

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