service (NSW/ACT) to provide wrap-around services to Aboriginal young people appearing in the Youth Koori Court at Surry Hills and Parramatta.

A CCLS duty lawyer conducts a legal health check with every young person in the Youth Koori Court to identify and help with any legal issues they have, including debts and fines, policing and out of home care. A CCLS youth caseworker helps the young person with their non-legal needs, which may otherwise present barriers to resolving their civil law needs.

Partnerships to support regional communities with policing issues

The Human Rights Group worked in partnership with the Kempsey-Nambucca Cooperative Legal Services Delivery (CLSD) program and other stakeholders in Kempsey, including Kinchela Aboriginal Boys Home Corporation, on the Mid-North Coast Policing Project in 2021-2022.

We conducted broad consultations, delivered information and legal education to community groups on civil law rights and remedies, developed and delivered specialised training for regional criminal lawyers and Aboriginal field officers, and created referral packs to improve access to civil law services for Aboriginal communities with concerns around policing issues.

Partnering with police to address elder abuse

Elder abuse is a complex and confronting issue for many of our older clients. Most perpetrators are family members, making it hard for clients to speak out.

Our Elder Abuse Service (EAS) partnered with the NSW Police Force to develop and deliver training to improve the identification of and response to elder abuse, and to develop effective referral pathways. Evaluation of the training was overwhelmingly positive, and the program has been approved for another three years.

Financial abuse of older people

The two most common types of elder abuse reported to the Elder Abuse Service this year were psychological and financial abuse, often occurring together. Overwhelmingly, financial abuse was committed by adult children. In the last financial year, the EAS recovered or secured over \$1.8 million of client's funds and equity in property.

World Elder Abuse Awareness Day

Our Elder Abuse Service (EAS) focuses on supporting First Nations communities. Mingaletta is an Aboriginal community hub based in Umina with its own Elders group. This year the EAS partnered with the Older Persons Mental Health Service and Community Health to deliver an Elders event at Mingaletta for Elder Abuse Day with lunch, information and free health checks. It was an opportunity to raise awareness about elder abuse and create connections.

Royal Commission into Defence and Veteran Suicide

Lawyers from our Veterans' Advocacy Service (VAS) gave evidence to the Royal Commission into Defence and Veteran suicide in May 2022 about the challenges experienced by veterans trying to access their entitlements, covering the complex legislative environment, processing delays and errors.

We provided written submissions to the Royal Commission examining the complexity of the processes involved, particularly for those veterans with severe mental health conditions, as well as the lack of access to health professionals, especially in regional areas, and the loss of lump sum benefits and compensation for veterans with addictions.

The Royal Commission's interim report will be delivered at the end of August 2022.

End of Defence Force Ombudsman's Scheme

The Defence Force Ombudsman's Scheme of reparation and support for those who were abused while serving in the Defence Force closed on 30 June 2022. In the past three years the Veteran's Advocacy Service (VAS) assisted 24 veterans to make applications for reparation, resulting in payments of more than \$400,000. The VAS conducted an awareness campaign to alert veterans the scheme was ending.

Protecting sexual assault victims

Poor awareness and understanding amongst professional participants in the criminal justice system around the protection of counselling records afforded to sexual assault victims under the *Criminal Procedure Act 1986* (NSW) remains an ongoing issue adversely affecting victims.

Our Sexual Assault Communications Privilege Service (SACP) delivered an active program of education this year, running 13 training sessions for healthcare workers, private panel lawyers running SACP matters, Office of the Director of Public Prosecutions lawyers and the Family Violence Specialist Network.

The SACP Service published *The Sexual Assault Communications Privilege – Review of Legislation, Case Law and Practical Guidance on Seeking SACP Material* for use by the Criminal Law Division, and a flyer for General Practitioners to help them better understand and respond to domestic and family violence.



Supporting a client to keep her social housing placement

King v NSW Land and Housing Corporation [2022] NSWCATAP 165

Our client was a 57-year-old Aboriginal woman facing termination of her social housing tenancy for noise and nuisance. Her neighbour had complained that she was interfering with their right to peace, privacy and quiet enjoyment. Our client had a diagnosis of schizophrenia with serious comorbidities and was on a community treatment order. The incidents were manifestations of her illness. Given the complexity of her conditions, her treating psychiatrist reported that her life was at serious risk if she became homeless.

NCAT terminated the tenancy at first instance on the basis that she had breached her tenancy agreement by causing noise and nuisance. The legislation requires the Tribunal to consider the 'circumstances of the case' when deciding whether to terminate a tenancy. The Tribunal had decided that Ms King's personal circumstances, including the fact that she was a social housing tenant, did not carry significant weight.

The case was won on appeal, with a finding that the Tribunal had applied the wrong legal test by failing to take into account a mandatory consideration, namely the circumstances of the case. Relevant circumstances included our client's vulnerabilities, the fact that she was living in a social housing tenancy and the likely effect of the termination on her life. This decision sets a precedent that will benefit all NSW tenants with mental health illnesses and reduce the risk of homelessness for social housing tenants.

Expanding financial counselling services

In April 2022, the Civil Law Division employed a second financial counsellor. Based in the Consumer Law team, they provide invaluable help to clients struggling to pay bills, fines and debts. They also support civil lawyers in financial hardship matters to provide a more holistic service to clients.

Financial counsellors assist clients like Susan, who is a veteran in her mid-twenties. She has a mental health condition resulting from her service and receives a military pension. Susan was experiencing financial hardship and being chased by debt collectors for over \$20,000. A regional office referred her to our

financial counsellor and working collaboratively with a civil lawyer, we successfully advocated to have Susan's debt waived.

Counsellors also help clients like Martha, a victim of family violence and financial abuse, who had many debts in her name and inaccurate listings on her credit report due to her ex-partner's fraudulent and coercive conduct. After working with our financial counsellor, the debts were waived and her credit report is now clear.



Removing barriers to protection for asylum seekers

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v CBW20 [2021] FCAFC 63

This was a landmark decision by the full Federal Court in a legally complex case involving asylum seekers who arrived by boat to Ashmore Reef. The judgment opened pathways to protection and permanent residence for over 2,000 asylum seekers. In essence, the judgment meant that they would no longer be prevented from applying for a visa without ministerial approval.

The minister sought special leave to appeal to the High Court against this judgment, but special leave was refused on 10 December 2021 in *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v CBW20 & Ors* [2021] HCATrans 217 (10 December 2021).

This decision enables our client, a Vietnamese asylum seeker, to validly apply for a partner visa. While living in Australia he met and formed a long-term relationship with an Australian citizen. The judgment means he can be sponsored by his Australian citizen partner for a partner visa without having to seek the Minister's permission.

Plaintiff S183/2021 v Minister for Home Affairs [2022] HCA 15

We filed proceedings in the High Court in its original jurisdiction for a Turkish asylum seeker who sought protection in Australia based on her sexual orientation. The Department of Immigration was on notice that our client was homeless and experiencing a serious mental illness, yet her protection visa application was refused without an interview. Amongst other things, the delegate queried the credibility of the applicant's claims because of her perceived lack of engagement with the department, such as her failure to attend an interview and respond to letters.

Proceedings had to be commenced in the High Court because she missed the strict time limits to seek review in the AAT due to her mental illness and homelessness. The High Court held that it was legally unreasonable to refuse a protection visa in circumstances where a homeless applicant with mental health issues and limited access to email was confused by unclear communications from officers of the department.

Clinical placement program for Macquarie University Law Students

The Legal Aid NSW Government Law team partnered with Macquarie University this year, hosting four students each semester as part of Macquarie's clinical legal program.

The 12-week placement provided students with the opportunity to observe and assist lawyers in all aspects of preparation for a migration case. Two participating students were subsequently employed by Legal Aid NSW.



Securing review rights for National Disability Insurance Scheme participants

QDKH, by his litigation representative BGJF v National Disability Insurance Agency [2021] FCAFC 189 (18 October 2021)

The Full Federal Court of Australia set aside a decision of the Administrative Appeals Tribunal (AAT) that narrowed the tribunal's jurisdiction to review supports provided to participants of the National Disability Insurance Scheme (NDIS). The court's decision was an important win for NDIS participants and was welcomed by disability advocates around the country.

Our client was a young boy with autism spectrum disorder who applied to the AAT for review of the supports included in his NDIS plan in July 2019. Our client was seeking supports including increased funding for therapies and support workers. In April 2021, the AAT determined it did not have jurisdiction to review these supports as they were not specifically raised by our client at an internal review conducted by the National Disability Insurance Agency (NDIA). The AAT's decision had widespread implications for NDIS participants seeking review of their plans by the tribunal. It created particular difficulties for people with limited ability to articulate their support needs and for people whose needs changed during the course of tribunal proceedings.

Our client was granted legal aid to appeal the AAT's decision to the Federal Court of Australia as a test case. In the meantime, there were 12 AAT decisions on the issue, many of which reached conflicting conclusions as to the scope of the tribunal's jurisdiction. Prior to our client's appeal being heard, the NDIA reached the view that the AAT's decision was incorrect. The full court agreed to set aside the AAT's decision by consent and published reasons given the public importance of the case, which confirmed that the AAT has jurisdiction to review all of a participant's support needs.



The year ahead

- Develop the Civil Law Blueprint to determine the future direction and priorities of the Civil Law Division.
- Implement NLAP funding for the new Respect at Work Legal Service to address sexual harassment and discrimination, expand mental health services and the Aboriginal Women Leaving Custody program.
- Deliver civil law services to the new Youth Koori Court in Dubbo.
- Continue to provide services to communities impacted by the 2022 floods.
- Establish a civil law practice in our Broken Hill office.
- Review our disaster response model to ensure it is scalable, flexible and can meet the ever-increasing demand for legal help in the aftermath of widespread disasters.



Key challenge

- ▶ The unprecedented frequency, intensity, and geographic spread of natural disasters across NSW in the past 18 months has created an exponential increase in demand for legal services. We will seek to develop a sustainable resourcing model to respond to those demands.

Community legal education

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

This year we were again affected by COVID-19 restrictions, which limited face-to-face community legal education (CLE). We responded by ramping up online offerings such as webinars, podcasts and social media content, and introducing Facebook live webinars.

We delivered 164 CLE events face to face and attended 31 stalls at events across NSW. We distributed thousands of educational resources. In total, we held 797 CLE events, a 38.4% decrease on the previous year. Three hundred and eighty-five of those CLE events were to community and health workers, with a total audience of 11,954.

We published 25 'Law for Community Workers on the Go' podcast episodes, which were downloaded 10,000 times, up 31.7% from the previous year. In 22 of those podcasts, we partnered with another organisation. We have now passed 30,000 downloads since the podcast launched in 2018.

We hosted 305 online CLE events, including 49 live webinars that reached 3,640 attendees. We uploaded 86 videos to the Legal Aid NSW YouTube channel which were viewed about 13,800 times - about the same as the previous year.

This year, we added a new Content Creator and Videographer role to our team to respond to the growing need for accessible, creative CLE. This employee created our first ever joint Instagram and Facebook campaign, which educated 198,000 young women on sexual harassment at work. Our best performing post was viewed 69,100 times.

CLE sessions by area of law				
Area of law	2019 -20	2020 -21	2021 -22	Change from previous year
Criminal law	470	376	153	-59.3%
Family law	427	193	207	+7.3%
Civil law	892	724	437	-39.6%
Total	1,789	1,293	797	-38.4%

Keeping community workers up to date

We have a strong focus on building the capacity of community workers to identify legal issues and know where to refer the people they support for legal help.

We publish an e-newsletter called Law for Community Workers and this year sent 23 editions to our 3,575 subscribers. Each email covers special events like NAIDOC, Seniors Week, Youth Week, Law Week and Refugee Week, and contains links to our webinars, podcasts, publications and more. We also promote webinars and events run by community legal centres and others in the sector.

Community legal education highlights

- This year we recorded the highest attendance ever for one of our webinars - 496 attendees in October 2021 for a very topical session on COVID-19 Public Health Order fines.
- In partnership with the Cooperative Legal Service Delivery (CLSD) Program and Kurri Kurri community centre, we ran 12 sessions online and in-person in 2021-2022 to build the number and capacity of support people available to help youth in the Hunter region.
- Following a change to consent laws in NSW on 1 June 2022, we acted quickly to help inform community and youth workers and the public about the changes. We published a factsheet, hosted a webinar for community workers and released a podcast.
- We conducted 15 CLE sessions for 486 workers and target clients this year about a pilot program to help women on temporary visas experiencing domestic violence access legal and financial support. Sessions were held in person and online in partnership with teams across Legal Aid NSW and the Australian Red Cross.
- We livestreamed our first two webinars targeting the public on Facebook live. 'Let's Talk Scams' was held during Scams Awareness Week on 9 November 2021. It reached 1,400 people and received 516 views on Facebook. 'Need Legal Help? Start Your Journey with LawAccess NSW' was held on 1 December 2021. It reached 581 people and received 258 views on Facebook.
- Our podcast series 'Renting Matters' is produced in partnership with the Tenants' Union of NSW and is part of our popular 'Law for Community Workers on the Go' podcast. Our most downloaded podcast episode this year was 'Renting Matters: Episode 1 - Getting a Foot in the Door' with 487 downloads.

Free diary helps older people know their legal rights

Our Legal Aid NSW's Legal topics for older people diary is Legal Aid's most popular publication. The diary meets an identified need for legal information for older people in an accessible, useable and attractive format.

We produce the diary with essential funding support from our primary sponsor DCJ and from other sponsors including the Law Society of NSW. This year we distributed 50,000 diaries and 25,000 wall calendars.

New edition of the *Discrimination Toolkit*

This year, teams across Legal Aid NSW collaborated with the Australian Human Rights Commission and Anti-Discrimination NSW, as well as courts and tribunals, to issue edition four of the *Discrimination Toolkit*, a guide to making a discrimination complaint in NSW.

Students in the Northern Rivers learn legal life skills

Legal life skills is a quiz-based three-part workshop covering topics like understanding power, healthy relationships and setting yourself up. The program was successfully piloted in over nine sessions at three primary and high schools to a total of 383 students this year.



The year ahead

- We will work with the Civil Division to promote the new Respect at Work Legal Service and educate the community about sexual harassment.
- In collaboration with CLSD and local Central Coast services, we will consult, draft and promote a new resource for Aboriginal communities, 'Sorry business and the law'.
- We will work with the Prisoners Legal Service to develop podcasts and other resources for prisoners that they can access on new specialised tablets to enable them to self-help or know when to seek legal help for common civil law problems.
- We will work with LawAccess NSW and our Client Services Division to ensure the public and community workers know how to access and refer people for free legal help.
- With funding from National Legal Aid, we will launch a national online learning module to assist people to complete their divorce online - providing a universal self-help service to assist capable users.



Presenters at the 2021 virtual Legal Aid NSW Family Law and Care and Protection Conference.



Legal Aid NSW Solicitor Michelle Macdonald, speaker Aunty Glendra Stubbs OAM and Deputy Director Criminal Law Melissa Burgess attend the 2022 Criminal Law Conference.



Service providers and members of the Legal Aid NSW civil law team attend Law Week.



The Elder Abuse Service team attends the Seniors Festival on the Central Coast.

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.



Staff from the Legal Aid NSW Women's Domestic Violence Court Advocacy Program (WDVCAP) and colleagues from Women's Domestic Violence Court Advocacy Services (WVCAS) attend an Aboriginal cultural workshop at their recent conference.

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64 Programs

Key achievements

- ★ We reviewed the eligibility criteria for private lawyers representing adults and children in the care and protection system and introduced mandatory training and experience requirements.
- ★ We continued to implement our Private Lawyer Quality Framework, undertaking audits, investigating complaints, and conducting regional visits to hear feedback.
- ★ We supported community legal centres to provide essential disaster response support to local communities following flooding in February 2022.
- ★ We commissioned the biennial Community Legal Services Client Survey which showed client satisfaction with services provided by community legal centres is higher than ever.
- ★ We united Women's Domestic Violence Advocacy Service staff at a Sydney conference to celebrate their support of 52,729 clients in 2021-2022 and assist them to prepare to undertake a range of crucial projects next year.

