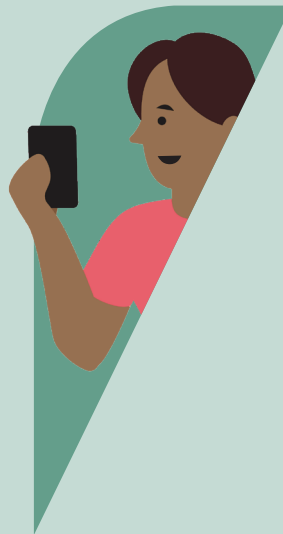


# Annual Report 2022–23



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## 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, a statewide phone legal service and a statewide information and referral phone and webchat service, LawAccess NSW.

We work 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. We also administer 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 people experiencing disadvantage, 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 NSW Attorney General 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 2018–23. To learn more about our five-year strategic plan, see page 24. This report incorporates the 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 20th Gold Award. This is our 44th annual report. It is available online, along with reports from earlier years, at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au).

### Acknowledgement of Country

Legal Aid NSW with our team at LawAccess NSW acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land and waters. We acknowledge and pay respects to their Elders, past and present. In our work, we are committed to advocating for the rights of Aboriginal and Torres Strait Islander people and communities.

The Hon. Michael Daley, MP  
Attorney General  
52 Martin Place, Sydney NSW 2000

Dear Attorney,

In accordance with section 13 (1) of the *Legal Aid Commission Act 1979* (NSW) and section 7.13 of the *Government Sector Finance Act 2018* (NSW) I am pleased to submit the Legal Aid NSW annual report for the year ended 30 June 2023 to you for presentation to Parliament.

Yours sincerely,



**Monique Hitter**

Chief Executive Officer  
October 2023

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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 NSW Attorney General, the Hon. Michael Daley, MP.



Women's Domestic Violence Court Advocacy Program Unit manager Alice Stiles, South West Sydney Women's Domestic Violence Court Advocacy Service manager Farah Assafiri, Premier The Hon Chris Minns and Domestic Violence Unit Solicitor in Charge Gabrielle Cantrall attend a press conference announcing \$7.5 million in additional funding for two pilot programs run by Women's Domestic Violence Court Advocacy Services.

## **Vision**

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

## **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 people living in disadvantage circumstances.

## **Outcomes**

Our strategic outcomes guided our efforts over the five-year period covered by the Legal Aid NSW Strategic Plan 2018–23. This report highlights initiatives we pursued during 2022–23 to progress our strategic outcomes.

## 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 Annual Report 2022–23.

This report outlines the outstanding work of Legal Aid NSW over the past 12 months. That work has been performed by the dedicated staff of Legal Aid NSW and private lawyers who undertake legal aid work. Thank you to the state and Commonwealth governments for the funding to ensure that people who are disadvantaged can obtain access to justice. I am sure that the annual report demonstrates the value for money on this investment.

I congratulate the Hon. Michael Daley on his appointment as the NSW Attorney General and wish him well in the role of First Law Officer. I also take this opportunity to acknowledge the Hon. Mark Speakman SC for his support of Legal Aid NSW during his six-year tenure as Attorney General.

While there has been continued improvement in client services, staff support and governance this year, there have also been challenges. A staff shortage due to a very competitive employment market has caused difficulties, as has a shortage of private practitioners in some areas. The Board is conscious of the impact this has had on the workloads of Legal Aid NSW staff in delivering high-quality services during this period and is very appreciative of their commitment. The Board is kept informed of strategies to ameliorate these issues.

This year was the final year of our Strategic Plan 2018–23. It was a transformational plan for service delivery to our clients, the positive results of which are reflected in our client satisfaction surveys. On 27 June 2023, the Board approved the Legal Aid NSW Strategic Plan for 2023–28. The plan was developed through a robust process of review, consultation and staff engagement. It establishes the vision for Legal Aid NSW, where we want to be over the next five years and how we plan to get there. The Board will closely monitor the implementation of the plan and the outcomes it achieves.

In August 2022, Project Respect was launched. It is a broad program of work aimed at creating a shared vision for the kind of Legal Aid NSW staff wish to work at and focuses on implementing workplace policies, systems and processes that will create a fair, respectful and inclusive workplace. On 20 August 2022, the Board established a special consultative committee to guide and advise us and the CEO on developing and implementing Project Respect. I thank Ms Tasneem Chopra OAM for her leadership as co-chair of this committee and the other members for their input and expertise.

On 9 June 2023, the new Legal Aid NSW website was launched. I commend everyone involved for their hard work. The website is co-branded with LawAccess NSW and helps demystify the law for anyone with a legal issue. Launching the LawAccess NSW webchat function offers our



clients a way to avoid call queues and quickly get the help they need. Our efforts to find ways to better connect with our clients continued with the pilot of the defendant portal giving people issued with a Court Attendance Notice at five sites (Bankstown, Blacktown, Mt Druitt, Penrith and Sutherland) direct access to an advice clinic booking through a QR code.

Community Legal Centres (CLCs) continue to make a significant contribution to the legal assistance sector. Funding for the community legal sector has increased in recent years and helps CLCs provide free legal help to more than 35,000 people experiencing disadvantage each year.

Another important piece of work is the review of the National Legal Assistance Partnership 2020–2025 by the Commonwealth Attorney-General's Department. I acknowledge the work that has been and will be completed as part of this review, which will determine our ongoing funding arrangements.

Funding issues for the Aboriginal Legal Service (NSW/ACT) came to a head in May 2023 when the ALS implemented a service freeze at 13 local courts. Legal Aid NSW has worked with the ALS to extend our services for Aboriginal people appearing before those courts. Some clients were assigned to private practitioners due to consequential workload pressures on Legal Aid NSW solicitors. The Board is monitoring the impact on Legal Aid NSW.

A Legal Aid NSW Civil Law Blueprint has been established to improve the lives of people experiencing deep and persistent disadvantage or dislocation by using civil law to meet their fundamental needs. I applaud the work of the Civil Law Division in this endeavour and look forward to seeing the results of this important initiative. Over 25 per cent of our civil law clients are Aboriginal people experiencing significant disadvantage.

Thank you to my colleagues on both the Board and the Audit and Risk Committee for your commitment to applying your expertise to your roles and responsibilities. Legal Aid NSW is well served by this impressive group of people.

On 31 March 2023, the Board approved a revised Board Charter. This charter is intended to convey in plain words the statutory, common law and general administrative requirements that apply to the Board. You can download a copy of the charter on the Legal Aid NSW website at [www.legalaid.nsw.gov.au/about-us/our-board](http://www.legalaid.nsw.gov.au/about-us/our-board).

Finally, on behalf of the Board I acknowledge the one-year anniversary of the appointment of Monique Hitter as CEO and thank her for her outstanding leadership of Legal Aid NSW and the support she provides the Board.