The year ahead

- ➔ We will review the Legal Aid NSW Panel Service Agreement and Quality Standards to ensure they remain relevant and consistent.
- ➔ We will support community legal centres to increase their capacity to help people experiencing or at risk of family and domestic violence and improve access to a range of justice initiatives for First Nations people.
- ➔ We will continue to support private lawyers to provide excellent service to clients and proactively monitor the quality of services our clients receive.
- ➔ We will improve access to Women's Domestic Violence Court Advocacy Services for women who have complex needs, are at serious risk of injury or death and/or who want support at a court hearing.

Key challenge

- ▶ Continue to support our partners to provide high-quality legal services.

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 71.2% of all casework services, and 41% of all duty lawyer services. Further details appear in Appendix 5.

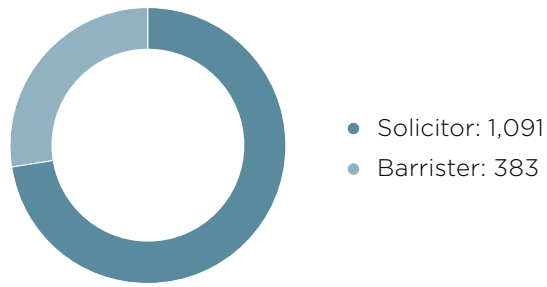
Total individual panel members

2017-2018	2,146
2018-2019	2,184
2019-2020	2,152
2020-2021	1,521
2021-2022	1,474

Number of private lawyers on Legal Aid NSW panels 2021-2022*	
General panels	
General Civil Law Panel	357
General Family Law Panel	623
Summary Criminal Law Panel	1,110
Specialist panels	
Appellate Criminal Law Barrister Panel	82
Care and Protection Panel	157
Children's Criminal Law Panel	470
Complex Criminal Law Barrister Panel	189
Domestic Violence Panel	508
Independent Children's Lawyer Panel	129
Indictable Criminal Law Panel	613
Indictable Criminal Law Barrister Panel	189
Mental Health Advocacy Panel	357

*Some lawyers are active members of more than one panel. Figures include current active panel members whose appointment start dates were before 30 June 2022.

The lawyers who sit on our panels



Where our panel lawyers are located*



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

Monitoring quality and supporting private lawyers

We have continued to implement our Private Lawyer Quality Framework, which was created to improve our engagement with private lawyers undertaking legal aid work and to drive and monitor quality to ensure our clients receive great legal services.

Review of fees paid to private lawyers

On 1 July 2021, the base hourly rate in state matters increased from \$160 to \$170. Fees not based on the hourly rate increased by 6.25%. This was the second of four annual increases following on from the allocation of \$87.7 million by the NSW Government in November 2019.

We also introduced a new fee scale for assigned lawyers and counsel appearing in high risk offender matters.

Audits

We undertake audits to ensure compliance with the Legal Aid NSW Quality Standards. Where issues of non-compliance are identified, we may take no action, offer support and/or training, conduct follow-up audits, or in cases of serious non-compliance, may remove a law practice from panels.

Total audits completed in 2021-2022:

Quality audits	6 law practices (20 files)
File reviews	20 law practices (62 files)
Spot check audits	25 law practices

Regional visits

The Private Lawyer Quality Standards Unit conducted targeted regional visits in 2021–2022 once COVID-19 safety measures were eased to listen to and encourage feedback.

Proactive supports

New content was added to our lawyer education series and the Legal Aid NSW website in 2021–2022 to provide updates and training to private practitioners.

Complaints

We use complaints as the primary mechanism to identify concerns about panel member performance. Since implementing, promoting and embedding our complaints-handling process, the number of complaints received and investigated by our team has increased.

Complaints received:

2018	65
2019	62
2020	43
January to June 2021	156
July 2021 to June 2022	311

Removals

In 2021–2022 a total of four practitioners were removed from panels due to breaches of the Legal Aid NSW Service Agreement and/or our Quality Standards.

Care and Protection Panel changes

We reviewed the eligibility criteria to represent adults and children in the care and protection system on behalf of Legal Aid NSW. Panel membership now requires mandatory completion of lawyer education series training, as well as completion of the Care and Protection Representing Children Workshop provided by Legal Aid NSW. For practitioners who had never previously been on a care and protection panel, a referee report confirming five years post-admission experience in the care and protection jurisdiction is also required.

These changes were implemented in response to an identified need to give greater focus and support to practitioners in the care and protection jurisdiction. Our clients in this jurisdiction are some of our most disadvantaged and vulnerable, and outcomes can have lifelong or even intergenerational consequences.



The year ahead

- We will continue to support private lawyers through engagement and CPD-accredited training.
- We will review the Legal Aid NSW Panel Service Agreement and our Quality Standards to ensure they remain relevant and consistent.
- We will continue to engage with external and internal stakeholders to develop ways to gather feedback and monitor quality.
- We will continue proactive monitoring through audits and regional visits.
- We will continue to investigate complaints in accordance with the Quality Management Framework.

Programs

Community legal centres

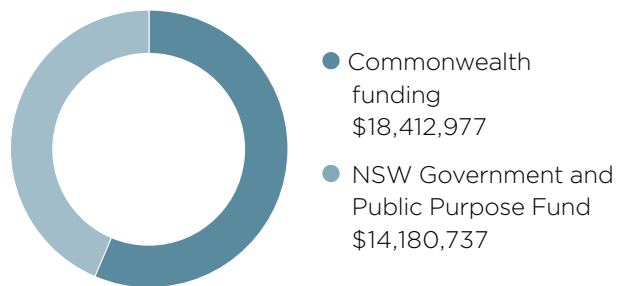
Legal Aid NSW administers funding on behalf of the NSW Government, Commonwealth Government and Public Purpose Fund for the Community Legal Centres (CLC) Program in NSW.

The CLC Program funds 32 generalist and specialist community legal centres and the state peak body Community Legal Centres NSW (CLCNSW). The CLC Program also funds the Aboriginal Legal Access Program, the Children’s Court Assistance Scheme and the Court Support Scheme, which provide complementary non-legal support services in courts and CLCs.

CLCs are independent, non-government organisations that provide free legal services to the public, with a focus on people facing social and financial disadvantage. In addition to funding available through the CLC Program, CLCs may also receive funding from a variety of other government and non-government sources.

Funding

A total of \$32,593,714 was paid to CLCs and CLCNSW through the CLC Program in 2021–2022.



More details about funding can be found in Appendix 4.

Fact file

In 2021–2022, CLCs funded through the Community Legal Centres Program:

- assisted 36,401 people.
- provided 44,911 legal advice services and 10,300 legal tasks for clients.
- opened 3,719 representation services and closed 3,974 representation services, including 1,300 court and tribunal services.
- provided 1,387 duty lawyer services.
- delivered 865 community legal education activities and created 391 resources, and
- made 62,557 referrals.

Services for flood-affected communities

In February and March 2022, at least 60 local government areas across NSW were impacted by severe flooding. The Commonwealth Government allocated more than \$3 million to legal assistance providers in NSW to support people affected by the floods.

Four CLCs were awarded Flood Assistance Support funding to increase their capacity to provide legal assistance to the people and communities that need it most. Northern Rivers CLC and Western Sydney CLC are local, generalist services in impacted areas. Justice Connect and the Tenants’ Union of NSW are specialist services that will provide extra assistance in their areas of law.

CLCs responded quickly to provide services at Disaster Recovery Centres and in communities that were still accessible. Mobile services were provided by travelling lawyers and virtual services increased to help meet increased demand. As a result of the funding boost, CLCs will employ more lawyers and non-legal staff such as social workers, purchase a vehicle, and help connect people with pro bono legal services. CLCs will also continue to work in collaboration with our Disaster Response Legal Service to ensure clients have access to the services they need.

Client satisfaction higher than ever

This year we commissioned CLCNSW to lead the biennial Community Legal Services Client Survey for the CLC Program, which showed client satisfaction is higher than ever.

The project provided a single client survey used by CLCs, advice and support to CLC staff and volunteers to conduct the survey, and a comprehensive report on the results for each participating centre and the NSW sector.

We worked with CLCNSW to develop broader outcomes-focused questions for clients in 2021–2022, expanding on previous surveys that collected quantitative data. The project fulfilled the requirements of the National Legal Assistance Partnership 2020–25 by including mandatory questions developed by the Commonwealth that are designed to measure the effectiveness of community legal services across Australia.

The survey results showed a very high level of satisfaction from clients who received services from the CLC Program. The highest positive responses related to the clients' personal experience of the way they were treated and their opinion of the centre whose support they accessed. 96% of respondents stated the CLC helped them understand how to deal with their legal problem and 97% would recommend the service to other people.

Outcomes-focused questions also highlighted the positive impact of CLC services on clients' lives. 88% of respondents said assistance from the CLC had made a positive impact. Other positive responses indicated that clients felt that CLCs had improved their wellbeing, money situation, housing situation or safety.

Increasing CLC employment opportunities for First Nations people

This year, the CLC sector received funding to establish a First Nations Cadetship Program. Funding was awarded by the NSW Attorney General through the National Legal Assistance Partnership 2020–2025. The cadetship program was open to Aboriginal and Torres Strait Islander students in the final two years of a degree in law, social work, community development or communications.

Four university students undertook cadetships at Redfern Legal Centre, the Seniors Rights Service, University of Newcastle Legal Centre and the Public Interest Advocacy Centre on rotation, where they received practical work experience, training and mentoring. The cadets also received support from a cadetship coordinator and the Community Legal Centres NSW (CLCNSW) Aboriginal Advisory Group.

The cadetship program aimed to address the underrepresentation of First Nations people working in the legal sector and strengthen the services CLCs provide to First Nations clients across NSW. The program had a positive impact on participating centres, clients, and cadets – who gained important on-the-ground skills and experience that will assist them in their careers.

Inaugural conference for First Nations staff

A major highlight of 2021–2022 was the inaugural Big Yarn Up, a three-day gathering of 40 Aboriginal and Torres Strait Islander staff employed across the NSW CLC sector. The event was held on Gumbaynggirr Country in Coffs Harbour.

CLCNSW received CLC Program funding to host the conference and invite all Aboriginal and Torres Strait Islander people working in NSW CLCs to attend. Aboriginal staff from the CLC Program Unit at Legal Aid NSW and the Aboriginal Legal Service were also invited to connect with their colleagues at CLCs and participate in workshops.

The Big Yarn Up was developed by the CLCNSW Aboriginal Advisory Group. There has been significant growth in the employment of Aboriginal and Torres Strait Islander people in the community legal sector in recent years, with over 65 First Nations staff in 2021–22. The Aboriginal Advisory Group identified the need to develop principles for supporting First Nations employment in CLCs in NSW, and to create opportunities to connect with communities across the state.

The Big Yarn Up was a recuperative and collaborative event that focused on how the CLC sector can be culturally inclusive and diverse, and provide meaningful support to Aboriginal and Torres Strait Islander staff.

The program also focused on self-care and building relationships across the sector. Sessions covered cultural self-care and vicarious trauma, and social and legal issues that affect Aboriginal and Torres Strait Islander communities. Attendees yarned about experiences in a culturally safe environment and exchanged strategies for effective service delivery in CLCs.

Additional Commonwealth funding to support vulnerable people and communities

In 2021–22, the CLC Program received additional Commonwealth funding for four years up to 30 June 2025. Funding will assist 12 CLCs to support domestic and family violence victim-survivors, people with mental health conditions and people who have experienced sexual harassment and discrimination in their workplace.

Positive evaluation of the Children's Court Assistance Scheme

The CLC Program supported an independent evaluation of the Children's Court Assistance Scheme (CCAS) from the UNSW Social Policy Research Centre in 2021–2022. CCAS provides tailored information, referrals and support to young people appearing at seven Children's Courts across NSW. CCAS also provides assistance to accompanying family, carers, and friends.

CCAS has been operating since the early 1980s and is currently provided by the Central Coast CLC, Illawarra Legal Centre, Macarthur Legal Centre and Western Sydney CLC. It is funded through the CLC Program. CCAS facilitates access to legal and social support services and provides vital information about how the court operates.

The evaluation indicated that CCAS was an essential service that benefited children and young people, and supported a more effective Children's Court. A range of stakeholders participated in the evaluation, including children's magistrates, Children's Court registry staff, children's lawyers, and other services that support vulnerable young people.

Strengths of the program include the rapport staff have with vulnerable children and young people, effective collaboration with other services at court, and follow-up support that helps young people with their social, welfare or financial problems.

In 2022–23, we will support CCAS to improve data collection, apply an outcomes framework, and collaborate on law reform activities and other projects.

Building financial management capacity in the CLC sector

In 2021–2022, we worked with the CLCNSW Financial Service to strengthen the capacity of CLCs to practise financial management. The Financial Management Training Program delivered six training sessions covering topics tailored to the CLC Program. Topics included budgeting, financial sustainability and risk management, governance and the financial responsibilities of boards, and understanding CLC Program reporting obligations.

Introductory, mid-level and masterclass sessions were available. Training was well attended by a variety of staff across the sector, including principal solicitors, financial staff, centre management, and board members. Attendees provided positive feedback on the relevance of information presented, the practical tools and templates provided, and the ongoing opportunities for mentoring and support available within the sector.

Another positive outcome of the training program was streamlining CLC Program reporting arrangements. We co-designed user-friendly financial templates with CLCNSW and a focus group of CLCs, and have moved to a standard accounting and reporting system used by charities and non-government organisations nationwide.



The year ahead

- We will support the CLC sector to increase its capacity to help people experiencing or at risk of family and domestic violence.
- We will continue to support CLCs in a range of access to justice initiatives for First Nations people.
- We will implement the outcomes of the 2022 application process for CLC funding.
- We will continue to collaborate with CLCs in response to natural disasters.

Women's Domestic Violence Court Advocacy Program

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

WDVCASs 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.

WDVCASs play a key role in the NSW Government's Safer Pathway Program, including providing secretariat and victim liaison support 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. WDVCASs provide social support for women, and Relationships Australia NSW provides social support for men. In 2021–2022, FASS social support workers assisted 1,716 clients.

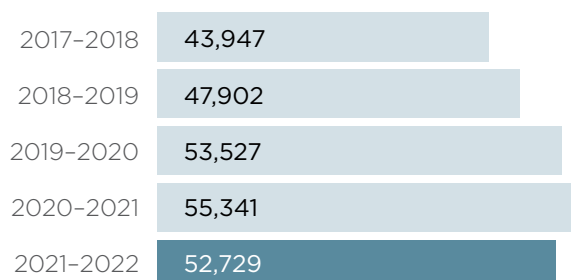
Fact file

- 12% increase in the number of service events provided to clients in 2021–2022 compared to the previous year.
- 14.9% of WDVCAS clients identified as Aboriginal and/or Torres Strait Islander people.
- 19.1% of WDVCAS clients identified as being from a culturally diverse background.
- 10.5% of WDVCAS clients identified as having a disability.

Funding

This year, we administered \$32,882,502 in grant funding to WDVCSs. For further details regarding this funding, see Appendix 3.

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



Enhanced services for women experiencing domestic and family violence

In June 2022, the NSW Government announced additional funding for WDVCSs, including \$6.79 million per year for case management and \$3.24 million for a hearing support pilot in 14 locations.

The new funding is part of a \$69.6 million package to support women and children experiencing domestic and family violence, including funding to expand and enhance the Safer Pathway Program. The program assists victim-survivors to access the services they need to escape violence and rebuild their lives.

Taken together, this represents the largest increase in funding and service scope since Safer Pathway commenced in 2014. The case management funding will significantly enhance WDVCSs ability to provide effective, longer-term support to clients with complex needs or those at serious risk of injury or death, and the hearing support pilot will allow WDVCSs to support clients for the duration of their court matters.

New client management system for WDVCSs

The NSW Government also announced an investment of \$3.7 million to develop an online client management system for WDVCSs in June 2022. The new, purpose-built client data system will replace multiple current inefficient systems and processes.

An independent review in 2021 found that a new system will achieve a 50–80% reduction in time spent on administration tasks for WDVCSs, leaving more time for the services to work directly with clients. The new system will also improve the quality, consistency and security of client data.

Uniting our staff

In June 2022, a face-to-face forum was held for workers from WDVCSs from across the state for the first time since the COVID-19 pandemic started.