**Craig Smith**

Chair, Legal Aid NSW

## CEO's report



I acknowledge and pay my respects to the Traditional Owners and Custodians on whose land we live and work across NSW on the country of the Wiradjuri, Dharawal, Darkinjung, Yuin, Kamilaroi, Bundjalung, Gumbangirr, Biripi, Awabakal, Dhurug, Gadigal, Paakingdji, Ngemba and Dhungutti. I pay my respects to Elders past who have paved the way for future generations through their resistance and resilience; Elders present who continue to share their wisdom, knowledge and strength to protect and sustain their families and culture; and I acknowledge our emerging Elders, our Aboriginal staff and colleagues who are leading and contributing to shaping not only our organisation and the way we work with Aboriginal clients, but the wider legal system.

It is my pleasure to present Legal Aid NSW's Annual Report for 2022–23. This report tells a story of an organisation that is resolutely committed to social justice and to 'doing justice'. We provide vital, high-quality legal advice and advocacy every day in courts, tribunals, community centres, health services and our Legal Aid offices across NSW. We advocate for our clients through our written legal and law reform submissions and share our expertise and insights from the front line in joint working groups focused on Closing the Gap, legislative reform and almost everything in between.

This annual report outlines our key organisational governance information and data, and provides a snapshot of our client service highlights and achievements over the last year. Behind every statistic in this report, such as the number of Aboriginal clients, young people or people from a regional or remote area that we have assisted, is a story of someone who was touched in some way by the care, compassion and advocacy of our organisation in one form or another. We share some of these stories in the following pages, but there are many more.

I am deeply proud of my Legal Aid NSW colleagues and the exceptional legal advice, assistance and representation that they provide. Legal Aid NSW plays an essential role in our legal system, enabling it to function smoothly and efficiently. We ensure that members of the NSW community experience equality before the law, including those who are vulnerable and disadvantaged in our community. Every member of our team is vital to fulfilling this role in our community, and I thank them all for their incredibly hard work over the last year.

As this report evidences, we continue to work alongside those advocating for, trialling and standing up for new and innovative approaches to justice that ensure our legal system is not just client-centred, but human-centred. We are very committed to working with our partners in parliament, government, the Aboriginal-controlled and community legal sector, and other interlinking social sectors to continue improving the justice system's effectiveness. We remain ready to expand, explore and establish new and existing evidence-based approaches to delivering justice in NSW.

## **Strategic plan**

We recently introduced the Legal Aid Strategic Plan for 2023–28. Close to 200 staff members directly shaped our strategic goals for the five years to come. Their voices came from all parts of Legal Aid NSW, across all levels – they represent our legal officers, administrative workforce, corporate services, staff networks, leaders and newcomers, from city to country to coast.

The focus of our previous five-year strategic plan was to transform our service delivery to clients. It provided the direction we needed to action a wide range of ambitious changes in our organisation. The new strategic plan will be equally transformative, centrally focusing on supporting and investing in our people. Some of the projects include developing a Wellbeing Strategy to support staff wellbeing, ensure their health is paramount and strengthen cultural safety for our staff through a dedicated internal dispute resolution model and targeted strategies to promote inclusivity, diversity and respect.

## **Closing the Gap**

In September 2022, we launched the Closing the Gap Project Board to provide a high-level, Aboriginal-led decision-making voice to support, monitor and guide Legal Aid NSW's contributions to Closing the Gap priority reforms and targets. The Project Board and the Closing the Gap Working Group meet regularly to ensure organisation-wide consistency and collaboration in developing and progressing Closing the Gap initiatives. The existing initiatives set out in the Closing the Gap program of work are only the start – new initiatives continue to be added.

I would like to take this opportunity to acknowledge and thank the Department of Communities and Justice, particularly Transforming Aboriginal Outcomes, and the Aboriginal Legal Service (NSW/ACT), for their leadership in the Closing the Gap work being undertaken in NSW. We remain steadfast in our support for their vital role and contribution in the legal assistance sector and our commitment to partnering with them to deliver the change we need to see in our justice system and beyond for Aboriginal clients and communities.

## **Project Respect**

We have been on an incredibly important journey as an organisation to unearth and acknowledge where and how we can do better to recognise, support and value the full diversity of staff at Legal Aid NSW. We have been through a process of deep listening and learning over the past year which has produced a detailed plan of action to implement that will support and develop a fair, respectful and inclusive workplace culture.

I look forward to continuing this work over the next 12 months including developing a new complaints model.

## **Panel lawyers and regional communities**

I acknowledge the continued and essential role that private practitioners play in delivering legal services to our clients across NSW, particularly in regional areas. In some regional areas,

we are entirely reliant on private lawyers to deliver services to local clients. Even in areas where we have offices, we rely on private practitioners to help us deliver services to our clients. I thank the private practitioners who enable us to ensure access to justice across the state, and I look forward to exploring ways we can continue encouraging lawyers to join our panels.

Our presence in regional areas continues to grow. In 2016, we opened a satellite office in Broken Hill. Since then, we have increased the number of full-time staff, and in 2023, we opened a full-service shopfront office that provides family, civil and criminal law services. We look forward to working with the private profession in the coming year to deliver services to as many clients as possible.

### **One Legal Aid**

It has been just over one year since we launched the new One Legal Aid streamlined client service delivery model. Over the past year, the One Legal Aid model has continued to demonstrate its worth, helping us reduce call volumes organisation-wide and provide our clients with a better experience when they first come to us for help. In response to feedback, we refreshed the model and created new and better support resources for staff. We have also launched a brand-new website with LawAccess NSW.

### **Legal Support Officer uplift**

Our organisation continues to grow each year, and this year was no exception. Our organisation is the largest legal aid commission and one of the largest legal practices in Australia.

Our solicitors in charge and office managers continue to emphasise the increasing demands that have been placed on our administrative staff. In acknowledgment of the increasingly complex work done by our legal support officers, in June 2023, we announced the creation of a new higher-graded administrative support role for teams and offices delivering frontline legal services to clients. This higher-graded role will take on the more complex triage and intake processes in administrative support to legal practices.

The structure of our administrative support workforce must recognise the skills and capabilities needed to perform their role. It is also important that we can attract and retain skilled administrative support staff who are a valued and essential part of our organisation.

### **The year ahead**

With each new year, we face new challenges and opportunities.

Front of mind for the Executive in the coming year is the need for us to support the wellbeing of our staff, providing legal services to clients with complex needs with very limited resources. Demand for legal assistance continues to increase, placing increased pressure on our frontline and in-house staff. As an Executive, we are very cognisant of the need to support the

wellbeing of our staff and are acutely aware of the need to support and retain our expert, specialist staff in a very competitive labour market.

The review of the National Legal Assistance Partnership 2020–2025 has the potential to significantly impact the way we are funded and the amount of funding that we receive in the coming years. In turn, this directly impacts our ability to continue to provide high-quality legal services to the NSW community. We will continue to advocate for an appropriate level of funding for the exceptional work that we do and the essential services that we provide to the NSW community.

### **Special thanks**

I would like to thank the Chair and the Legal Aid NSW Board for their stewardship and invaluable contributions to our organisation over the last year.