Around 180 workers from across NSW gathered in Sydney to hear informative and thought-provoking presentations from key partners and domestic and family violence colleagues including Domestic Violence NSW, NSW Health and the Domestic Violence Death Review Team. Workers were fortunate to hear two keynote addresses from NSW Police Commissioner Karen Webb and Deputy Chief Magistrate Sharon Freund.

The forum followed two years of unprecedented challenges, including the 2019–2020 summer bushfires, the ongoing COVID-19 pandemic and multiple flood emergencies. It was fittingly themed around reconnection and resilience and provided staff the opportunity to connect in person with friends and colleagues from across the state.



The year ahead

- We will support WDVCSs to start delivering case management to women experiencing domestic and family violence across the state who have complex needs and/or are at serious threat of injury or death.
- We will facilitate a pilot of hearing support for women experiencing domestic and family violence across 14 WDVCSs, and a co-location pilot with the NSW Police Force in five WDVCSs.
- We will continue to help FASS expand to all circuit court locations across NSW.

4

Managing our organisation

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



Attendees at the 2022 Legal Aid NSW Family Law and Care and Protection Conference.

In this section

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Key achievements

- ★ We supported research into the ability of staff to work with clients at risk of suicide and developed tools to help them assist distressed or suicidal clients.
- ★ We partnered with the Behavioural Insights Unit at Customer Service NSW and created a Behavioural Insights Community of Practice to help us better understand and influence client behaviour.
- ★ We developed our award-winning Mentally Healthy Workplace Program, which includes a policy, framework and guide.
- ★ We launched our 2022 Aboriginal and Torres Strait Islander Recruitment Guidelines to help us achieve our goal of an 11% Aboriginal and Torres Strait Islander workforce.
- ★ We launched our new appointment booking system and a new LawAccess NSW customer management system.
- ★ We united WDV CAS staff at a Sydney conference to celebrate their support of 52,729 clients in 2021-2022 and to assist them to prepare to undertake a range of crucial projects next year.

The year ahead

- ➔ We will welcome our first cohort of Aboriginal students as part of a three-year program that will provide on-the-job training and a path to study a Juris Doctor.
- ➔ We will launch a new combined Legal Aid NSW and LawAccess NSW website that better caters to the needs of our clients.
- ➔ We will deliver anti-racism training and training on our sexual harassment and unacceptable behaviour policy and our Aboriginal Cultural Safety Framework.
- ➔ We will continue work to improve staff wellbeing at Legal Aid NSW and reduce our environmental impact.

Key challenge

- ▶ We will continue to manage psychosocial risk for employees who work on difficult legal matters with vulnerable clients.
- ▶ We will continue to improve our digital processes and online presence to create a more streamlined experience for staff, partners and clients.

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
2017-18	1,098.94	1,203
2018-19	1,178.48	1,326
2019-20	1,208.79	1,360
2020-21	1,272.00	1,440
2021-22	1,312.50	1,428

*Under the Government Sector Employment Act 2013 (NSW)

The year ahead

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

Towards Zero Suicide: Supporting a Premier's Priority

Legal Aid NSW was chosen from among NSW government agencies as an ideal site for research on the ability of frontline staff to work with clients in distress and at risk of suicide, and from which to investigate potential supports for vulnerable members of our community.

The resulting report, *Compassion as the Default*, detailed ways staff currently support clients and additional methods, tools and resources that could be used to continue this work. A *Compassionate Response Guide* was developed and tested with clients and is now available for use by all staff across Legal Aid NSW.

Research from Legal Aid NSW has informed further work on suicide prevention practices for frontline staff in non-health roles across the NSW Government sector.

Behavioural Insights Unit Immersion Program and Community of Practice

Legal Aid NSW has committed to be a 'behaviour smart' organisation, establishing a partnership with the Behavioural Insights Unit at Customer Service NSW to give four Legal Aid NSW staff the opportunity to attend an immersive six-month learning program.

These staff work on a Legal Aid NSW project that involves behaviour change. Projects include increasing successful grant applications, increasing compliance with youth bail, reducing no-shows for legal aid advice appointments, and increasing engagement with the Drug Court post-sentencing.

A monthly Behavioural Insights Community of Practice was established for Legal Aid NSW staff as a chance to learn behavioural insights principles, hear about case studies where behavioural insights were used to improve services to clients, apply and practise using techniques, and discuss ideas about where and how we could use behavioural insights in our organisation.

Programs aim to keep staff healthy and safe at work

Mentally Healthy Workplace Policy

In July 2021, we launched our Mentally Healthy Workplace Policy followed by a framework and guide showing our commitment to establishing, promoting and maintaining a workplace that fully values the mental health and wellbeing of staff and actively ensures that our staff are safe and well. The policy is supported by a program of work based on best practice strategies, with a focus on psychosocial risks.

In October 2021, in support of Mental Health month the Safety Health and Wellbeing team won the Mental Health Matters WayAhead Workplace Wellbeing Award for the Mentally Healthy Workplace Program.

Managing psychosocial risks

To support the policy release, psychosocial risk workshops were coordinated with each division to look at mental health and develop psychosocial risk assessments listing hazards, risks and controls. From these workshops we identified four key factors to

focus on: emotional demands, work-related violence and aggression, work demands and social supports.

A range of new initiatives were developed to support staff around these four issues, including a package of works on vicarious trauma, a WellCheck trial, a work-related violence and aggression policy, unreasonable client conduct and vicarious trauma champions, working parties, and the expansion of peer-to-peer networks through a social support framework.

Workers compensation claims and associated costs

Staff recorded 149 workplace incidents this year. 148 incidents occurred last year, resulting in a less than one percent increase year-on-year.

Of these incidents, 72.4 percent were related to unreasonable client conduct or threats from clients, which is an increase of 6.28 percent since 2020–2021.

There were 42 injury/illness notifications reported to our insurer, of which eight were cost-impacting workers compensation claims. The total net amount paid for these claims was \$44,253.54.

A total of \$440,112.82 was spent on active workers compensation claims this year.

- Four physical injuries were claimable resulting in 13 percent of claims costs, and
- Six psychological injuries were claimable resulting in 87 percent of claims costs.

Mechanism breakdown for injury/illness notifications

Mechanism	2019-20*	2020-21	2021-22
Vehicle incidents and other	3	2	4
Falls, trips and slips	9	3	3
Hitting objects with a part of the body	2	1	0
Being hit by moving objects	3	0	0
Body stressing	9	9	3
Mental stress	4	3	32
Total	30	18	42

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

The year ahead

- ➔ We will develop emotional demands prevention tools such as:
 - an employee file trauma tracker – a tool designed for Solicitors in Charge and Practice Managers to allow them visibility of the emotional demands of files assigned to their staff and
 - an emotional demands support framework – a package of supports designed for teams to engage in based around different levels of risk exposure relating to emotional demands.
- ➔ We will finalise work on our social support platform.
- ➔ We will implement an employee wellbeing platform.
- ➔ We will develop a psychosocial risk tool to help managers assess the level of risk their teams may be exposed to – it will cover approximately 12 themes such as emotional demands, work-related violence and aggression, culture and social supports. Teams will then be able to utilise a pre-set package of supports based on the identified risk level.

Workforce diversity and equity

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

2022 Aboriginal and Torres Strait Islander Recruitment Guidelines

Legal Aid NSW's Aboriginal Employment and Career Development Strategy 2019–2023 sets a target of an 11% Aboriginal or Torres Strait Islander workforce to better reflect our client base.

To help achieve this goal, in March 2022 Legal Aid NSW launched our '2022 Aboriginal and Torres Strait Islander Recruitment Guidelines', developed in consultation with our Aboriginal Services Branch. The guidelines:

- enable directors to identify which positions to run as targeted recruitment
- allow for both Aboriginal and non-Aboriginal applicants to be considered in a targeted recruitment, in accordance with the Government Sector Employment Act 2013 (NSW)
- require that a merit-assessed Aboriginal applicant be appointed in a targeted recruitment, for reasons of cultural fit and
- simplify and formalise the process for exemptions from the guidelines.

Targeted recruitments preferentially consider applicants who are Aboriginal and Torres Strait Islander, while identified recruitments can only be filled by Aboriginal or Torres Strait Islander candidates.

To assist hiring managers to implement the guidelines, we developed the Hiring Managers Guide to Aboriginal and Torres Strait Islander Targeted Recruitment. It provides guidance for hiring managers on how to run a culturally inclusive, successful targeted or identified recruitment. The guide helps managers:

- understand the issues and/or barriers applicants might face
- craft an attractive position description and advertisement and target advertising to reach candidates
- conduct a culturally safe merit assessment process that supports success and
- address a lack of suitable candidates.

Implementation of the KPMG audit and Bevington review recommendations

A review of our payroll and recruitment functions was completed by Bevington Group in 2021, and an audit was completed by KPMG resulting in a list of over 100 recommendations. These recommendations were prioritised, grouped under key categories, and a project plan was developed. Phase 1 has been delivered this financial year.

A significant deliverable in response to the Bevington review has been the development of a single-source talent pool portal to improve candidate experience and efficiency of recruitment processes at Legal Aid NSW.

Parallel to this, Legal Aid NSW is contributing to the cluster-wide PaTH Project, which aims to deliver world class customer experience and boost productivity by harmonising essential government processes and making them easier to use, track, support and report.

Inaugural participation in the NSW Government Graduate Program

In 2021 the NSW Government Graduate Program was ranked #1 in the Top 100 Graduate Employers list. The program was also voted Australia's most popular government and defence graduate employer for the last four years.

The NSW Public Service Commission introduced a new digital stream in 2022. Legal Aid NSW took advantage of this new graduate stream, engaging a digital graduate to contribute to the delivery of Legal Aid NSW's ICT and Digital Strategy.

Macquarie University, TAFE NSW and Legal Aid NSW Partnership

In 2021–2022, Legal Aid NSW entered a partnership with Macquarie University and TAFE NSW to deliver a three-year program aimed at attracting and retaining Aboriginal employees. The program involves:

- employing 200 Aboriginal people on temporary contracts in legal administration and paralegal roles within Legal Aid NSW and
- offering TAFE qualifications in legal administration and paralegal services (Certificate III and IV in Legal Services and/or a Diploma of Paralegal Services) with a clear pathway into the Juris Doctor.



The year ahead

- ➔ We will implement a project to strengthen our workplace culture of inclusion and diversity.
- ➔ We will develop a strategic workforce plan that is informed by best practice and is built on the NSW Public Service Commission's NSW Government Sector Strategic Workforce Planning Framework.
- ➔ We will welcome our first cohort of Aboriginal students as part of a three-year program that will provide on-the-job training and a path to study a Juris Doctor.

Legal education and capability development

Aspiring Leaders workshop

In 2021–2022, we conducted our first Aspiring Leaders workshop for staff stepping into leadership roles. The workshop provided participants with an opportunity to analyse what leadership is and to reflect on how they can use their strengths, capabilities, and values to effectively make the transition from being an individual contributor to being a people leader.

The full-day workshop was so popular that a second was scheduled in 2022, and it will be offered again in 2023.

LEAD alumni training and networking day

Legal Aid NSW's LEAD Program is dedicated to developing the leadership and management capabilities of our staff by increasing leadership capabilities and by providing professional development opportunities for Aboriginal and Torres Strait Islander staff.

We conducted the first LEAD alumni training and networking day for established leaders in 2021–2022.

Invited staff completed the LEAD Program several years ago, and the alumni network will help to keep them connected and offer opportunities to refresh staff training.



The year ahead

- We will finalise work on our social support framework.
- We will implement an organisation-wide wellbeing platform.
- We will deliver a range of compulsory training on our new individual performance program, Everybody's Business Stolen Generations, our sexual harassment and unacceptable behaviour policy and our Aboriginal Cultural Safety Framework training, as well as anti-racism training.

Professional and personal achievements

Specialist expertise

There are 64 lawyers working for Legal Aid NSW who are accredited specialists. Two of our civil lawyers have specialist accreditation, 18 of our family lawyers are accredited family law specialists and 4 are accredited children's law specialists, and 40 of our criminal lawyers have specialist accreditation.

Significant appointments

Annamarie Lumsden, Criminal Law Director, was appointed as Director of the NT Legal Aid Commission in December 2021.

Senior Indictable lawyer and former Manager of Professional Development Emma Manea was appointed as a Magistrate of the Local Court in February 2022.

Port Macquarie Solicitor in Charge Juliana Crofts was appointed as a Magistrate of the Local Court in March 2022.

Senior Solicitor Te'res Sia was appointed as a Magistrate of the Local Court in April 2022.

Senior Solicitor Aaron Tang was appointed as a Magistrate of the Local Court in June 2022.

Outstanding staff achievements

The Disaster Response Legal Service was a finalist in the 2021 Premier's Awards for Excellence in Public Service in the Recovery and Resilience category.

Danielle Captain-Webb, Solicitor in Charge of the State-wide Advice Team, was appointed as a

Councillor of the Law Society of NSW in November 2021. Danielle is the first Aboriginal or Torres Strait Islander person to be appointed to the Council of the Law Society, which has been established for 137 years. Danielle said that she "looks forward to ensuring that the profession is a culturally safe place for Aboriginal lawyers and the Aboriginal community more broadly."

Five in-house solicitors were appointed as judicial registrars of the Federal Circuit and Family Court of Australia in 2021–2022 and two were appointed to roles as registrars of the Children's Court.

Civil lawyers Kai Wu and Mukesh Mahajan were selected for specialist accreditation in dispute resolution by the Law Society OF NSW.

Rachael Thomas, Solicitor in Charge of our Lismore Office, was the recipient of the Criminal Law Director's Medal for 2022. During the devastating flood crisis in February and March 2022, Rachael maintained her focus on our clients and made sure our services continued to be available and accessible. Rachael was a model leader during this very challenging period – compassionate and supportive of staff, she was a logistics manager, a counsellor, a friend and a mentor to many.

Naomi Cheetham, Manager Planning and Review was selected as the first Legal Aid NSW secondee to the Behavioural Insights Unit at Customer Service NSW for a six-month immersion program.

An efficient and capable Legal Aid NSW

Response to the COVID-19 pandemic

We worked tirelessly to respond to the many practical challenges presented by the COVID-19 pandemic in 2021-2022. This included a rapid response to securing personal protective equipment and additional first aid items to safely equip our frontline staff for work.

We also rolled out hand sanitising stations and sneeze screens in our client-facing rooms, and sneeze screens across all court duty rooms used by Legal Aid NSW staff around NSW.

Approximately 300 HEPA filters were distributed to Legal Aid NSW offices in early 2022, ensuring indoor communal spaces are well-ventilated and safe for our staff and clients.

Integrated design guidelines

We used integrated design guidelines in the fit outs of several offices. The fit outs provided improved spaces for staff and allowed solicitors greater acoustic separation and privacy when dealing with clients via video and telephone calls.

New fit outs include specialist spaces for breaks and hybrid meetings with participants in person and on Microsoft Teams.

Security upgrade

Following a tender process, Legal Aid NSW engaged BSMS Security to upgrade the duress alarms across our tenancies and the CCTV at our head office. This was the second stage of a two-year project to implement security solutions in response to our 2019-2020 security review.

We also introduced a new integrated access system which operates across all offices and can be programmed remotely. This allows staff to access multiple offices and enables Legal Aid NSW to control access passes more easily and better protect our staff, clients and client information.

Reducing our tenancy in Sydney

We completed a program of work in our Central Sydney office to relinquish space and create greater cohesion. The last space to be relinquished was 215m² on level 15 that had previously accommodated Client Services staff including the Mail team.

Mail team joins Facilities

Mail and distribution staff joined the Facilities team as part of the relocations. Staff now work in a refurbished space on the ground floor of the Central Sydney office. A separate entrance was created to receive mail, deliveries and police briefs away from waiting clients and visitors in the main reception space.

The new office is better situated in the building to allow the team to support staff on the 11 floors occupied by Legal Aid NSW.



The year ahead

- We will finalise the second stage of our security solutions project, integrating existing measures with our security access platform and implementing better security responses to alarms in regional and metropolitan offices.
- We will aim to undertake fit outs at identified office sites on level 3 of our Central Sydney Office, in our Campbelltown Office and in our Dubbo Office in response to increased staff and service demand. We will continue to implement people-centred design principles in the new office fit outs.
- We will consolidate service delivery, population and planning data to develop a strategy for mid to long-term resourcing and office accommodation in Western Sydney

Information technology

Information technology played a key role in progressing the development of our case management system, providing online services for our clients and supporting staff working under flexible work arrangements.

Launch of a new appointment booking system

Ongoing improvements to our Client and Case Management System (CCMS) allow Legal Aid NSW and LawAccess NSW staff to view available advice appointments across the state and book clients at the point of first contact, saving time and providing a better service.

A new LawAccess NSW customer management system – LA Connect

Following the integration of LawAccess NSW and Legal Aid NSW, the old customer management system used by LawAccess NSW was replaced with LA Connect, which uses the same application platform as CCMS.

LA Connect provides LawAccess NSW staff with one system to capture data, make referrals, book appointments for Legal Aid NSW services, allocate intake to specialist teams and send correspondence to customers.

Combining the Legal Aid NSW and LawAccess NSW websites

We commenced a project that will build a single, public-facing LawAccess NSW and Legal Aid NSW website that better caters to the needs of all our clients and partners.

The new website will offer a single-entry point for our customers and clients. It will match customers with appropriate services and resources based on their needs and empower them with the information they need to understand their legal issues and answer their own legal questions.

JusticeHub (Defendant Portal) pilot offers an easy-access digital intake form

We have commenced a pilot to give people charged with criminal offences a simple, easy way to ask for legal help before their court date. Some clients are not prepared for court on the day of their appearance, and in most cases their matter needs to be adjourned causing unnecessary delays for courts.

The Defendant portal website (JusticeHub) will help people charged with a criminal offence in NSW to prepare for court, register for court appearance reminders and access legal help from Legal Aid NSW. Clients can access the hub using a QR code and their

mobile device and fill in a simple form to receive information from Legal Aid NSW staff or an advice clinic booking.

Access to advice will allow clients to be more confident about what will happen when they first attend court.

Building our cyber security

This year we continued a program of work to lift our cyber security, receiving external funding for the three-year roadmap that we developed in 2020–2021. This program of work, which formally commenced in early 2022 and runs until mid-2024, will provide greater assurance to our clients that their data and information is well protected and reduce the risk of a significant cyber-attack.

We continued to develop a culture of cyber security in 2021–2022 through training, running email phishing simulations and mandatory online training for all staff and contractors.

Information and Communications Technology (ICT) Service Management

This year we implemented a range of process and system changes to improve our internal ICT service management. With staff working from home during COVID-19 lockdowns and flexible working arrangements consistently in place, these improvements were essential to ensure we could provide adequate support during this difficult period.



The year ahead

- We will deliver a consolidated and intuitive website to make it easy for clients and lawyers to find the resources and services they need.
- We will deliver a beta version of our client portal.
- We will continue to enhance our Client and Case Management System (CCMS) by improving document storage options and adding in further functionality.
- We will commence work on the Women's Domestic Violence Court Advocacy Program client and case management system.
- We will continue to enhance our cybersecurity.

Environmental responsibility

Legal Aid NSW is committed to becoming more environmentally sustainable.

Goal	Target	Achievements in 2021-2022
Reduce electricity consumption	Install smart meters for greater analytical ability of usage.	Smart meters were installed at Lismore and Albury offices.
Increase use of green electricity	Green electricity to represent 6% of electricity consumed.	We worked with the NSW Government's preferred electricity provider to ensure that all office tenancies are covered under the 6% green energy consumption agreement. In our large sites, such as most of the Central Sydney Office, we achieved 20% green energy consumption.
Reduce fuel consumption	Increase numbers of hybrid vehicles.	All new vehicles orders were for hybrids, with the exception of outreach vehicles due to operational needs.
Reduce fleet size	Not replacing vehicles with low kilometres or low usage.	Upon agreement with office managers four vehicles (5% of the fleet) were not replaced with potential further vehicles when their leases expired.
Reuse office furniture	Recondition visitor chairs rather than purchase new.	Over 120 visitor chairs were sent to Hunter Correctional Facility for cleaning and reupholstering by Corrective Services industries, to be used in accommodation projects.
Green fleet	Meet NSW Government fuel efficiency standards for new light vehicles.	<p>We continued an initiative to 'hybridise' our fleet of 79 vehicles, receiving five Toyota Corolla Hybrids this financial year. We only leased vehicles that are included in the NSW Government pre-qualification scheme to ensure all vehicles meet fuel efficiency standards.</p> <p>Hybrid vehicles produce 10% fewer smog-inducing emissions than non-hybrid models, decreasing our organisation's carbon footprint.</p>

The year ahead

- We will add at least nine additional hybrid cars to our fleet of vehicles to reduce our impact on the environment.

Financial summary

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Key facts

- ★ Our total income was \$438.9 million.
- ★ Our total expenses were \$426 million.
- ★ Our net equity was \$35.3 million.

The year ahead

- ➔ We will continue to provide timely and relevant financial information to stakeholders.

Key challenge

- ▶ We will ensure Legal Aid NSW has the financial resources to fund the delivery of services to our clients.

Financial overview

Financial summary

Our net financial result was a surplus of \$13.5 million.

	2020-21 (\$M)	2021-22 (\$M)	Change %
Operating revenue	393.0	438.9	11.7%
Operating expenses	404.7	426.0	5.3%
Total assets	137.5	87.8	-36.1%
Total liabilities	115.7	52.5	-54.6%
Surplus (deficit)	(11.3)	13.5	219.5%
Net equity	21.8	35.3	61.9%

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 2021-2022 was \$438.9 million and expenditure was \$426 million.

Key developments

Our financial result was a surplus of \$13.5 million, which is \$16.7 million more than our budgeted deficit of \$3.2 million.

We ended the year with net equity of \$35.3 million. Payments of \$146 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

Funding received in 2021-2022	(\$M)
State appropriation including Commonwealth funding provided under the National Legal Assistance Partnership	340.7
Public Purpose Fund grant	21.0
Other grants	56.5
Acceptance by the Crown Entity of employees' benefits and other liabilities	4.2
Other sources	16.5
Total	438.9

How we spent our money (\$M)

Employee-related expenses	161.0
External legal services	146.0
Grants and subsidies	77.3
Other	41.7
Total	426.0

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

Criminal law	199.9
Family law	97.4
Civil law	43.8
Community partnerships	84.9
Total	426.0

Financial performance

Our financial result was a surplus of \$13.5 million, which is \$16.7 million more than our budgeted deficit of \$3.2 million.

Income

Total income for 2021-2022 was \$438.9 million and expenditure was \$426 million.

Funding from the NSW Government was \$238.9 million.

Funding from the Commonwealth under the National Legal Assistance Partnership was \$101.8 million.

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

Funding from other sources includes \$21 million from the Public Purpose Fund, \$56.5 million from other grants received and \$16.5 million from other sources.

Further details may be found in the notes to the financial statements that begin on page 80.

Expenses

Our major expenses for 2021-2022 were:

- employee-related expenses of \$161 million (\$156.9 million in 2020-2021) and
- payments to private lawyers and other professional services of \$146 million (\$137.8 million in 2020-2021).

Our financial performance over five years

Total expenses (\$M)

2017-2018	318.9
2018-2019	374.5
2019-2020	372.1
2020-2021	404.7
2021-2022	426.0

Budget outline 2022-2023 (\$M)

Operating statement	(\$M)
Revenue (including government contributions)	479.8
Expenditure	(482.0)
Other gains or losses	(0.2)
Net result	(2.4)

Balance sheet	(\$M)
Current assets	29.4
Non-current assets	46.7
Total assets	76.1
Current liabilities	37.6
Non-current liabilities	7.2
Total liabilities	44.8
Net assets	31.3
Equity	31.3

Surplus or (deficit) (\$M)

2017-2018	0.3
2018-2019	(25.6)
2019-2020	6.9
2020-2021	(11.3)
2021-2022	13.5

Financial statements

Legal Aid Commission of NSW

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

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LEGAL AID COMMISSION OF NEW SOUTH WALES

Statement by Members of the Board

Pursuant to the *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 2022.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate



Craig Smith
Chair

Date: 10 October 2022



Monique Hitter
Chief Executive Officer

Date: 10 October 2022



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 2022, the Statement of financial position as at 30 June 2022, 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 financial position, financial performance and cash flows of the Commission and the consolidated entity.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Commission and the consolidated entity in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

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 and the GSF Act, GSF Regulation 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 ability of the Commission and the consolidated entity to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar3.pdf. The description forms part of my auditor's report.

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

- that the Commission or the consolidated entity carried out their activities effectively, efficiently and economically
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Jan-Michael Perez
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

12 October 2022
SYDNEY

Statement of comprehensive income for the year ended 30 June 2022

	Notes	Consolidated			Commission	
		Budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Actual 2022 \$'000	Actual 2021 \$'000
Expenses excluding losses						
Employee-related expenses	2(a)	163,846	161,063	156,873	794	897
Personnel services	2(a)	-	-	-	161,074	156,438
Operating expenses	2(b)	18,050	20,638	20,435	19,784	19,921
Depreciation and amortisation	2(c)	18,206	18,725	17,829	18,725	17,829
Grants and subsidies	2(d)	64,474	77,299	70,052	77,299	70,052
Finance costs	2(e)	1,410	2,299	1,718	2,299	1,718
Services provided by private practitioners	2(f)	139,704	145,998	137,757	145,998	137,757
Total Expenses excluding losses		405,690	426,022	404,664	425,973	404,612
Revenue						
Sale of goods and services	3(a)	4,111	7,693	7,854	7,693	7,854
Investment revenue	3(b)	-	183	-	183	-
Grants and contributions	3(c)	394,592	425,379	380,360	425,379	380,360
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	3,682	4,167	4,190	4,118	4,138
Other revenue	3(e)	269	1,515	632	1,515	632
Total Revenue		402,654	438,937	393,036	438,888	392,984
Operating Result		(3,036)	12,915	(11,628)	12,915	(11,628)
Gain/(loss) on disposal	4	35	(5)	(1)	(5)	(1)
Other gains/(losses)	5	(200)	625	299	625	299
Net Result	19	(3,201)	13,535	(11,330)	13,535	(11,330)
Other comprehensive income		-	-	-	-	-
Total other comprehensive income		-	-	-	-	-
TOTAL COMPREHENSIVE INCOME		(3,201)	13,535	(11,330)	13,535	(11,330)

The accompanying notes form part of these statements.

Statement of financial position as at 30 June 2022

	Notes	Consolidated			Commission	
		Budget 2022 \$'000	Actual 2022 \$'000	Actual 2021 \$'000	Actual 2022 \$'000	Actual 2021 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	7	14,221	34,490	21,644	34,490	21,644
Receivables	8	9,538	9,096	6,349	9,096	6,349
Total Current Assets		23,759	43,586	27,993	43,586	27,993
Non-Current Assets						
Receivables	8	7,700	9,357	9,736	9,357	9,736
Plant and equipment	9	8,157	12,317	10,736	12,317	10,736
Right-of-use assets	10	56,585	963	66,773	963	66,773
Intangible assets	11	22,377	21,581	22,216	21,581	22,216
Total Non-Current Assets		94,819	44,218	109,461	44,218	109,461
Total Assets		118,578	87,804	137,454	87,804	137,454
LIABILITIES						
Current Liabilities						
Payables	12	19,237	22,325	20,575	22,325	20,575
Borrowings	13	2,224	612	8,707	612	8,707
Provisions	14	19,845	21,799	20,202	21,799	20,202
Total Current Liabilities		41,306	44,736	49,484	44,736	49,484
Non-Current Liabilities						
Provisions	14	6,136	7,210	6,096	7,210	6,096
Borrowings	13	57,715	562	60,113	562	60,113
Total Non-Current Liabilities		63,851	7,772	66,209	7,772	66,209
Total Liabilities		105,157	52,508	115,693	52,508	115,693
Net Assets		13,421	35,296	21,761	35,296	21,761
EQUITY						
Accumulated funds	15	13,421	35,296	21,761	35,296	21,761
Total Equity		13,421	35,296	21,761	35,296	21,761

The accompanying notes form part of these statements.

Statement of changes in equity for the year ended 30 June 2022

Notes	Consolidated Accumulated Funds \$'000	Commission Accumulated Funds \$'000
Balance at 1 July 2021	21,761	21,761
Net result for the year	13,535	13,535
Other comprehensive income	-	-
Total comprehensive income for the year	<u>13,535</u>	<u>13,535</u>
Balance at 30 June 2022	<u><u>35,296</u></u>	<u><u>35,296</u></u>
Balance at 1 July 2020	33,091	33,091
Net result for the year	(11,330)	(11,330)
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>

The accompanying notes form part of these statements.

Statement of cash flows for the year ended 30 June 2022

	Notes	Consolidated			Commission	
		Budget	Actual	Actual	Actual	Actual
		2022	2022	2021	2022	2021
		\$'000	\$'000	\$'000	\$'000	\$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee-related		(160,164)	(154,390)	(151,449)	(794)	(897)
Personnel services		-	-	-	(154,450)	(150,552)
Grants and subsidies		(64,474)	(85,029)	(77,057)	(85,029)	(77,057)
Private practitioners		(139,704)	(143,027)	(134,592)	(143,027)	(134,592)
Other		(19,460)	(28,882)	(19,448)	(27,942)	(19,448)
Total Payments		(383,802)	(411,328)	(382,546)	(411,242)	(382,546)
Receipts						
Sale of goods and services		3,911	6,406	6,421	6,406	6,421
Interest received		-	183	-	183	-
Grants and contributions		394,592	427,982	381,197	427,982	381,197
Other		269	9,927	8,808	9,841	8,808
Total Receipts		398,772	444,499	396,427	444,413	396,427
NET CASH FLOWS FROM OPERATING ACTIVITIES	19	14,970	33,171	13,881	33,171	13,881
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		35	-	-	-	-
Purchases of plant and equipment, and intangibles		(5,794)	(7,819)	(6,248)	(7,819)	(6,248)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(5,759)	(7,819)	(6,248)	(7,819)	(6,248)
CASH FLOW FROM FINANCING ACTIVITIES						
Payment of principal portion of lease liabilities		(10,130)	(12,507)	(11,381)	(12,507)	(11,381)
NET CASH FLOWS FROM FINANCING ACTIVITIES		(10,130)	(12,507)	(11,381)	(12,507)	(11,381)
NET INCREASE/(DECREASE) IN CASH AND CASH EQUIVALENT		(919)	12,845	(3,748)	12,845	(3,748)
Opening cash and cash equivalents		15,140	21,645	25,393	21,645	25,393
CLOSING CASH AND CASH EQUIVALENTS	7	14,221	34,490	21,645	34,490	21,645

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 NSW 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 2022 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 10 October 2022.

(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 where there is an active market. Where there is no active market, the asset is carried at cost less any accumulated amortisation and impairment losses. 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 2021–2022

The accounting policies applied in 2021–2022 are consistent with those of the previous financial year. Management has assessed all new or revised accounting standards (including those issued but not yet effective) and has concluded these do not have a material impact on the financial statements of Legal Aid NSW.

- *AASB 7 Financial Instruments: Disclosures*
- *AASB 17 Insurance Contracts*

- AASB 2014-10 *Amendments to Australian Accounting Standards – Sale or Contribution of Assets between an Investor and its Associate or Joint Venture*
- AASB 2018-6 *Amendments to Australian Accounting Standards – Definition of a Business*, and
- AASB 2018-7 *Amendments to Australian Accounting Standards – Definition of Material*.

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 2020-1 *Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current*
- AASB 2021-2 *Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates*
- AASB 17 *Insurance Contracts (Appendix D)*, and
- AASB 2021-7b *Amendments to Australian Accounting Standards – Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections*.

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.

(h) Impact of COVID-19 on financial reporting for 2021–2022

The Commission has determined the financial impact of COVID-19. Increased costs, due to offices being closed for periods of time and the relocation of staff to a working from home model, incurred additional expenditure.