I would also like to thank our partners in the private profession, legal assistance and community sectors for their work this year. I reiterate my deep thanks to all Legal Aid NSW staff for their incredibly hard work and ongoing commitment to our clients and our broader community.

Lastly, I thank the Legal Aid NSW Executive Team for their leadership, expertise and support throughout the year. Their dedication and vision provide invaluable inspiration that helps our organisation to be the best it can be.

I look forward to the coming year and to delivering on all the important work we have in our sights, both within our organisation and the wider legal system.



**Monique Hitter**

CEO, Legal Aid NSW

# Charter

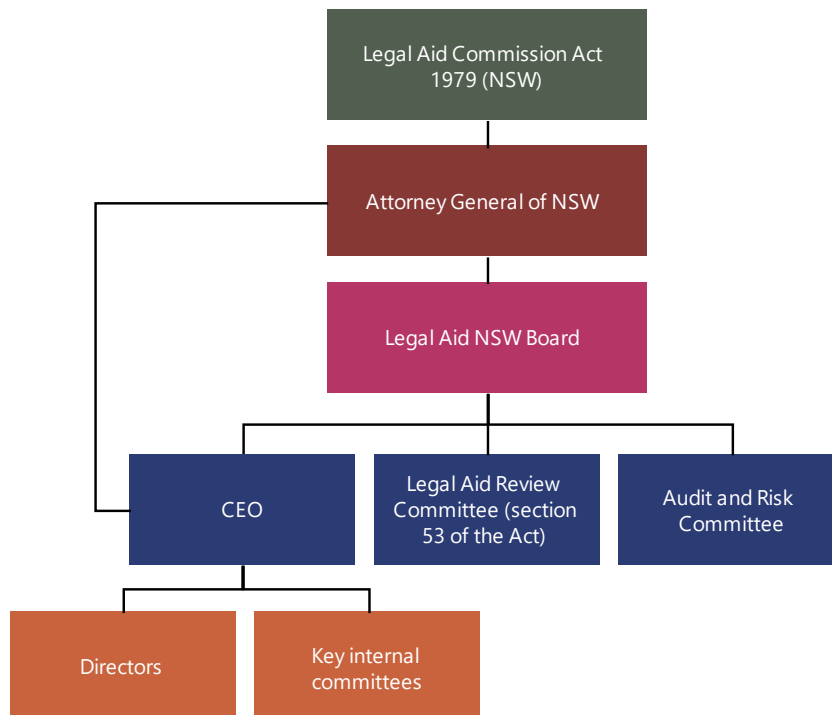
The Legal Aid Commission of NSW is established under the *Legal Aid Commission Act 1979* (NSW) to improve access to justice for socially and economically disadvantaged members of our community.

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 reports to the NSW Attorney General. The 15 senior executive staff listed on pages 98–101 assist and report to the CEO. Our CEO is also a member of the Board.

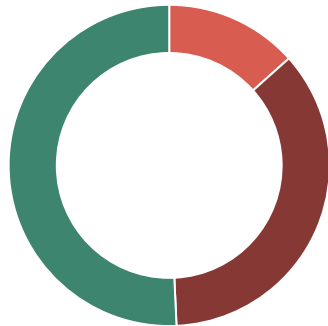
Our work is supported by a range of plans and policies to establish procedural requirements, standards and priorities, as well as compliance with the *Legal Aid Commission Act 1979* (NSW).

## Our controlled entities and subsidiaries



## Our staff

Staff locations



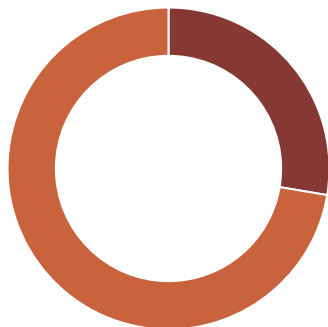
- Regional NSW offices: 213
- Metropolitan offices: 571
- Central Sydney: 807

Staff profile



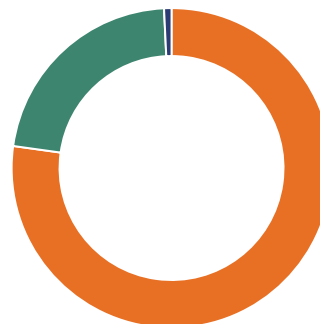
- Lawyers: 779
- Administrative and corporate services staff: 812

Aboriginal and Torres Strait Islander staff



- Lawyers: 34
- Field officers and other Aboriginal and Torres Strait Islander staff: 89

Gender distribution



- Women: 1,236
- Men: 353
- A gender term other than male or female, (eg non-binary)\*: 2

**Total staff: 1,591**

\*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.

## Reports and attestations

### Report from the Audit and Risk Committee 2022–23

The objective of the Audit and Risk Committee (ARC) 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 2022–23:

- Michael Coleman – Chair
- Peter Whitehead – Committee Member
- Leah Fricke – Committee Member, and
- Nicola Davis – Committee Member.

The CEO; Director, Legal Service & In-house Counsel (who is also the Chief Audit Executive); Executive Director, Digital Transformation; Director, Finance; 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 seven occasions in 2022–23 and reviewed a range of operational matters.

- Monitoring the Strategic Plan Year Five 2022–23.
- Consultation on draft the Legal Aid NSW Strategic Plan 2023–28.
- Monitoring the organisation’s financial position, trends, variations, carry forwards and budget compliance.
- Monitoring compliance with circulars, guidelines and policies from the 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.
- Administering the external examination, law practice declaration and trust money.
- Auditing of the Legal Aid NSW trust account.
- Completing the engagement closing report and end of financial year reports.
- Completing the NSW Audit Office’s Management letter and Annual Engagement Plan (AEP) to audit financial statements for the year ending 30 June 2023.
- Producing statutory financial statements for the year ended 30 June 2023.
- Compiling the financial acquittal reports relating to the Australian Government grant funding relating to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Royal Commission into Defence and Veteran Suicide.
- Certification of internal controls.
- Appointment of ARC members.
- Recording Board resolutions concerning financial impacts, policy changes and the introduction of initiatives.



- Review of and compliance with administrative arrangements under the ARC charter, internal audit charter and internal audit manual.
- Review of internal audit function.
- Audit plan for 2022–23 and monitoring of internal and external audits.
- Monitoring of internal audit budget.
- Review of the flexible work policy and assessment of the impact of a hybrid working environment.
- Compliance with conflict of interest policy.
- People Matter Employee Survey results – including summary and action planning.
- Six-monthly review of risk management framework and risk maturity.
- Enterprise risk maturity assessment and updating of enterprise risk framework and strategic risks.
- Implementing a COVID risk register.
- Planning for service disruptions.
- Business continuity planning.
- Gifts and benefits policy.
- Fraud and corruption control framework.
- Legal compliance framework.
- Project Respect and risk register.
- Work health and safety and excess recreation leave balances.
- Updating progress on cyber security including risk maturity assessment under NSW cyber security policy and the essential eight.
- Panel lawyer audits by the Legal Aid NSW Private Lawyer Quality Standards Unit.
- Drafting a quality framework for legal services.
- Plan for improvement of record management maturity.
- Reviewing operations and service delivery.
- Reviewing payroll processes.
- Reviewing the Client and Case Management System (CCMS) post implementation.
- Reviewing the status of implementation of ICT projects under the digital transformation project.