Actuarial assessment of the Commission’s work in progress liability for legal fees have noted that no explicit changes to the valuation assumptions have been made as a result of the impacts of COVID-19 as they are implicitly reflected in the experience observed. The actuary expects that there is only a minor impact on the valuation as at 30 June 2022.

(i) Superannuation on annual leave loading

Legal Aid NSW has determined that it is not probable a liability arises to pay superannuation on annual leave loading. This position has been formed based on current inquiries, other information currently available to management, and after considering the facts from a decision in the Federal Court of Australia: *Finance Sector Union of Australia v Commonwealth Bank of Australia* [2022] FedCFamC2G 409. That decision confirmed that, in relation to the industrial agreement considered in that case, annual leave loading did not form part of ordinary time earnings and therefore, did not require superannuation contributions to be made under superannuation guarantee legislation because the obligation to pay annual leave loading was not referable to ordinary hours of work or to ordinary rates of pay. Rather, it was paid by reference to the period of annual leave, and for the purpose of compensating employees for their loss of opportunity to work additional hours at higher rates during this period. This position will be reassessed in future reporting periods as new information comes to light on this matter.

	Consolidated		Commission	
	2022	2021	2022	2021
	\$'000	\$'000	\$'000	\$'000
2 EXPENSES EXCLUDING LOSSES				
(a) Employee-related expenses and personnel services				
Employee-related expenses				
Salaries and wages (including annual leave)	137,702	132,424	-	-
Superannuation – defined benefit plans	900	948	-	-
Superannuation – defined contribution plans	12,788	11,922	-	-
Long service leave	1,132	3,033	-	-
Workers compensation insurance	568	701	-	-
Payroll tax and fringe benefits tax	7,179	6,948	-	-
Agency staff costs	794	897	794	897
Total	161,063	156,873	794	897

The Commission does not employ staff who are directly involved in day-to-day servicing or maintenance. Employee-related expenses capitalised to fixed assets in 2021–2022 was \$0.740m (2020–2021: \$0.463m), therefore excluded from the above.

	Consolidated		Commission	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
Personnel services				
Personnel services provided by the Legal Aid NSW Commission Staff Agency	-	-	161,074	156,438
Total	-	-	161,074	156,438

(b) Other operating expenses

Other operating expenses include the following:

Auditor's remuneration – audit of financial statements	159	191	159	191
Auditor's remuneration – audit of National Legal Advisory Service for Disability Royal Commission	10	10	10	10
Cleaning	684	943	684	943
Consultants	132	161	132	161
Contractors	146	179	146	179
Electricity and gas	281	354	281	354
Information Technology	7,176	7,364	7,176	7,364
Insurance	271	236	271	236
Internal audit and audit of Trust Account	90	232	90	232
Library resources	890	788	890	788
Maintenance	151	411	151	411
Expenses relating to short-term leases and low-value assets	2,772	2,238	2,772	2,238
Postage	790	687	790	687
Practising certificates	643	323	643	323
Printing	791	766	791	766
Records management	834	813	834	813
Stationery, stores and provisions	450	595	450	595
Telephone	550	270	550	270
Travel	761	963	761	963
Other	3,057	2,911	2,203	2,397
Total	20,638	20,435	19,784	19,921

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 of leases as an expense on a straight-line basis:

- leases that meet the definition of short-term. i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option, and
- 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	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
(c) Depreciation and amortisation expenses				
Depreciation				
Leasehold improvements	2,425	2,218	2,425	2,218
Right-of-use leased assets	11,633	10,741	11,633	10,741
Plant and equipment	725	1,093	725	1,093
Total	14,783	14,052	14,783	14,052
Amortisation				
Software	3,942	3,777	3,942	3,777
Total	3,942	3,777	3,942	3,777
Total depreciation and amortisation expenses	18,725	17,829	18,725	17,829

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	32,801	29,674	32,801	29,674
Community Legal Centres	36,578	33,798	36,578	33,798
Cooperative Legal Service Delivery Program	641	1,426	641	1,426
Grants to other organisations	7,279	5,154	7,279	5,154
Total	77,299	70,052	77,299	70,052

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

(e) Finance costs				
Interest expense from lease liabilities	1,525	1,610	1,525	1,610
Unwinding of discount on make good provision	774	108	774	108
Total	2,299	1,718	2,299	1,718

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 ⁽¹⁾				
Solicitor services provided by private practitioners	93,540	86,571	93,540	86,571
Barrister services provided by private practitioners	38,198	36,733	38,198	36,733
Disbursements	14,260	14,453	14,260	14,453
Total	145,998	137,757	145,998	137,757

⁽¹⁾ 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. Refer to Note 12.

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	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
(a) Sale of goods and services				
Rendering of services				
Criminal law	4,671	4,439	4,671	4,439
Family law	2,574	2,737	2,574	2,737
Civil law	448	678	448	678
Total	7,693	7,854	7,693	7,854

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	183	-	183	-
Total	183	-	183	-

Interest on outstanding accounts was imposed for the 2021–2022 financial year from 1 December, 2021. During 2020–2021, interest on outstanding accounts was not imposed by Legal Aid NSW 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	323,612	305,327	323,612	305,327
Cluster Agency capital contribution	5,950	5,483	5,950	5,483
Law Society Public Purpose Fund (i)	20,970	4,577	20,970	4,577
Law Society Public Purpose Capital Fund (i)	3,889	1,000	3,889	1,000
Cluster Agency recurrent contribution – CLC specific (ii)	11,126	10,918	11,126	10,918
Other grants and contributions (iii)	59,832	53,055	59,832	53,055
Total	425,379	380,360	425,379	380,360

Recognition and measurement

Grants and contributions

Revenue from grants with sufficiently specific performance obligations is recognised when the Commission satisfies a performance obligation by transferring the promised goods. Revenue from these grants is recognised based on the grant amount specified in the funding agreement/funding approval, and revenue is only recognised to the extent that it is highly probable that a significant reversal will not occur. No element of financing is deemed present as funding payments are usually received in advance or shortly after the relevant obligation is satisfied. Income from grants without sufficiently specific performance obligations is recognised when the Commission obtains control over the granted assets (e.g. cash).

The Commission has determined that grants and contributions revenue is general in nature and within the scope of AASB 1058 and will be recognised immediately on receipt.

(i) This fund provided a grant of \$15.6m (\$5.6m in 2020–2021) to provide legal aid services in state matters.

(ii) Community legal centres (CLCs) received specific funding from the Commonwealth Government via the National Partnership Appropriation. In 2021–2022, \$11.13m was received (2020–2021 \$10.92m). These funds were earmarked for distribution to various Community Legal Centres.

	Consolidated		Commission	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
(iii) Other state or Commonwealth grants and contributions include:				
Commonwealth	19,269	13,482	19,269	13,482
State	40,563	39,573	40,563	39,573
Total	59,832	53,055	59,832	53,055

(d) Acceptance by the 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	900	948	900	948
Long service leave	3,218	3,190	3,218	3,190
Payroll tax	49	52	-	-
Total	4,167	4,190	4,118	4,138

(e) Other revenue

Miscellaneous	1,515	632	1,515	632
Total	1,515	632	1,515	632

4 GAIN/(LOSS) ON DISPOSAL

Gain/(loss) on disposal of plant and equipment

Proceeds from disposal	-	-	-	-
Less: Written-down value of assets disposed	(5)	(1)	(5)	(1)
Net gain/(loss) on disposal	(5)	(1)	(5)	(1)

5 OTHER GAINS/(LOSSES)

Impairment gain/(loss) on receivables	(1,863)	299	(1,863)	299
Derecognition of right-of-use assets and lease liabilities with Property and Development NSW*	2,488	-	2,488	-
Gain/(loss) on make good provision	-	-	-	-
Net Other gains/(losses)	625	299	625	299

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.

* The net gains are recognised from the derecognition of the right-of-use asset and lease liability with Property and Development NSW (PDNSW) as at 30 June 2022. Please refer to Note 18 for further details on the derecognition.

The net gain from the derecognition of right-of-use asset and lease liability as at 30 June 2022 is reconciled below:

	2022 \$'000
Right-of-use asset	
Gross carrying value	(93,074)
Less: accumulated depreciation and accumulated impairment provision	29,341
Net book value	(63,733)
Amortised balance of incentives received	-
Lease liability	66,221
Net gains/(losses)	2,488

6 STATE OUTCOME GROUP STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2022

CONSOLIDATED EXPENSES AND REVENUES	Outcome Group 1 * Legal Services		Outcome Group 2 * Community Partnerships		Not Attributable		Total	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
Expenses excluding Losses								
Employee-related/Personnel services	156,743	153,282	4,320	3,591	-	-	161,063	156,873
Operating expenses	19,147	18,738	1,491	1,697	-	-	20,638	20,435
Depreciation and amortisation	18,223	15,282	502	2,547	-	-	18,725	17,829
Grants and subsidies	1,913	1,865	75,386	68,187	-	-	77,299	70,052
Finance costs	2,237	1,679	62	39	-	-	2,299	1,718
Services provided by private practitioners	145,648	137,186	350	571	-	-	145,998	137,757
Total Expenses excluding losses	343,912	328,032	82,110	76,632	-	-	426,022	404,664
Revenue								
Sale of goods and services	7,693	7,854	-	-	-	-	7,693	7,854
Investment income	178	-	5	-	-	-	183	-
Grants and contributions	317,758	296,878	107,621	83,482	-	-	425,379	380,360
Acceptance by the Crown of employee benefits and other liabilities	4,036	4,135	131	55	-	-	4,167	4,190
Other revenue	1,189	620	326	12	-	-	1,515	632
Total Revenue	330,855	309,487	108,082	83,549	-	-	438,937	393,036
Operating Result	(13,057)	(18,545)	25,972	6,917	-	-	12,915	(11,628)
Gain/(Loss) on disposal of non-current assets	(4)	(1)	(1)	-	-	-	(5)	(1)
Other gains/(losses)	2,420	299	(1,795)	-	-	-	625	299
Net result	(10,641)	(18,247)	24,176	6,917	-	-	13,535	(11,330)
TOTAL COMPREHENSIVE INCOME	(10,641)	(18,247)	24,176	6,917	-	-	13,535	(11,330)

CONSOLIDATED EXPENSES AND REVENUES	Outcome Group 1 * Legal Services		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	-	-	-	-	34,490	21,644	34,490	21,644
Receivables	8,776	6,340	320	9	-	-	9,096	6,349
Total Current Assets	8,776	6,340	320	9	34,490	21,644	43,586	27,993
Non-Current Assets								
Receivables	9,028	9,722	329	14	-	-	9,357	9,736
Plant and equipment	11,987	10,490	330	246	-	-	12,317	10,736
Right-of-use assets	937	65,244	26	1,529	-	-	963	66,773
Intangible assets	21,002	21,707	579	509	-	-	21,581	22,216
Total Non-Current Assets	42,954	107,163	1,264	2,298	-	-	44,218	109,461
Total Assets	51,730	113,503	1,584	2,307	34,490	21,644	87,804	137,454
Current Liabilities								
Payables	21,905	20,192	420	383	-	-	22,325	20,575
Borrowings	596	8,508	16	199	-	-	612	8,707
Provisions	21,214	19,740	585	462	-	-	21,799	20,202
Total Current Liabilities	43,715	48,440	1,021	1,044	-	-	44,736	49,484
Non-Current Liabilities								
Provisions	7,017	5,956	193	140	-	-	7,210	6,096
Borrowings	547	58,737	15	1,376	-	-	562	60,113
Other	-	-	-	-	-	-	-	-
Total Non-Current Liabilities	7,564	64,693	208	1,516	-	-	7,772	66,209
Total Liabilities	51,279	113,133	1,229	2,560	-	-	52,508	115,693
Net Assets	451	370	355	(253)	34,490	21,644	35,296	21,761

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

STATE OUTCOME GROUP DESCRIPTIONS

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.

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	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
7 CURRENT ASSETS – CASH AND CASH EQUIVALENTS				
Cash at bank	34,490	21,644	34,490	21,644
Total Cash	34,490	21,644	34,490	21,644

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)	34,490	21,644	34,490	21,644
Cash and cash equivalents (per Statement of Cash Flows)	34,490	21,644	34,490	21,644

Refer to 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 (2020–2021: \$0.220m) 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	5,017	4,163	5,017	4,163
Less: Allowance for expected credit loss	(444)	(277)	(444)	(277)
	4,573	3,886	4,573	3,886
Other debtors	24	30	24	30
GST recoverable from Australian Taxation Office	2,525	1,607	2,525	1,607
Prepayments	1,974	826	1,974	826
Total Current	9,096	6,349	9,096	6,349

Non-Current

Sale of goods and services	11,193	10,482	11,193	10,482
Less: Allowance for expected credit loss	(1,836)	(746)	(1,836)	(746)
Total Non-Current	9,357	9,736	9,357	9,736

Movement in the allowance for expected credit loss

Balance at the beginning of the year	1,023	1,601	1,023	1,601
Amounts written off during the year	(607)	(281)	(607)	(281)
Amounts recovered during the year	1	2	1	2
Increase/(decrease) in allowance recognised in net result	1,863	(299)	1,863	-299
Balance at the end of the year	2,280	1,023	2,280	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 \$10.32m (2020–2021: \$9.1m) 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 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
At 30 June 2022 – fair value		
Gross carrying amount	53,827	53,827
Less: Accumulated depreciation and impairment	(41,510)	(41,510)
Net carrying amount	12,317	12,317

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	
	2022	2021	2022	2021
	\$'000	\$'000	\$'000	\$'000
Net carrying amount at beginning of year	10,736	9,505	10,736	9,505
Additions	2,493	2,608	2,493	2,608
Disposals	(5)	(1)	(5)	(1)
Transfers ⁽¹⁾	2,243	1,935	2,243	1,935
Depreciation expense asset owned	(3,150)	(3,311)	(3,150)	(3,311)
Net carrying amount at end of year	12,317	10,736	12,317	10,736

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

(1) Transfers are from assets under construction where construction is complete.

Plant and equipment classification

Office equipment	796	421	796	421
IT hardware	643	994	643	994
Leasehold improvements	10,878	9,321	10,878	9,321
	12,317	10,736	12,317	10,736

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 Australian Accounting Standards.

Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at measurement date.

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).

	2022	2021
Applicable depreciation rates for each class of depreciable assets are listed below:	%	%
Computer equipment	20 – 25	20 – 25
Office equipment	15 – 25	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

The Commission has elected to present right-of-use assets separately in the Statement of Financial Position. Further information on leases is contained at Note 10.

Service concession in assets

Service concession arrangements (SCAs) are contracts between a grantor and an operator where an operator provides public services related to a service concession asset on behalf of a public sector grantor for a specified period of time and manages at least some of those services.

Based on the Commission's assessment, there are no SCAs that fall in the scope of AASB 1059.

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.

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.

The Commission's plant and equipment are non-specialised assets with short useful lives and are measured at depreciated historical cost, as an approximation of fair value. The Commission has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

Impairment of plant and equipment

As a not-for-profit entity with no cash-generating units, impairment under AASB 136 Impairment of Assets is unlikely to arise. As plant and equipment is carried at fair value, or an amount that approximates fair value, impairment can only arise in rare circumstances such as where the costs of disposal are material.

The Commission assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the Commission estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount.

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 and motor vehicles. Lease contracts are typically made for fixed periods of one 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). 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.

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.

During the financial year ended 30 June 2022, the entity has accepted the changes in the office accommodation arrangements with PDNSW. The main change is the introduction of the 'substitution right' clause for PDNSW to relocate the entity during the term of the agreement. The clause provides PDNSW with a substantive substitution right. Therefore, these agreements are no longer accounted for as a lease within the scope of AASB 16.

The corresponding right-of-use assets and lease liabilities have been derecognised on 30 June 2022, the effective date of the new clause. The net impact of the derecognition is recognised in Other Gains/(Losses) (refer to Note 5). From 1 July 2022, the accommodation charges will be recognised as expenses when incurred over the agreement duration.

The entity continues to carry the responsibility to make good, and to control the fit-out during the remaining occupancy period as the entity receives the economic benefits from using the fit-out or expected compensation from PDNSW upon relocation. The incentives received prior to the 30 June 2022 apply to the remaining occupancy period. Therefore, the entity's accounting treatment for make-good provision and fit-out costs in relation to the relevant accommodation remains unchanged. A liability in relation to the amortised balance of incentives received has been recognised as a liability as at 30 June 2022 and will be amortised during the remaining occupancy period.

The following table presents right-of-use assets.

Right-of-use assets under leases	Plant and Equipment \$'000
Balance 1 July 2021	66,773
Additions and/or reassessment of leases	9,556
Depreciation expense right-of-use asset	(11,633)
Derecognition of right-of-use asset	(63,733)
Balance 30 June 2022	963
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

Lease liabilities – borrowings

The following table presents liabilities under leases.

	2022 \$'000	2021 \$'000
Balance 1 July	68,820	71,029
Additions and/or reassessment of leases	9,557	7,541
Interest expense on lease liabilities	1,525	1,610
Payments	(12,507)	(11,360)
Derecognition of lease liabilities	(66,221)	–
Balance 30 June (see Note 13)	1,174	68,820

Additions and/or reassessment of leases are a result of PDNSW 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:

	2022	2021
	\$'000	\$'000
Depreciation expense right-of-use asset	11,633	10,741
Interest expense on lease liabilities	1,525	1,610
Expense relating to short-term leases	731	959
Expense relating to low-value assets	282	386
Gains or losses arising from derecognising right-of-use assets and lease liabilities with Property and Development NSW	(2,488)	-
Total amount recognised in the statement of comprehensive income	11,683	13,695

The Commission had total cash outflows for leases of \$16.8m in FY2021–2022 (FY2020–2021 \$15.0m).

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 – two to five 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 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	
	2022	2021	2022	2021
	\$'000	\$'000	\$'000	\$'000
11 INTANGIBLE ASSETS				
At 1 July – 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
At 30 June – fair value				
Cost (gross carrying amount)	44,439	41,732	44,439	41,732
Less: Accumulated amortisation and impairment	(22,858)	(19,516)	(22,858)	(19,516)
Net carrying amount	21,581	22,216	21,581	22,216
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	22,216	23,530	22,216	23,530
Additions	5,550	4,398	5,550	4,398
Transfers to plant and equipment	(2,243)	(1,935)	(2,243)	(1,935)
Amortisation (recognised 'indepresiasiation and amortisation')	(3,942)	(3,777)	(3,942)	(3,777)
Net carrying amount at end of year	21,581	22,216	21,581	22,216
Intangible assets classification				
IT software	19,743	16,518	19,743	16,518
IT software and hardware under construction	1,838	5,698	1,838	5,698
	21,581	22,216	21,581	22,216

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 four to 10 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.

	Consolidated		Commission	
	2022 \$'000	2021 \$'000	2022 \$'00	2021 \$'000
12 CURRENT LIABILITIES – PAYABLES				
Accrued salaries, wages and on-costs	2,814	1,993	-	-
Legal Aid Commission Staff Agency – accrued salaries, wages and on-costs	-	-	2,814	1,993
Creditors	1,395	2,362	1,395	2,362
Accrued expenses	2,795	3,870	2,795	3,870
Unearned revenue	-	-	-	-
Accrual of estimated legal expenses ⁽¹⁾	15,321	12,350	15,321	12,350
Total (see Note 10)	22,325	20,575	22,325	20,575

(1) The Commission has accrued the cost of work in progress by external legal practitioners using calculations performed by an actuary. The actuary was able to satisfactorily reconcile historical payment information received at June 2022 with that received 12 months earlier and Legal Aid NSW has undertaken an independent reconciliation of payments made in the last 12 months. The liability is calculated using the Paid Chain Ladder (PCL) method which analyses the past pattern of payments to predict future payments. The actuary has made no allowance for the impact of inflating or discounting the value of Outstanding Creditors. Given the relatively short-term nature of payments for this type of business, the effects of inflating and discounting do not have a material effect on the valuation result.

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.

13 CURRENT/NON-CURRENT LIABILITIES – BORROWINGS

Lease liability – current	612	8,707	612	8,707
Lease liability – non-current	562	60,113	562	60,113
Total (see Note 10)	1,174	68,820	1,174	68,820

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	11,390	10,845	-	-
Annual leave expected to be taken after 12 months	2,353	2,240		
Provision for related on-costs	8,056	7,117	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	21,799	20,202
Total Current	21,799	20,202	21,799	20,202

	Consolidated		Commission	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
Non-Current				
Employee benefits and related on-costs				
Provision for related on-costs	427	339	-	-
Legal Aid Commission Staff Agency – provision for personnel services	-	-	427	339
	427	339	427	339
Other provisions				
Restoration costs *	6,783	5,757	6,783	5,757
	6,783	5,757	6,783	5,757
Total non-current provisions	7,210	6,096	7,210	6,096

* Restoration costs refer 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.

Aggregate employee benefits and related on-costs

Provisions – current	21,799	20,202	-	-
Provisions – non-current	427	339	-	-
Accrued salaries, wages and on-costs (Note 12)	2,814	1,993	-	-
	25,040	22,534	-	-

Movements in provisions (other than employee benefits)

Restoration provision

Carrying amount at start of financial year	5,757	5,589	5,757	5,589
Additional provisions recognised	252	60	252	60
Amounts used or reduction in provision	-	-	-	-
Unwinding/change in the discount rate	774	108	774	108
Carrying amount at end of financial year	6,783	5,757	6,783	5,757

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 the 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 12 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 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. Legal Aid NSW has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within

12 months as the Commission does not have an unconditional right to defer settlement.

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

Long service leave and superannuation

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown 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 3.66% (2021 1.4%), 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	
	2022	2021	2022	2021
	\$'000	\$'000	\$'000	\$'000
Not later than one year (to be determined at year end)	891	721	891	721
Total (including GST)	891	721	891	721

The total commitments above include input tax credits of \$0.8m (2020–2021: \$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 (2020–2021: \$0).

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 total surplus result for the year of \$13.5m (2020–2021 deficit of \$11.3m) shows a \$16.7m favourable variance to the original budget deficit of \$3.2m. The main contributors to the surplus are: grants and contribution revenue of \$425m which is higher than budget by \$30m mainly attributable to the National Legal Assistance Partnership; sale of goods and services of \$7.7m is higher than budget by \$3.6m.

Major expense variances are: employee-related expenses of \$161.6m against budget of \$163.8m; services provided by private practitioners of \$146m exceeded budget by \$6m; other operating expenses of \$20.8m were \$2.7m less than budget.

Assets and liabilities

Actual net assets of \$35.3m is more than the budget due to the favourable operating result. The main contributors are: cash and cash equivalent of \$34.5m is \$20m more than the budget of \$14.2m; receivables of \$16.3m exceed the total budget by \$1.2m; right-of-use assets has decreased significantly from the prior year due to de-recognition of the leased assets arising from Property and Development NSW's assessment of individual lease liabilities. The movement in these balances is shown in Note 10. These adjustments correlate to a reduction in borrowings in Note 13.

Payables are predominantly in line with budget, provisions of \$29.0m are predominantly in line with budget and comprise employee benefits and related costs of \$22.8m and restoration costs of \$6.8m being office accommodation make good.

Cash flows

The net surplus of cash flow from operating activities was \$34.1m compared to the budget of \$14.9m due to the favourable operating result. Total operating activities receipts were \$484.0m compared to operating activities payments of \$449.8m. The net cash flow from investing activities was \$8.8m compared to the budget of \$5.8m due to additional funding. The closing cash actual balance of \$34.4m was \$20m higher than budget.

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	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
Net cash used on operating activities	33,172	13,880	33,172	13,880
Depreciation and amortisation expense	(18,725)	(17,829)	(18,725)	(17,829)
Interest expense from lease liabilities	(1,525)	(1,609)	(1,525)	(1,609)
Derecognition of right-of-use assets and lease liabilities with Property and Development NSW	2,488	-	2,488	-
Decrease/(increase) in provisions	(2,711)	(956)	(2,711)	(956)
Decrease/(increase) in creditors	(1,527)	(5,459)	(1,527)	(5,459)
Increase/(decrease) in prepayments and other assets	2,368	644	2,368	644
Net Gain/(Loss) on disposal of plant and equipment	(5)	(1)	(5)	(1)
Net Result	13,535	(11,330)	13,535	(11,330)

20 TRUST FUNDS

The Legal Aid Commission of NSW does not control the funds in the following Trust Account:

Legal Aid Commission Trust Account (1)	2022 \$'000	2021 \$'000
Cash balance at the beginning of the financial year	865	204
Add: Receipts	3,528	2,615
Less: Expenditure	(2,824)	(1,954)
Cash balance at the end of the financial year	1,569	865

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 monies 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 2022 \$'000	Carrying Amount 2021 \$'000
Financial assets				
Class:				
Cash and Cash equivalents	7	Amortised cost	34,490	21,644
Receivables (1)	8	Amortised cost	13,954	13,652
Financial liabilities				
Class:				
Payables (2)	12	Financial liabilities measured at amortised cost	22,232	20,730

(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:

- the Commission has transferred substantially all the risks and rewards of the asset, 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 pass-through 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.

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 has calculated the value of debtors' impairment of receivables using calculations performed by an actuary. The actuary was supplied with individual contributions data for each client and individual repayment information as at 30 June 2022. The actuary subdivided the debtors' portfolio into two groups (secured and unsecured) and made separate estimates of the outstanding legal debtors for each group. The actuary estimated the value of the debt for each cohort using the incurred cost development method. The incurred cost development method estimates the ultimate incurred cost of debts in each contribution period by analysing the past pattern of debt development and estimating a pattern for the future. Further to this, as future repayments will be made over a number of years, the actuary has discounted the expected future contributions to calculate a present value as at 30 June 2022. The discount rate was assumed to be 3.65% p.a. for secured debtors and 3.22% p.a. for unsecured debtors, derived from prevailing yields on Commonwealth government bonds as at the balance date.

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:

	01/01/2022 to 30/06/2022	01/07/2021 to 31/12/2021
Overdue debt (section 71A of <i>Legal Aid Commission Act 1979</i>)	3.05%	3.05%
Local Court judgments (section 101 of <i>Civil Procedure Act 2005</i>)	6.10%	6.10%
Family Court judgments (section 117B of <i>Family Law Act</i>)	6.10%	6.10%

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 who are not past due (2022: \$0.373m 2021: \$0.547m) and not less than one month past due (2022: \$1.587m 2021: \$1.352m) are not considered impaired and together these represent 12.64% of the total debtors (2021: 13.9%).

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
2022			
< 3 months overdue	2,344	2,344	-
3 months – 6 months overdue	664	220	444
> 6 months overdue	12,412	10,576	1,836
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

(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.

Maturity analysis and interest rate exposure of financial liabilities:	Consolidated and Commission			
	Nominal amount ⁽¹⁾ \$'000	Maturity < 1 year \$'000	Maturity 1 to 5 years \$'000	Maturity > 5 years \$'000
2022				
Payables				
Accounts payables	22,232	22,232	-	-
Borrowings				
Lease liabilities	1,174	612	562	-
2021				
Payables				
Accounts payable	20,730	20,730	-	-
Borrowings				
Lease liabilities	68,820	8,707	42,550	17,563

(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 NSW 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.

(f) Uncertainty in WIP and Debtor valuation

The actuarial assessment of WIP and Debtors includes a sensitivity analysis (see table below). This analysis is intended to provide an indication of the general level of uncertainty within the actuarial valuation. It should be noted that these sensitivities are illustrations only – they are not necessarily mutually exclusive and outcomes outside of these ranges are possible. As can be seen from the table below:

- For the assessment of outstanding legal creditors (WIP), the actuarial valuation assumes work was completed on average half way between the service from and service to date (if available) or the start and end date as denoted on the invoice. If this assumption was changed to allow for disruptions in the schedule of work between the start and end dates, the liability may also change by around \$2m.
- For the assessment of outstanding legal debtors, a 1% (absolute) increase in discount rates will decrease the value of the secured debtors' asset by \$0.5m.

Sensitivity Analysis

		Net provision	Impact	
		\$m	\$m	%
Creditors				
Base scenario (Work completed and date assumed to be midway between Start and End date)		15.1		
Work completed and date assumed to be 2/5ths between Start and End date		17.0	1.9	13
Work completed and date assumed to be 3/5ths between Start and End date		12.7	(2.3)	-16
Secured Debtors				
Base scenario		8.8		
Ultimate debt recoverability	-2%	8.5	(0.3)	-3
	+1%	8.3	(0.5)	-6
Discount rate (absolute change)	- 1%	9.3	0.6	6

22 RELATED PARTY DISCLOSURE

The Commission's key management personnel compensation is as follows:

	2022	2021
	\$'000	\$'000
Short-term employee benefits:		
Salaries	637	589
Total Remuneration	637	589

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, no transactions were entered into 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, and
- 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 99.58% of invoices received within 30 days in 2021–22, an increase compared with 99.46% in 2020–21.

Period	2021–22		2020–21	
	Invoices	%	Invoices	%
Within 30 days	145,555	99.58%	147,342	99.46%
Over 30 days	620	0.42%	803	0.54%
Total	146,175	100%	148,145	100%

Accounts paid within 30 days by quarter is as follows.

Accounts paid within 30 days by quarter	Target %	Achieved %	Amount paid within 30 days \$'000	Total amount paid \$'000
September	100.00	99.51%	74,254	76,699
December	100.00	99.61%	61,792	62,230
March	100.00	99.54%	75,665	76,736
June	100.00	99.63%	74,171	75,077

(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	2,556	0	1	1
December	1,002	0	1	1
March	2,815	142	2	1
June	1,347	0	0	48

(c) Consultancies

Consultancy projects equal to or more than \$50,000:

Nil

Consultancy projects less than \$50,000

Legal Aid NSW engaged eight consultants for individual projects costing less than \$50,000 per project during 2021–22. The total cost of these consultancies was \$132,000. This was less than the 2020–21 total cost of \$171,000.

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 2021–22 premium for workers compensation insurance decreased by 9% from \$609,700 to \$556,071 in 2021–22. The premium for the other insurance types increased to \$274,348, compared to \$236,000 in 2020–21.

Motor vehicle claims

The number of motor vehicle claims in 2021–22 was 14, an increase/decrease compared to the number of six in 2020–21. This incurred a net cost of \$35,160.28, an increase/decrease compared with a net cost of \$31,785.26 in 2020–21. The average number of vehicles in the Legal Aid NSW fleet is 79, an increase compared with 75 in 2020–21. This results in an average claim cost per vehicle of \$2,511.45 compared with \$5,297.54 in 2020–2021.

The 2021–2022 deposit premium for motor vehicles was \$74,000, an increase compared with the 2020–21 deposit premium of \$62,800.

Investment performance

Legal Aid NSW is authorised under section 65 of the *Legal Aid Commission Act 1979* (NSW) to invest funds that are not immediately required. The avenues of investment are restricted to any securities approved by the Treasurer on the recommendation of the Minister. Legal Aid NSW is part of the Treasury Banking System. Legal Aid NSW provides for its daily expenditure needs via an on-call bank account. Legal Aid NSW's current banker is the Westpac Banking Corporation.

Appendices

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Appendix 1 Human resources information

FTE staff as at 30 June 2022

Central Sydney	670.9
Metropolitan offices	464.8
Regional offices	176.9
Total staff FTE	1312.5

FTE staff as at 30 June 2022

CEO/Executive	17.0
Legal officers	675.7
Legal admin support staff	619.8
Total staff FTE	1312.5

Number of actual staff by employment type

	2019–20	2020–21	2021–22
Ongoing full-time	831	873	1,031
Ongoing part-time	230	247	114
Temporary full-time	222	209	179
Temporary part-time	62	81	67
Contract Executive	10	13	11
Non-Executive	0	0	0
Casual	0	12	7
Other	5	5	19
Total	1,360	1,440	1,428

Number of actual staff by type of work

	Central Sydney	Metropolitan	Regional	Total
Lawyers	312	296	122	730
Administration	405	224	69	698
Total	717	520	191	1,428

Number of Executive roles

Band	Salary range (\$)	Average remuneration		2020–21		2021–22	
		2020–21	2021–22	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$374,151	\$487,024	\$374,151	0	1	1	0
Band 2 (Executive Director)	\$282,166	\$311,172	\$282,166	2	0	0	1
Band 1 (Director)	(\$179,455 - \$266, 752)	\$231,650	\$226,015	7	3	11	4
Total				9	4	12	5

Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups*	2019–20	2020–21	2021–22
Men	322	330	306
Women	1,037	1,109	1,121
Unspecified gender**	1	1	1
Aboriginal and Torres Strait Islander people	83	87	98
People from racial, ethnic, ethno-religious minority groups	294	310	324
People whose first language is not English	195	208	213
People with disability	86	97	103
People with disability requiring a work-related adjustment	17	21	24
Total staff	1,360	1,440	1,428

* Data includes casual staff.