During the year 2022–23, there were 10 audits, which were included in the plan. Nine audits were either completed or in an advanced stage of completion. One audit relating to handling vicarious trauma was postponed as the tender was unsuccessful. It is now proposed to be included in the following year. Audits covered:

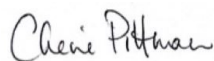
- ATLAS debtors and contributions
- review of recruitment processes
- review of compliance with the conflict of interest policy
- review of processes for private duty lawyers
- review of processes for record management
- review of processes for grants to community legal centres and Women’s Domestic Violence Advocacy Services

- review of our Information Security Management System (ISMS) for conformance with ISO 27001 controls and compliance with the NSW government's cyber security policy
- audit of access to Transport for NSW (TFNSW) DRIVES, and
- cybersecurity recertification audit by the ISO 27001 certifying agency.

**Performance audits completed:**

2017–18	6
2018–19	5
2019–20	4
2020–21	9
2021–22	9
2022–23	9

**Target for 2023–24: 10**



Cherie Pittman  
 Director Legal Service & In-house Counsel  
 Chief Audit Executive  
 30 June 2023

**Internal Audit and Risk Management Attestation Statement for the 2022–23 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:

<b>Core requirements</b>	<b>Status*</b>
<b>Risk management framework</b>	
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

<b>Internal audit function</b>	
2.1 The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose	Compliant
2.2 The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing	Compliant
2.3 The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
<b>Audit and Risk Committee</b>	
3.1 The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks and its external accountability obligations	Non-Compliant with respect to a) core requirement 3.1.16, which provides a maximum term of 5 years for the Chair of the Audit and Risk Committee (ARC) and b) core requirement 3.1.14 which provides a maximum term of 8 years for the members of the ARC.
3.2 The Accountable Authority shall ensure the Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

\* For each requirement, please specify whether compliant, non-compliant or in transition.

\*\* Core requirement 3.1.3 as per TPP 15-03.

## Membership

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

<p>Independent Chair, Mr Michael Coleman, 29 June 2016 to 26 September 2025          Independent Member, Mr Peter Whitehead, 28 October 2014 to 28 October 2023          Independent Member, Ms Leah Fricke, 1 March 2022 to 28 February 2025          Independent Member, Ms Nicola Davis, 28 June 2023 to 28 June 2026</p>
--



Monique Hitter  
 Chief Executive Officer  
 17 August 2023

## 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 Requirement set out in the Internal Audit and Risk Management Policy for the General Government Sector:

1. 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:

<b>Departure</b>	<b>Reason for departure and description of practicable alternative measures implemented/being implemented</b>
<p><b>Non-compliance</b></p> <p>3.1.16 of TPP 20-08</p> <p>“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.”</p> <p>The Chair of ARC, whose maximum term of office of 5 years expired on 23 June 2021 had been given three extensions one in February 2021 for the term up to 2 September 2022, the second in November 2022 for the term up to 28 October 2023 and the third in July 2023 for the term up to 26 September 2025.</p>	<p>Legal Aid NSW maintains a practice where a Board member is Chair of the ARC. Legal Aid NSW’s Audit and Risk Committee Charter provides that an exemption from TPP 20-08 3.1.16 should be sought to ensure alignment between Board appointments and appointments to the ARC.</p> <p>Mr Coleman was reappointed to the Board in accordance with the Legal Aid Commission Act for a term up to 26 September 2025.</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. An exemption from the TPP 20-08 has been approved by the Attorney General to extend Mr Coleman as Chair of the ARC until the expiry of his Board appointment on 26 September 2025.</p>
<p>3.1.14 of TPP 20-08</p> <p>“Members can be reappointed or extended for further term(s) but the total period of continuous membership on the Committee shall not exceed eight (8) years (inclusive of any term as chair of the Committee).”</p> <p>Mr Whitehead, whose maximum term of office 8 years, expired on 28 October 2022 had been given extension in November 2022 for the term up to 28 October 2023.</p>	<p>Mr Peter Whitehead was appointed member of the ARC from 28 October 2014 to 28 October 2022. Mr Whitehead’s maximum 8-year term expired on 28 October 2022. Ministerial exemption was obtained on 21 November 2022 for extension of his term to 28 October 2023.</p> <p>Mr 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 NSW Government. He has since chaired a number of Audit and Risk Committees including for the NSW Department of Premier and Cabinet, what was then the Attorney General’s Department, the NSW Crime Commission and the Judicial Commission of NSW. He currently works in the financial services industry.</p> <p>Mr Whitehead was reappointed as a member for a term up to 28 October 2023.</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  
17 August 2023

### **Cyber security annual attestation statement for the 2022–23 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 for four offices across Legal Aid NSW:

- 323 Castlereagh Street Sydney, NSW 2000 Australia (Central Sydney Office)
- Level 1, 160 Marsden Street Parramatta, NSW 2150
- Level 4, 128 Marsden Street Parramatta, NSW 2150, and
- 73 Church Street Wollongong, NSW 2500.

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

- Maintaining a certified ISMS that aligns to the ISO27001:2013 standard, with the objective of continual information security improvements while 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-recertified Legal Aid NSW Information Security Management System was undertaken during the reporting period by ISO-accredited auditors and found to be adequate.

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a long horizontal line extending to the right.

Monique Hitter  
Chief Executive Officer  
August 2023

# Strategy

Our five-year strategic plan sets our direction as an organisation, and we develop yearly implementation plans that reflect our goals. 2022–23 was the fifth year in our 2018–23 strategic plan.



(Acting) Associate Director, Domestic and Family Violence Anna Baltins and Director, Family Law Alexandra Colquhoun celebrate the expansion of the Family Advocacy and Support Services in Dubbo with Dugald Saunders MP and members of the Federal Circuit and Family Court of Australia (FCFCOA).

## Our five-year strategic plan

Our strategic plan has guided our efforts in 2018–23. This plan reflects extensive feedback from our staff, and we worked with our partners on implementing all relevant aspects of this plan. We will begin implementing our next five-year plan in the next financial year.

### 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.

### Our outcomes

- High quality, targeted services that meet our clients' needs.
- Partnerships that deliver the best possible outcomes for our clients.
- Our work improves the legal and justice systems.
- A highly capable workforce that is flexible, developed and equipped.
- Business processes that are responsive to our business needs.

### Our strategic initiatives

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

- 1.1. Review our service models and develop flexible models which best meet the needs of our clients from start to finish.
- 1.2. Develop holistic service models to effectively address the needs of our most vulnerable and disadvantaged clients.
- 1.3. Review the location of our offices and outreach services to align our services to the areas of greatest and emerging need.
- 1.4. Deliver community legal education to enhance community understanding of the legal system.
- 1.5. Develop a clear and consistent approach to managing and supporting the quality of services provided by private legal practitioners.