**We are working with the NSW Public Service Commission to change the way we use language and ask employees about their gender identity, gender expression and pronouns across the sector in order to 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 (%)	2019–20	2020–21	2021–22
Women	50.0%	76.2	77.1	78.5
Aboriginal and Torres Strait Islander people	3.3%	8.0	8.1	8.7
People whose first language spoken as a child was not English	23.2%	20.3	19.9	19.7
People with disability	5.6%	9.1	9.4	9.4
People with disability requiring a work-related adjustment	N/A	1.8	2.0	2.3

Table 2: Trends in the distribution of workforce diversity groups

Distribution index

Workforce diversity group	Benchmark or target (%)	2019–20	2020–21	2021–22
Women	100	92	93	93
Aboriginal and Torres Strait Islander people	100	89	88	86
People whose first language spoken as a child was not English	100	98	97	98
People with disability	100	101	97	100
People with disability requiring a work-related adjustment	100	103	98	104

Staff numbers as at 30 June 2022.

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 (\$)
Burwood	Burwood Community Welfare Services	946,306		75,632	1,021,939
Central Coast	Central Coast Domestic Violence Court Advocacy Service Inc	1,181,130		94,400	1,275,530
Central North-West	Mission Australia	309,028		9,657	318,685
Central North-West	Housing Plus	154,514		27,391	181,905
Central West	Housing Plus	1,054,353		84,268	1,138,621
Coffs-Clarence	Warrina Women and Children's Refuge Co-operative Society	1,122,015		87,380	1,209,395
Cumberland	Western Sydney Community Legal Centre Inc	1,120,667	269,762	89,568	1,479,997
Far West	Far West Community Legal Centre	506,238		40,460	546,698
Hunter Valley	Carrie's Place Women's and Children's Services	1,397,767		111,715	1,509,482
Illawarra	Wollongong Women's Information Service	1,235,081	134,881	98,712	1,468,674
Macarthur	Macarthur Legal Centre	931,690		624,464	1,556,154
Mid-Coast	Mid-Coast Women's Domestic Violence Court Advocacy Inc	1,075,067		88,219	1,163,286
Monaro-Hume	Molonglo Women's and Children's Services	560,767		44,819	605,586
Murray River	Linking Communities Network Ltd	596,965		47,712	644,676
Murrumbidgee	Linking Communities Network Ltd	481,503		38,483	519,986
Nepean-Blue Mountains	Penrith Women's Health Centre	1,415,117		113,101	1,528,218
New England	Tamworth Family Support Service	736,264		58,845	795,109
Newcastle	Hunter Women's Domestic Violence Court Service Inc	1,400,171	134,881	111,907	1,646,959
North West Sydney	Blacktown Women's and Girls Health Centre	1,777,111		142,033	1,919,144
Northern Rivers	Northern Rivers Community Legal Centre	1,288,849		103,468	1,392,318
Northern Sydney	CatholicCare Broken Bay	940,554		75,173	1,015,726
Oxley	Tamworth Family Support Service	644,139		51,482	695,620
Riverina	Linking Communities Network Ltd	603,084		498,201	1,101,285
South Coast	Southern Women's Group	1,009,424		80,677	1,090,101
South West Sydney	South West Sydney Legal Centre	2,087,453		166,837	2,254,290
Southern Sydney	Sutherland Shire Family Services (The Family Co)	1,216,451		97,223	1,313,675
Sydney	South West Sydney Legal Centre	1,617,234	134,881	129,255	1,881,371
Western	Housing Plus	943,101		75,376	1,018,477
Men's FASS	Relationships Australia NSW		589,594		589,594
Total		28,352,043	1,264,000	3,266,459	32,882,502

Macarthur and Riverina WDVCAS received \$1,000,000 in case management funding for clients with complex needs. This funding is included in the total funding column for these two WDVCASs.

WDVCASs received \$886,000 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 one-off Commonwealth funding to assist those experiencing domestic and family violence. This funding is included in the total funding column for each WDVCAS.

Appendix 4 Community Legal Centre Program funding

Community Legal Centre (CLC)	Commonwealth funding (\$)	Additional Commonwealth Funding (\$)	NSW Government and Public Purpose Fund funding (\$)	Total payments (\$)
Australian Centre for Disability Law	318,952	367,247	254,736	940,935
Central Coast Community Legal Centre	530,581	99,508	370,881	1,000,971
Central Tablelands and Blue Mountains Community Legal Centre	262,885	-	357,224	620,109
Community Legal Centres NSW	-	-	872,475	872,475
Community Restorative Centre (for the Court Support Scheme)	42,885	-	27,388	70,273
Environmental Defender's Office	-	-	202,443	202,443
Far West Community Legal Centre	549,344	-	255,073	804,417
Financial Rights Legal Centre	615,938	300,185	198,964	1,115,086
HIV/AIDS Legal Centre	109,453	-	327,416	436,869
Hume Riverina Community Legal Service	189,613	616,158	183,583	989,354
Hunter Community Legal Centre	720,901	-	539,942	1,260,843
Illawarra Legal Centre	595,494	-	352,689	948,183
Immigration Advice & Rights Centre	234,312	-	382,672	616,984
Inner City Legal Centre	227,272	133,390	450,621	811,283
Intellectual Disability Rights Service	-	-	130,000	130,000
Kingsford Legal Centre	328,398	434,279	512,603	1,275,280
Macarthur Legal Centre	544,252	-	544,329	1,088,581
Marrickville Legal Centre	491,151	-	376,190	867,341
Mid North Coast Community Legal Centre	557,375	266,000	489,732	1,313,107
North & North West Community Legal Service	567,295	-	272,137	839,431
Northern Rivers Community Legal Centre	586,538	117,575	207,720	911,833
Public Interest Advocacy Centre	148,315	-	187,752	336,067
Redfern Legal Centre	256,691	546,702	840,792	1,644,185
Refugee Advice & Casework Service	-	-	456,846	456,846
Seniors Rights Service	200,178	-	276,609	476,788
Shoalcoast Community Legal Centre	601,463	-	629,424	1,230,886
South West Sydney Legal Centre	668,020	-	704,310	1,372,330
Tenants' Union of NSW	97,503	-	187,380	284,883
University of Newcastle Legal Centre	-	-	232,000	232,000
Welfare Rights Centre	402,684	-	304,968	707,652
Western NSW Community Legal Centre	703,552	775,444	336,271	1,815,268
Western Sydney Community Legal Centre	1,295,365	-	973,063	2,268,428
Wirringa Baiya Aboriginal Women's Legal Centre	172,196	351,405	702,412	1,226,013
Women's Legal Service NSW	1,054,521	1,331,958	1,040,092	3,426,571
Total	13,073,126	5,339,851	14,180,737	32,593,714

Figures have been rounded off.

Commonwealth funding is provided through the National Legal Assistance Partnership 2020-25 (NLAP).

Commonwealth funding to Western NSW CLC includes funding to operate a Domestic Violence Unit.

Additional Commonwealth funding is provided through the Bilateral Schedule to the NLAP. Additional Commonwealth Funding is for services to support people with mental health conditions, people experiencing sexual harassment or discrimination in their workplace, and vulnerable women (including additional funding for the Western NSW CLC Domestic Violence Unit).

Commonwealth and NSW Government funding includes Social and Community Services Equal Remuneration Order supplementation payments.

The table above excludes \$164,200 of one-off Commonwealth Flood Assistance Funding paid to one CLC in 2021-22. It also excludes Commonwealth flood funding that will be paid to four CLCs in 2022-23.

The table above excludes \$4.5m of one-off NSW Government funding for domestic and family violence services to 22 CLCs. Funding was paid in 2021-22 for services to be delivered in 2022-23 and 2023-24.

The table above excludes funding allocated to program management costs such as fees for interpreter services and CLC data system access and maintenance.

Appendix 5 Legal practice operational statistics

Legal Aid NSW total	2019–20	2020–21	% change from previous year	2021–22	% change from previous year
Case matters					
Applications received	47,729	51,431	7.8%	47,760	-7.1%
Applications refused	9,633	8,809	-8.6%	7,206	-18.2%
In-house grants	12,955	12,829	-1.0%	10,675	-16.8%
Assigned grants	25,978	29,704	14.3%	26,372	-11.2%
Total case grants	38,933	42,533	9.2%	37,047	-12.9%
Grant rate	80.2%	82.8%	3.3%	83.7%	1.1%
Applications determined	48,566	51,342	5.7%	44,253	-13.8%
Applications undetermined at year end	923	1,273	37.9%	978	-23.2%
Grants finalised	34,390	37,601	9.3%	38,467	2.3%
Current grants on hand at year end	47,295	52,742	11.5%	51,484	-2.4%
Duty services					
In-house duty services	125,463	117,486	-6.4%	112,275	-4.4%
Assigned duty services	76,650	80,148	4.6%	77,932	-2.8%
Total duty services	202,113	197,634	-2.2%	190,207	-3.8%
Other services					
Advice	100,121	99,547	-0.6%	84,946	-14.7%
Minor assistance	24,880	19,456	-21.8%	20,709	6.4%
Extended legal assistance	950	1,061	11.7%	1,149	8.3%
Early resolution assistance	53	239	350.9%	2,500	946.0%
Information	196,435	170,981	-13.0%	86,873	-49.2%
Total other services	322,439	291,284	-9.7%	196,177	-32.7%
Total client services	563,485	531,451	-5.7%	423,431	-20.3%
Criminal law					
Case matters					
Applications received	29,984	33,877	13.0%	30,371	-10.3%
Applications refused	4,692	4,862	3.6%	4,176	-14.1%
In-house grants	9,889	9,887	0.0%	8,386	-15.2%
Assigned grants	15,863	19,066	20.2%	17,776	-6.8%
Total case grants	25,752	28,953	12.4%	26,162	-9.6%
Grant rate	84.6%	85.6%	1.2%	86.2%	0.7%
Applications determined	30,444	33,815	11.1%	30,338	-10.3%
Applications undetermined at year end	472	653	38.3%	616	-5.7%
Grants finalised	22,491	25,384	12.9%	25,780	1.6%
Current grants on hand at year end	23,565	27,434	16.4%	27,946	1.9%
Duty services					
In-house duty services	113,813	107,113	-5.9%	100,229	-6.4%
Assigned duty services	61,609	64,898	5.3%	64,250	-1.0%
Total duty services	175,422	172,011	-1.9%	164,479	-4.4%
Other services					
Advice	30,062	32,282	7.4%	28,089	-13.0%
Minor assistance	6,875	6,251	-9.1%	5,883	-5.9%
Extended legal assistance	84	88	4.8%	134	52.3%
Information	52,335	43,724	-16.5%	18,789	-57.0%
Total other services	89,356	82,345	-7.8%	52,895	-35.8%
Total client services	290,530	283,309	-2.5%	243,536	-14.0%

Civil law	2019–20	2020–21	% change from previous year	2021–22	% change from previous year
Case matters					
Applications received	2,272	2,175	-4.3%	2,909	33.7%
Applications refused	911	778	-14.6%	579	-25.6%
In-house grants	818	826	1.0%	790	-4.4%
Assigned grants	566	594	4.9%	622	4.7%
Total case grants	1,384	1,420	2.6%	1,412	-0.6%
Grant rate	60.3%	64.6%	7.1%	70.9%	9.8%
Applications determined	2,295	2,198	-4.2%	1,991	-9.4%
Applications undetermined at year end	47	32	-31.9%	33	3.1%
Grants finalised	1,247	1,333	6.9%	1,374	3.1%
Current grants on hand at year end	1,805	1,906	5.6%	1,927	1.1%
Duty services					
In-house duty services	2,122	1,463	-31.3%	1,035	-29.3%
Assigned duty services	12,855	12,927	0.6%	11,539	-10.7%
Total duty services	14,977	14,390	-3.9%	12,574	-12.6%
Other services					
Advice	37,627	32,958	-12.4%	30,151	-8.5%
Minor assistance	12,996	6,286	-51.6%	7,905	25.8%
Extended legal assistance	669	800	19.6%	919	14.9%
Early resolution assistance	-	15	N/A	2	-86.7%
Information	93,413	86,383	-7.5%	52,856	-38.8%
Total other services	144,705	126,442	-12.6%	91,833	-27.4%
Total client services	161,066	142,252	-11.7%	105,819	-25.6%

Family law	2019–20	2020–21	% change from previous year	2021–22	% change from previous year
Case matters					
Applications received	15,473	15,379	-0.6%	14,480	-5.8%
Applications refused	4,030	3,169	-21.4%	2,451	-22.7%
In-house grants	2,248	2,116	-5.9%	1,499	-29.2%
Assigned grants	9,549	10,044	5.2%	7,974	-20.6%
Total case grants	11,797	12,160	3.1%	9,473	-22.1%
Grant rate	74.5%	79.3%	6.5%	79.4%	0.2%
Applications determined	15,827	15,329	-3.1%	11,924	-22.2%
Applications undetermined at year end	404	588	45.5%	329	-44.0%
Grants finalised	10,652	10,884	2.2%	11,313	3.9%
Current grants on hand at year end	21,925	23,402	6.7%	21,611	-7.7%
Duty services					
In-house duty services	9,528	8,910	-6.5%	11,011	23.6%
Assigned duty services	2,186	2,323	6.3%	2,143	-7.7%
Total duty services	11,714	11,233	-4.1%	13,154	17.1%
Other services					
Advice	32,432	34,307	5.8%	26,706	-22.2%
Minor assistance	5,009	6,919	38.1%	6,921	0.0%
Extended legal assistance	197	173	-12.2%	96	-44.5%
Early resolution assistance	53	224	322.6%	2,498	1015.2%
Information	50,687	40,874	-19.4%	15,228	-62.7%
Total other services	88,378	82,497	-6.7%	51,449	-37.6%
Total client services	111,889	105,890	-5.4%	74,076	-30.0%

Commonwealth and State allocation of Legal Aid services	State matters	State matter %	Commonwealth matters	Commonwealth matter %	Total
Family law					
Grants	3,977	42.0%	5,496	58.0%	9,473
Duty appearances	7,144	54.3%	6,010	45.7%	13,154
Extended legal assistance	48	50.0%	48	50.0%	96
Early resolution assistance	4	0.2%	2,494	99.8%	2,498
Total	11,173	44.3%	14,048	55.7%	25,221
Criminal law					
Grants	25,671	98.1%	491	1.9%	26,162
Duty services	162,141	98.6%	2,338	1.4%	164,479
Extended legal assistance	67	50.0%	67	50.0%	134
Total	187,879	98.5%	2,896	1.5%	190,775
Civil law					
Grants	1,109	78.5%	303	21.5%	1,412
Duty services	12,556	99.9%	18	0.1%	12,574
Extended legal assistance	618	67.2%	301	32.8%	919
Early resolution assistance	2	100.0%	-	0.0%	2
Total	14,285	95.8%	622	4.2%	14,907
Legal Aid NSW total					
Grants	30,757	83.0%	6,290	17.0%	37,047
Duty services	181,841	95.6%	8,366	4.4%	190,207
Extended legal assistance	733	63.8%	416	36.2%	1,149
Early resolution assistance	6	0.2%	2,494	99.8%	2,500
Total	213,337	92.4%	17,566	7.6%	230,903

* A breakdown of information services by jurisdiction is not available.

In-house and private practitioner allocations of legal work	In-house practitioner	In-house practitioner %	Private practitioner	Private practitioner %	Total
Family law					
Duty services	11,011	83.7%	2,143	16.3%	13,154
Grants of legal aid	1,499	15.8%	7,974	84.2%	9,473
Total	12,510	55.3%	10,117	44.7%	22,627
Criminal law					
Duty services	100,229	60.9%	64,250	39.1%	164,479
Grants of legal aid	8,386	32.1%	17,776	67.9%	26,162
Total	108,615	57.0%	82,026	43.0%	190,641
Civil law					
Duty services	1,035	8.2%	11,539	91.8%	12,574
Grants of legal aid	790	55.9%	622	44.1%	1,412
Total	1,825	13.0%	12,161	87.0%	13,986
Legal Aid NSW total					
Duty services	112,275	59.0%	77,932	41.0%	190,207
Grants of legal aid	10,675	28.8%	26,372	71.2%	37,047
Total	122,950	54.1%	104,304	45.9%	227,254

Community legal education	2019–20	2020–21	% change from previous year	2021–22	% change from previous year
Criminal law	470	376	-20.0%	153	-59.3%
Family law	427	193	-54.8%	207	7.3%
Civil law	892	724	-18.8%	437	-39.6%
Total	1,789	1,293	-27.7%	797	-38.4%

Family dispute resolution	2019–20	2020–21	% change from previous year	2021–22	% change from previous year
Number of conferences	2,708	2,890	6.7%	3,086	6.8%
Agreements reached	2,061	2,223	7.9%	2,313	4.0%
Agreement rate	76.1%	76.9%	1.1%	75.0%	-2.5%

Appendix 6 Law reform submissions

In 2021–2022, Legal Aid NSW made 110 law reform submissions (37 public submissions, as listed below, and 73 confidential submissions) to a range of government and non-government consultations on issues that affect our clients and our organisation.

- Department of Customer Service’s review of the *Residential (Land Lease) Communities Act 2013*, July 2021.
- Draft Persons with Disability (Regulation of Restrictive Practices) Bill 2021, July 2021.
- Senate inquiry into the purpose, intent and adequacy of the Disability Support Pension, July 2021.
- Department of Communities and Justice’s review of sentencing for historical offences, July 2021.
- Senate inquiry into the Family Law Amendment (Federal Family Violence Orders) Bill 2021, July 2021.
- Draft Drug Misuse and Trafficking Regulation 2021, July 2021.
- NSW Law Reform Commission’s Open Justice Review – Court and tribunal information, August 2021.
- Treasury’s proposal paper on compensation scheme of last resort, August 2021.
- Australian Communications and Media Authority’s consultation paper on consumer vulnerability: expectations for the telecommunications industry, August 2021.
- Independent review of the Banking Code of Practice, August 2021.
- Commonwealth Attorney – General’s Department’s consultation paper on a national register of enduring powers of attorney, August 2021 (National Legal Aid).
- Children’s criminal records and spent convictions, September 2021.
- Legislative Council inquiry into the coronial jurisdiction in NSW, September 2021.
- Draft Treasury Laws Amendment (Measures for a Later Sitting) Bill 2021: Unfair contract terms, September 2021.
- Department of Communities and Justice’s consultation on additional proposed jury reforms, September 2021.
- Participant Service Guarantee and Other Measures Bill 2021, October 2021.
- Financial Services Council’s final consultation draft Life Insurance Code of Conduct, October 2021.
- Department of Prime Minister and Cabinet’s consultation on modernising document execution, October 2021.
- NSW Trustee and Guardian’s proposed fee changes, October 2021.
- Legislative Council inquiry into road tolling regimes in NSW – Response to questions on notice, October 2021.
- Australian Securities and Investments Commission’s review of the ePayments Code, November 2021.
- General Insurance Code Governance Committee’s proposed operational guidance on para 176 of the General Insurance Code of Practice, November 2021.
- Senate inquiry into the performance and integrity of Australia’s administrative review system, December 2021.
- Office of the Children’s Guardian’s review of accreditation and monitoring functions, December 2021.
- General Insurance Code Governance Committee’s proposed guidance note on ss 7.21 of the 2014 General Insurance Code of Practice and para 84 of the 2020 General Insurance Code of Practice, February 2022.
- Australian Securities and Investments Commission’s consultation paper and draft regulatory guide on consumer remediation, February 2022.
- Treasury’s consultation regulation impact statement on improving the effectiveness of the consumer guarantee and supplier indemnification provisions under the Australian Consumer Law, February 2022.
- Crimes and Other Legislation Amendment (Strengthening the Criminal Justice Response to Sexual Violence and Other Measures) Bill 2022, February 2022.
- Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2022, March 2022.
- Draft Children (Detention Centres) Amendment (Warrants) Regulation 2022, March 2022.
- NSW Sentencing Council’s review into sentencing for fraud and fraud-related offences, March 2022.
- Department of Customer Service’s review of the domestic violence provisions in the NSW Residential Tenancies Act, March 2022.
- Commonwealth Attorney-General’s Department’s paper on developing principles and model provisions for a more nationally consistent approach to enduring power of attorney laws, April 2022 (National Legal Aid submission).
- Department of Communities and Justice’s review of the Children and Young Persons (Care and Protection) Regulation 2012, May 2022.
- Crimes Amendment (Prohibition on Display of Nazi Symbols) Bill 2022, May 2022.
- Department of Communities and Justice’s consultation on recommendation 39 of the Respect @ Work report, May 2022.
- State Coroner’s Protocol: Supplementary arrangements applicable to section 23 deaths involving First Nations People, June 2022.

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 43 formal access applications. This number includes withdrawn and invalid applications.

Number of refused applications for Schedule 1 information

During the reporting period, our agency refused five 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	Refuse to confirm/deny whether information is held	Application withdrawn
Media	1	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	1	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (by legal representative)	12	6	1	4	0	0	0	1
Members of the public (other)	4	6	2	1	0	2	0	1
Total	17	12	3	5	0	3	0	2

* Excludes one record that was invalid. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Access applications (other than personal information applications)	1	2	0	0	0	2	0	0
Access applications that are partly personal information applications and partly other	0	2	1	0	0	1	0	0
Personal information applications*	16	8	2	5	0	0	0	2
Total	17	12	3	5	0	3	0	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	1
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	5
Excluded information	0
Documents affecting law enforcement and public safety	1
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Total	7

* 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 times consideration used
Responsible and effective government	4
Law enforcement and security	2
Individual rights, judicial processes and natural justice	17
Business interests of agencies and other persons	4
Environment, culture, economy and general matters	0
Secrecy provisions	4
Exempt documents under interstate Freedom of Information legislation	0
Total	31

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	38
Decided after 35 days (by agreement with applicant)	3
Not decided within time (deemed refusal)	0
Total	41

*excludes 2 records, 1 invalid and 1 withdrawn

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	1	1
Review by Information Commissioner*	0	1	1
Internal review following recommendation under section 93 of the Act	0	0	0
Review by NCAT	0	0	0
Total	0	2	2

* 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	5
Applications by persons to whom information the subject of access application relates (section 54 of the Act)	0
Total	5

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.

As an organisation, we aim to have a diverse and inclusive workforce and provide 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>8.9% of our case grant and in-house duty services were provided to clients born in non-English speaking countries. We spent \$1,634,496 (excl GST) on interpreting and translation services. 23.6% of our community legal education sessions were presented to multicultural audiences.</p> <p>Our panel member law practices speak 48 languages other than English. Our key information brochure, <i>How Legal Aid NSW can help you</i>, is available in 24 languages.</p>
	Targeted programs	<p>Legal Aid NSW provides a number of targeted programs working with clients from diverse communities:</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		<p>This year, the Legal Aid NSW Diversity, Equity and Inclusion Committee, chaired by the CEO, agreed to launch a comprehensive Diversity, Equity, and Inclusion Strategy in 2023 to align with the next Legal Aid NSW Strategic Plan.</p> <p>We will achieve this by:</p> <ul style="list-style-type: none"> • Benchmarking our progress as an organisation with diversity, equity, and inclusion • Establishing strong networks of engaged staff, including the creation of the new CALD staff network and the new Diverse Sexualities and Gender staff network • Delivering on priority projects, such as the Anti-Racism and Anti-Discrimination Project, delivered as part of Project Respect. <p>In 2021–2022 we have prioritised developing a robust evidence base and strong foundation to underpin the strategy.</p>
Leadership		<p>This year we introduced Project Respect. Project Respect is a broad program of work that aims to create a shared vision for the kind of Legal Aid NSW we all want to work at. Bringing together different voices, Project Respect will ensure our workplaces live up to our values of safety, belonging and respect.</p>
Engagement		<p>The Legal Aid NSW Refugee Service employs a community engagement officer to support refugee clients, manage stakeholder relationships with community organisations, and facilitate community legal education sessions for clients and service providers.</p>
Employment		<p>We developed the Hiring Managers Guide to Aboriginal and Torres Strait Islander targeted recruitment as a resource to guide managers through the key steps to running a culturally safe, successful targeted or identified recruitment.</p>

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	Your Story Disability Legal Support gives free independent legal support to people thinking about sharing 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 in each state and territory, including Legal Aid NSW. In the 2021–2022 financial year, Your Story received 3,550 calls, emails and website enquiries from people with disability, their families, friends and supporters. Your Story lawyers provided 4,622 legal services, including legal advice, support with private sessions, preparing submissions and at public hearings, and connecting clients with counselling, advocacy and other legal support. In 2021–2022, free prison phone lines were established in all states and territories for people with disability in youth detention centres and prisons to be able to access free legal advice about taking part in the Disability Royal Commission.
Employment	Legal Aid NSW has met the NSW Premier's Priority target of 5.6% of government sector roles held by people with disability. An estimated 7.2% of our staff identify as people with acknowledged disability.
Systems and processes	We developed the Managers Guide to Inclusive Practice to support managers in recruiting, supporting, and developing staff with disability. It brings together the guidance and resources needed to create an inclusive environment that enables all staff to thrive. The guide works in conjunction with the Legal Aid NSW Mentally Healthy Workplace framework and resources.
Community attitudes and behaviours	<p>Your Story travelled extensively across Australia delivering legal education to communities from Bunbury (WA) to Barcaldine (Qld), Malmsbury (Vic) to Manyallaluk (NT), Port Macquarie (NSW) to Port Augusta (SA), Gawanggal (ACT) to Geeveston (Tas), and everywhere in between. Since it was established in September 2019, Your Story has delivered 801 legal education events to the community on topics such as NDIS and discrimination in education and employment, and has developed 171 accessible legal information resources including Easy Read guides and videos in Auslan.</p> <p>Legal Aid NSW celebrated International Day of People with Disability with an all-staff event on Friday 3 December 2021. The event was organised and led by our reinvigorated staff disAbility Network, who are helping drive inclusive practice in our organisation.</p>

Appendix 9 Private law firm expenditure

Based on payments made for case and duty services during 2021–2022.

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 Ryan Payten Le	790,991	608	204,792	222	995,782	
2 Karim and Nicol Lawyers	692,119	794	223,103	274	915,222	
3 Ross Hill & Associate Solicitors	901,312	912	0	0	901,312	
4 Ark Law	765,864	1096	9,520	16	775,384	
5 Blomfield Legal	678,358	1228	91,393	134	769,751	
6 Phillip A Wilkins & Associates	698,850	1000	0	0	698,850	
7 Kathryn Renshall Pty Ltd	615,796	949	15,853	24	631,648	
8 Ramsland Laidler Solicitors	470,107	399	142,263	170	612,370	
9 Mark Whelan Lawyer Pty Ltd	577,740	836	12,311	22	590,051	
10 Tim Mara Solicitor	540,696	1190	12,750	26	553,446	
11 Scott Mackenzie Lawyers	421,701	444	113,304	240	535,006	
12 A A Criminal Lawyer	404,915	339	124,033	128	528,947	
13 O'Brien Criminal & Civil Law	480,049	434	35,813	35	515,862	
14 George Sten & Co	515,769	561	0	0	515,769	
15 Harpers Legal	460,859	1155	16,373	46	477,232	
16 El Baba Lawyers Pty Ltd	431,258	496	37,262	45	468,521	
17 Brian Samuel and Associates	435,413	627	510	1	435,923	
18 Longman Hill Solicitors	411,830	560	20,457	51	432,287	
19 Daniel Pace	425,296	164	4,343	4	429,639	
20 Rice More & Gibson	415,074	816	12,719	29	427,792	

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. Their work is facilitated by the Legal Aid Review Committee Secretariat in the Legal Aid NSW In-house Counsel Unit.

The committees are established under the *Legal Aid Commission Act 1979* (NSW). They determine appeals relating to legal aid applications that have been refused and grants of legal aid that have been terminated. The work of the committees is integral to the Legal Aid NSW appeal process. Committee members helped deliver excellent outcomes for Legal Aid NSW clients in 2021–22, and their work builds confidence in the integrity of our decision-making.

Legal Aid Review Committee members 2021–2022

Legal Aid Review Committee One

- Lucy Pinnock
- Brett Thomson
- Claudia Pendlebury
- Jeremy Styles (until November 2021)
- Jane Sanders
- Imogen Hogan (from April 2022)
- Paul Blacket SC
- Maria Good (until January 2022)
- Angela Stewart (from April 2022)
- Anna Buduls

Legal Aid Review Committee Two

- Marina Rizzo
- Kathleen Hainsworth
- Stephanie Koch
- Sharyn Hall SC
- Andrew Boog
- Anne Healey
- Pauline Mueller
- Rita Zammit

Legal Aid Review Committee Three

- Alexandra Brown
- Ellyse McGee
- Tracey Howe
- Pauline David
- Richard Pontello SC
- Jonathan Prowse
- Elena Berrocal Capdevila
- Brian Dalton

Family Law Legal Aid Review Committee One

- Christopher Frommer
- Anthea Tomlin
- Kushlani Sitsabesan
- Lorelle Longbottom
- Benjamin Bryant
- Paul Sansom SC
- Donald Sword
- Lina Rapone

Family Law Legal Aid Review Committee Two

- Nick Mitrevski
- Johanna Geddes
- David Nguyen
- Mark Whelan (until April 2022)
- Joplin Higgins (from April 2022)
- Christopher Othen
- Michelle Hayward (from April 2022)
- Melanie Faithfull
- Kathleen Lamoureux

Family Law Legal Aid Review Committee Three

- Michael Granziera
- Rebecca Atherton (until November 2021)
- Nicole Hailstone
- Claire Cantrall
- Martha Barnett
- Kayte Lewis
- Stephen van der Mye
- Helen Rogers

Decrease in appeals received by Legal Aid Review Committees

We recorded a significant decrease across family law, civil law and criminal law appeals this year compared to last year. The decrease can be attributed to a number of factors, including:

- improved client communication and organisation-wide participation in continuous business and quality improvements to Legal Aid Review Committee processes and reporting
- the new streamlined client service delivery model which includes reforms to our triage and pathways to a grant of aid, and
- policy changes exempting certain types of matters from the Means Test (incl Family Civil and Crime matter types) and introduction of ERA service type for early intervention mediation in family law matters (grant of aid no longer required for FDR).

Appeals allowed by Legal Aid Review Committees

There was a decrease in appeals allowed across all law types this year compared with last year. Again, this is attributable to policy changes exempting certain types of matters from the Means Test plus mediation in family law matters that no longer require a grant of aid. Prior to these policy changes, the abovementioned matter types had a right of appeal to the Legal Aid Review Committee.

The year ahead

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 aid.

Appeals and outcomes 2021/22

Law type	Allowed	Disallowed	Deferred	Not appellable	Withdrawn	Total appeals	Appeals allowed
Civil	1	64	2	0	2	69	1.5%
Criminal	9	123	15	96	6	249	3.6%
Family	8	274	11	0	3	296	2.7%
Total	18	461	28	96	11	614	2.9%

Appeals and outcomes over five years

Review outcome	2017–18	2018–19	2019–20	2020–21	2021–22
Appeal allowed	66	46	45	34	18
Appeal disallowed	822	882	786	681	461
Deferred	14	51	37	32	28
Not appellable	48	72	96	92	96
Withdrawn	24	12	31	21	11
Total	974	1,063	995	860	614

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We provide legal services through our network of 25 offices across Sydney and regional NSW, as well as two satellite offices in Bourke and Walgett.

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Central Sydney: 8.30am to 5.00pm
All other offices: 9.00am to 5.00pm

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