#### 2. Partnerships that deliver the best possible outcomes for our clients

- 2.1. Implement a comprehensive approach for ongoing collaborative service planning with the legal assistance sector.
- 2.2. Develop a consistent and coordinated approach to how we work with stakeholders across the legal and justice sector.



- 2.3. Develop links and working partnerships across the health, community and social services system which enhance our frontline service delivery.

### **3. Our work improves the legal and justice systems**

- 3.1. Develop and progress a strategic law reform agenda which draws on our expertise and knowledge.
- 3.2. Proactively work with government to influence policies and services that reduce systemic disadvantage.
- 3.3. Work with other agencies to improve the operation of the legal and justice systems.
- 3.4. Proactively communicate the value of the work we do.

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

- 4.1. Establish a strategic workforce plan for the development of our workforce, organisational capabilities, culture and values.
- 4.2. Establish the structures, reporting lines and resourcing that best support our service models.
- 4.3. Develop a recruitment and retention approach which attracts and retains a highly capable and diverse workforce.
- 4.4. Deliver professional development and career opportunities that equip our staff to succeed.
- 4.5. Deliver health and wellbeing programs and flexible work practices to support the diversity and wellbeing of our staff.

### **5. Business processes that are responsive to our business needs**

- 5.1. Improve our business processes in Grants, Human Resources, Finance and ICT to ensure that staff are well supported.
- 5.2. Invest in our ICT and digital infrastructure to ensure we work efficiently and effectively.
- 5.3. Develop and implement a new approach to information management to ensure we capture and share expertise and knowledge.
- 5.4. Build our data capability to inform our service delivery and identify opportunities for enhancing the work we do.

## Our 2022–23 performance highlights

Our Strategic Plan 2018–23 was our road map for providing the best possible legal help to the people of NSW in the face of growing demand. Pursuing the outcomes of our strategic plan led to some of our most exciting achievements in 2022–23.

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

#### One Legal Aid, one year on

Last financial year, we launched One Legal Aid, our new client service model. One Legal Aid aims to make it easier for people to get appropriate support without needing to tell us their story multiple times or wait for long periods. One Legal Aid introduced a new Statewide Advice Team, consistent triage and integrated ways of working for LawAccess NSW and Legal Aid NSW.

One year on, One Legal Aid has significantly improved outcomes for clients. We have observed a 50% decrease in client bounce, meaning people get the help they need or are given an appointment or referral the first time they contact us. Our Statewide Advice Team has grown and continues to provide advice to eligible clients no matter where they live. We have continued to co-design our services with the people we serve to ensure we are responsive to the needs and expectations of our clients.

This year, we built on the success of One Legal Aid with the launch of our new website, and next year we will introduce a new client portal.

#### Civil Law Blueprint: A focus on fundamental needs

In 2022–23, we finalised the blueprint for the future direction of the Civil Law Division. The blueprint sets the Civil Law Division's statement of purpose: "To improve the lives of people experiencing deep and persistent disadvantage or dislocation by using civil law to meet their fundamental needs."

This emphasis on fundamental needs focuses the division's attention and resources on the work most likely to ease a client or community's experience of disadvantage. This year, the division applied changes to triage flows and set up a specialist working group to review civil law policies and guidelines.

Work on the roll out of the blueprint will continue over the next year, and it will continue to sharpen our focus on a more targeted group of clients and range of legal matters, supporting us to reach the people who need us most and make the greatest possible impact.

### **A new office for Broken Hill**

Broken Hill is one of the most remote cities in NSW, located approximately 1,114km from Sydney, 500km from Adelaide and 300km from Mildura. It is also only 48km from the South Australian border and is a hub for smaller local communities.

Due to its remoteness, legal and associated services within the area are significantly limited. Many residents of Broken Hill and local Aboriginal communities experience deep and persistent disadvantage and struggle to have their legal needs adequately met. As a result, on 24 April 2023, we opened a new office in Broken Hill with a total of nine staff including four criminal law solicitors, a family lawyer and the first permanent civil lawyer in the Far West region.

### **Civil support for Broken Hill and the Far West**

After many years of providing outreach services from Sydney, the Civil Law Division now has a permanent presence – a full-time civil solicitor has been appointed to our new Broken Hill Office.

Clients in the Far West face diverse civil law issues, and many clients have complex needs. Our new civil law service in Broken Hill collaborates with other Legal Aid NSW offices and specialist teams, including the Civil Law Service for Aboriginal Communities, to ensure clients benefit from the broad experience and expertise of lawyers across the division.

### **Partnerships that deliver the best possible outcomes for our clients**

#### **Legal Assistance for Families: Partnership Agreement**

In February 2023, the Legal Assistance for Families: Partnership Agreement (LAFPA) trial began at three sites in Tamworth, Newcastle and Gosford. LAFPA brings together Legal Aid NSW, the Aboriginal Legal Service (NSW/ACT) (ALS) and the Department of Communities and Justice (DCJ) to reduce the over-representation of Aboriginal children in out-of-home care through early intervention and alternative dispute resolution.

Under LAFPA, DCJ will refer families to Legal Aid NSW and the ALS so lawyers can work alongside them proactively before children are removed. We have worked collaboratively with our partners to embed the LAFPA objectives during the trial and to develop and deliver all-staff training on the agreement. Several applications have been made already for the early intervention alternative dispute resolution model developed in conjunction with the trial.

There has been strong advocacy by the Family Law Division for the objectives of LAFPA to be embedded in upcoming legislative changes. In June 2023, we received strong indications that early referrals for legal advice as outlined in LAFPA are likely to be included as part of requirements by DCJ to make an "active effort" to keep families together prior to commencing proceedings, during proceedings and when children are in out of home care. This significant development should rapidly increase the uptake of LAFPA and assist it to become business as usual in 2024.

## **Birth certificate program promotes access to justice**

Our Cooperative Legal Service Delivery Program (CLSD) supports 12 regional justice partnerships between legal assistance and community services, all aiming to improve legal and social outcomes for people facing social and economic disadvantage. Over the last year, CLSD has collaborated with the NSW Registry of Births Deaths & Marriages to offer 700 free birth certificates and assist 190 people, often older children or adults, to register their births for the first time.

Without a birth certificate, applying for housing, engaging in school and employment, obtaining a driver's licence or accessing income support and other government services can be difficult. Due to economic factors, literacy barriers or a lack of access to technology, many disadvantaged people can struggle to get a birth certificate if they do not have one already.

Free birth certificates were offered at CLSD partnership events in regional locations, and we accessed existing relationships to offer these at breakfast hubs organised by homelessness services and at schools. Our partners from community legal centres, the ALS and neighbourhood and community services assisted at these events by taking applications, offering legal health checks and making referrals to their services.

## **Empowering lawyers to better respond to clients in distress**

Funded by the Commonwealth Attorney-General's Department and led by Legal Aid NSW on behalf of a consortium of legal aid commissions, the With You program offers trauma-informed, rights-based training for the legal assistance sector on responding to clients experiencing distress, poor mental health and suicidality.

In its first year, With You ran nationwide consultations with the legal assistance sector, clients with lived experience of mental ill-health and carers, and mental health professionals. A total of 463 individuals participated in focus groups or interviews, and 71 responses were received through an online survey. We consulted with 195 lawyers, 98 clients with lived experience and 23 carers, family members, supporters and kin.

The program used this data alongside the expertise of clients, lawyers and support staff to co-design seven online training modules for lawyers and an industry-wide trauma-informed organisational toolkit. The team also presented client-centred approaches at the National Access to Justice and Pro Bono Conference in conjunction with expert panellists, including a person with lived experience of the justice system.

In 2023–24, With You will collaborate with a First Nations organisation to launch client-centred training for lawyers, allied professionals and support officers. Training will be freely available for community legal centres, Aboriginal and Torres Strait Islander legal services, family violence prevention legal services and legal aid commissions.

## Our work improves the legal and justice systems

### **New combined Legal Aid NSW and LawAccess NSW website**

Our new co-branded website is designed to empower users with legal information and support, and provides information on legal rights, available supports, and planning of potential next steps: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au).

It offers multiple channels to make contact or get information, including webchat with our highly-trained LawAccess NSW information officers, who can provide information, book an appointment with Legal Aid NSW or provide a referral to a local service. Web chat has been incredibly popular, and uptake has doubled in the first month of the new site going live.

The culmination of three years of design and development, our website has the user front of mind. It reduces confusion and duplication and makes it easy for the public, our clients, lawyers and community organisations to quickly find the information they need on any device.

### **Legal Aid NSW staff lead call for Dubbo Drug Court**

Dubbo Drug Court was launched in February 2023. Alongside the local community, Legal Aid NSW staff members fought hard for the new drug court. The court offers offenders who live in the Dubbo Regional Council local government area the chance to participate in the drug court program, which has been shown to reduce reoffending rates by up to 17%.

A ceremonial sitting to mark its commencement in Dubbo was held on 20 February 2023, and was presided over by Her Honour Judge Jane Mottley AM, Senior Judge of the Drug Court of NSW. Director, Criminal Law Rob Hoyles, addressed the court and acknowledged the significant contribution Bill Dickens, Solicitor in Charge at Dubbo made in advocating for the Drug Court at Dubbo and the significant impact that a proven therapeutic diversionary model would have on that regional community.

Legal Aid NSW have established a Dubbo Drug Court Team linked with our Dubbo office to represent clients at the new court.

The Dubbo Drug Court joins other drug court locations in the Sydney CBD, Parramatta and Hunter regions that provide crucial programs to our clients.

### **Expanding support for women experiencing violence**

In 2022–23, our Women’s Domestic Violence Court Advocacy Program Unit successfully rolled out \$6.79 million in new funding to Women’s Domestic Violence Court Advocacy Services (WDCASs) to enable them to deliver frontline case management.

The expansion is the biggest change to service delivery by WDCASs since Safer Pathway, a statewide program to assist victim-survivors of domestic and family violence to access services and supports that commenced in 2014.

More than 50 full-time equivalent caseworkers have been employed across NSW as part of the expansion, and women experiencing domestic and family violence can now access longer-term, more intensive support if they have complex needs such as mental health issues, drug and alcohol issues, complex trauma or persistent homelessness.

## **A highly capable workforce that is flexible, developed and equipped**

### **Aboriginal Legal Career Pathways Program**

In 2022, we partnered with Macquarie University and TAFE NSW to create our Aboriginal Legal Career Pathways Program, designed to promote employment, credentials and careers for Aboriginal people in legal services.

This financial year, the first year of the program, we had 22 Aboriginal and Torres Strait Islander people commence the program, and we are committed to recruiting a total of 200 staff over the next four years.

Our partnership with Macquarie University and TAFE NSW under the Aboriginal Legal Career Pathways Program is the first of its kind in the legal assistance sector. It invites Aboriginal and Torres Strait Islander people to study either a Certificate III or IV in Legal Services Administration or a Diploma in Paralegal Services at TAFE and establish a pathway into a law degree at Macquarie University while working in a legal support, client services, LawAccess NSW or grants officer role at Legal Aid NSW.

Our Aboriginal Employment and Career Development Strategy 2019–23 commits us to having a workforce that better reflects our client base. We are excited about the ways our partnerships with TAFE and Macquarie University will support Aboriginal people seeking to establish and grow legal careers at Legal Aid NSW.

## **Business processes that are responsive to our business needs**

### **Implementing changes to our means test**

Following a comprehensive review completed in June 2022 and approval by our Board in February 2023, we implemented changes to our means test to ensure we continue to target financially disadvantaged people.

Our means test sets out the income and asset requirements to determine whether an applicant is eligible for legal aid. To ensure our means test is in line with increases in the cost of living, we developed new benchmarks for housing and dependant costs and updated income and asset test variables. We developed a methodology for a biennial review of these variables. We improved the guidelines for staff on exercising discretion to ensure consistency in decision-making. We also provided training and resources to staff and partners on the means test changes to ensure our processes and guidelines were well understood.

## The year ahead

- We will implement phase one of our Civil Law Blueprint.
- We will expand our partnership with the NSW Registry of Births Deaths and Marriages to make 1,000 birth certificates available for CLSD partnerships and allow the Civil Law Service for Aboriginal Communities and our Aboriginal field officers to access free birth certificates for their clients directly.
- We will continue to develop our website by adding new, accessible self-help functions in response to user feedback.
- We will launch our client portal, allowing people with a grant of legal aid to manage their information, see important dates and documents and communicate with Legal Aid NSW about their case.
- We will continue to implement the Aboriginal Legal Career Pathways Program and work towards our goal of recruiting 200 Aboriginal people over four years. We will embed wrap-around support and mentoring for program participants and their managers.
- We will find more inclusive ways to ask people for their personal information and use this information to adapt our services to people's individual needs.
- We will reform the Legal Aid Review Committee to ensure quicker external review processes where an application for legal aid is refused.

## Measuring our performance

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

Key performance indicators	2020–21	2021–22	2022–23
<b>Community awareness of legal rights and responsibilities</b>			
Client satisfaction*	76%	N/A	N/A
Information services provided	170,981	86,873	143,819
Advice and minor assistance services provided	119,003	105,655	117,891
Number of publications distributed	420,145	299,055	420,598
<b>Accessibility of legal aid</b>			
Means test income limit as a % of the national minimum weekly wage	53.1%	51.8%	55.4%
Percentage of local court sittings served by duty solicitor schemes	100%	100%	100%
<b>Representation service standards</b>			
Percentage of satisfactory comprehensive in-house file reviews	97.3%	98.3%	99.2%
Number of Legal Aid NSW lawyers with specialist accreditation	61	64	64

\*We measure client satisfaction through surveys conducted every few years. Our next survey will be conducted in 2023–24.

### 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. The NLAP will be subject to a formal review in 2023–24.

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



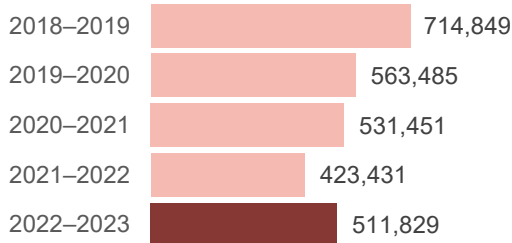
### Selected National Legal Assistance Partnership performance indicators, July 2022 to June 2023

Performance indicator	Percentage
Proportion of Legal Aid NSW Commonwealth representation services delivered to people experiencing financial disadvantage	99.1%
Proportion of facilitated resolution conferences held by Legal Aid NSW that resulted in either partial or full settlement*	72.6%

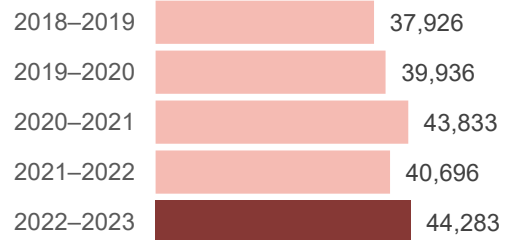
*\*Commonwealth conferences only. The combined total for NSW and Commonwealth conferences was 72.7% per cent.*

# How our key services tracked over the last five years

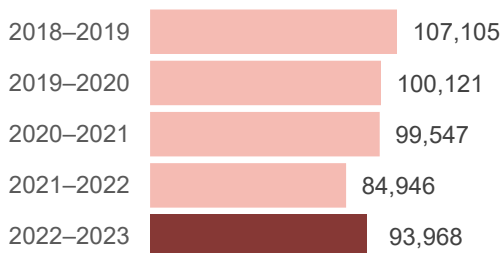
## Total client services



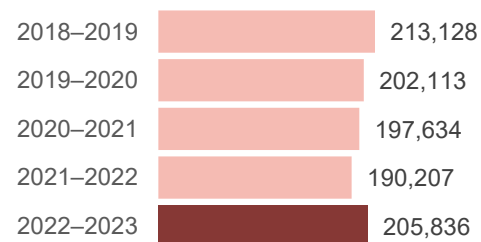
## Legal representation\*



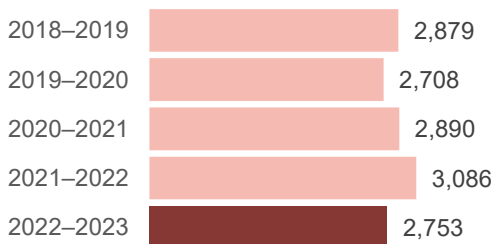
## Legal advice services



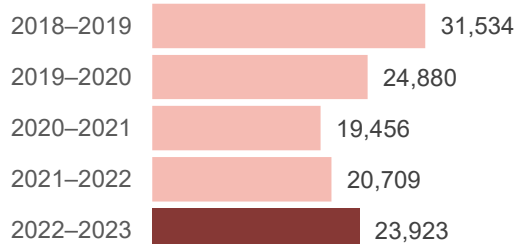
## Duty services at courts and tribunals



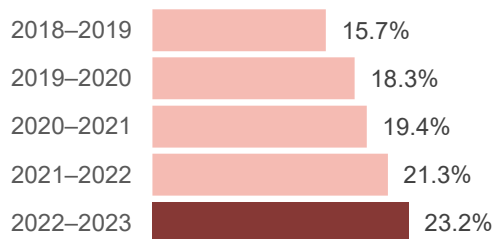
## Family law mediations



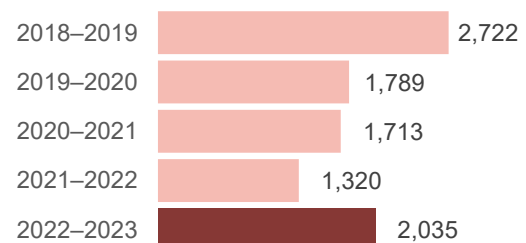
## Minor assistance services



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



## Community legal education sessions\*\*\*



\*Extended legal assistance and early resolution assistance are now included as part of all legal representation figures. This differs from how these services were presented in earlier annual reports.

\*\*For 2018–2019, this graph shows the proportion of casework services and in-house duty services provided to Aboriginal and Torres Strait Islander clients. From 2019–2020 onwards, in-house duty services are not included in this calculation.

\*\*\*Community legal education figures for 2021–22 have been revised following the identification of system issues that had previously resulted in undercounting. In last year's report, we stated that we provided 797 community legal education sessions in 2021–22. The correct figure is 1,320.

## Year-on-year trends – a snapshot

In 2022–23, we provided a range of services to help people in NSW to know, defend and assert their rights.

### Legal advice and assistance

#### We provided



**117,891**

advice and minor assistance services



**11.6%** increase 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.

### Casework

#### We provided representation in



**44,283**

matters



**8.8%** increase on the previous year.

Legal Aid NSW represents eligible clients in criminal law, family law and civil law matters. In most cases, our legal representation services are means tested, and most people who receive a grant of legal aid will be required to pay a contribution towards their grant of aid.

#### Our in-house lawyers acted in



**13,412**

matters and we funded private lawyers to act in 30,871 matters.

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

#### We provided



**205,836**

duty services



**7.6%** increase on the previous year.

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

#### Of these services

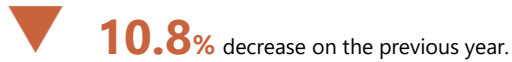


**123,055**

were provided by Legal Aid NSW lawyers and we funded private lawyers to provide the remaining 82,781 services.

## Family dispute resolution

### We held

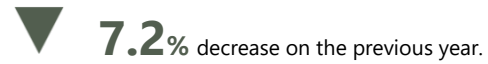
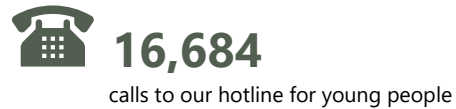


We helped parties reach an agreement in 72.7%\* of conferences.

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.

## Hotline for young people

### We answered



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 from 9am until midnight on weekdays and 24 hours on weekends and public holidays.

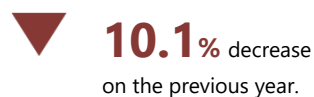
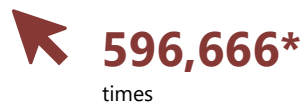
\*This includes family law conferences in both NSW and Commonwealth jurisdictions. The Commonwealth-only settlement rate was 72.6%. The percentage of Commonwealth-only matters was 98.5%.

## Resources and community legal education

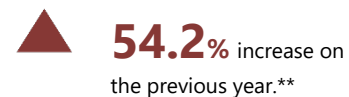
### We distributed



### Resources were viewed online



### We provided



\*This only includes resources viewed before 9 June this financial year.

\*\* In last year's report, we stated that we provided 797 community legal education sessions in 2021–22. The correct figure is 1,320 and was revised following the identification of system issues that had resulted in undercounting.

# Operations and performance

Our key organisational goal is to provide legal help to disadvantaged clients with diverse needs. Our three in-house practice areas work alongside private practitioners, sector stakeholders and teams with specialist skills to ensure the best possible outcomes.



Student Regan Strong, Legal Support Officer Gianna Mogentale, Solicitor Lyn Carriage, and Acting Wollongong Office Manager Emma Sheen doing outreach for the Civil Law Service for Aboriginal Communities.

## Key achievements

- We launched our new co-branded Legal Aid NSW and LawAccess NSW website, delivering digital solutions to improve access for our clients.
- We continue to pursue our commitment to Closing the Gap, including finalising guidelines for the Family Law Service for Aboriginal Communities (FamAC).
- We launched the expanded Family Advocacy and Support Services (FASS).
- We worked with stakeholders to advocate for the new NSW Drug Court in Dubbo.
- We continued to develop and maintain strong partnerships within the justice sector. This year, we have continued our close partnership with the Aboriginal Legal Service (NSW/ACT) through the Legal Assistance for Families: Partnership Agreement and the expansion of Youth Koori Court.
- We uplifted our cyber security, including rolling out multifactor authentication for panels, our learning management system, Grants Online and the Women's Domestic Violence Court Advocacy Program.

## The year ahead

- We will implement the first year of the Legal Aid NSW Strategic Plan 2023–28.
- We will continue to monitor the progress of Project Respect, including through the Racism and Inclusion Special Consultative Committee.

## Key challenges

- The independent review of the National Legal Assistance Partnership (NLAP) 2020-2025 commissioned by the Commonwealth Attorney-General, is a critical opportunity to demonstrate the effectiveness and value of our legal assistance services and to demonstrate the challenges faced by us and sector in providing legal services to those who need it most.

## Our clients and services

### Our clients



**23.2%**

Aboriginal and Torres Strait  
Islander people



**9.3%**

Born in non-English speaking  
countries



**3.7%**

Interpreter required



**34.6%**

Female



**12.9%**

Under 18



**82.9%**

Aged 18–60



**4.2%**

Over 60



**49.6%**

On Commonwealth benefits



**34.4%**

Rural and regional  
(includes Newcastle and  
Wollongong)\*

\* This figure is now based on a different calculation from that used in previous years to ensure consistency with our Commonwealth reporting obligations. It should not be compared with the same percentage in earlier reports.

## Services to clients

Total representation:  
44,283



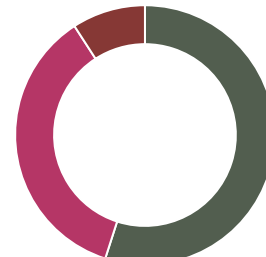
- In-house: 13,412
- Private lawyers: 30,871

Total duty services:  
205,836



- In-house: 123,055
- Private lawyers: 82,781

Total other services:  
261,710



- Information services: 143,819
- Legal advice: 93,968
- Minor assistance: 23,923



## Providing services to those who need them most

We continually review and amend our eligibility policies to reflect changes in the legal system and ensure we target our limited resources to those most in need.

This year, we made changes to our means test to ensure income and asset requirements are in line with the cost of living, expanded our extended legal assistance services in response to emerging demand, and increased preparation fees paid to family law solicitors to ensure we retain private lawyers.

### **Mandatory disease testing and vulnerable third parties**

Following the introduction of the *Mandatory Disease Testing Act 2021* (NSW), we introduced a policy to ensure legal aid is available to represent vulnerable third parties responding to applications made under this Act in the local court.

The Act allows for mandatory blood testing of a person by either administrative or court order where a law enforcement, health, emergency or public sector worker comes into contact with the person's bodily fluid as a result of the person's deliberate action.

Vulnerable third parties will now be represented by a Legal Aid NSW lawyer in the local court in these applications, including children 14 years and over and any person with a mental health impairment or cognitive impairment that significantly affects their capacity to consent to provide blood to be tested voluntarily.

### **A voice for Aboriginal families and communities in care proceedings**

Following a change in the *Children and Young Persons (Care and Protection) Act 1998* (NSW) that gives Aboriginal families and communities a right to be heard in care proceedings, we introduced a policy to ensure these Aboriginal families and communities could have a lawyer represent them. We also changed our definition of who is significant to a child to make this more inclusive and capture broader Aboriginal and Torres Strait Islander kinship groups. This important change provides Aboriginal families with more and better ways to participate in court proceedings and more choices about who speaks on their behalf.

### **Changes to our family law policies**

We introduced two important changes in our family law practice to reduce expenditure and ensure we can continue to assist the most disadvantaged families in this jurisdiction.

### **Drug testing assessments**

To manage the increase in court-ordered drug testing assessments for parties in family law parenting disputes, we limited the situations where funding for drug testing assessments will be approved.

This means we can use our funds to assist families in need in other ways and continue to provide funding for drug assessment reports in exceptional circumstances where we are satisfied this could resolve the issues in dispute.

### **Funding for independent children's lawyers**

For the first time, we have introduced clear policies around when we will fund independent children's lawyers. These policies will help us manage the demand for family law funding and protect the best interests of families and children most in need of representation.

### **Expansion of extended legal assistance for civil law matters**

#### **Establishing the Respect at Work Legal Service (RAWLS)**

Funding from the federal government enabled Legal Aid NSW to launch the Respect at Work Legal Service (RAWLS) in January 2023. RAWLS is a statewide service for people who have experienced sexual harassment or discrimination in the workplace.

The RAWLS Team is spread across the state and includes both community engagement officers and solicitors. Lawyers now provide advice five days a week, with an option for services outside of business hours.

RAWLS solicitors provided over 400 advice and minor assistance services and opened 32 casework files prior to the end of the financial year. Seventy per cent of RAWLS services were provided to women, 11% to Aboriginal people and approximately 16% to people from culturally and linguistically diverse communities.

Twenty-eight per cent of RAWLS advice and minor assistance services covered disability discrimination, and 21% were sexual harassment matters.

Forty-one per cent of representation services were for sexual harassment, 24% were for disability discrimination, and approximately 10% were for race and other sex discrimination. Clients received over \$100,000 in confidential settlements in the first six months of the service.

Over the next two years, RAWLS will build community awareness of rights in the workplace through engagement and legal education and expand the reach of their service.

### **Complex fines work**

Our Work and Development Order Service worked closely with Revenue NSW to streamline the assessment of most fines matters. However, our complex fines work – such as write-off applications for debts over \$5,000, internal review applications or orders for restitution debts – requires a significant level of advocacy to ensure successful outcomes. We now provide this as extended legal assistance, which allows lawyers to work with clients continuously, ensuring some of our most socially and economically disadvantaged clients get the level of assistance they require.

## Partnerships that deliver the best possible outcomes for our clients

### Fee increases for private lawyers

In 2022–23, we announced another increase in fees paid to private lawyers working on criminal, civil and family law state matters. From 1 July 2022, the hourly rate for solicitors increased to \$180, and fee rates for barristers increased by 5.8%.

### Increased preparation fees for family law work

In September 2022, we increased preparation fees paid to family law solicitors in recognition that requirements had changed following the establishment of the Federal Circuit and Family Court of Australia (FCFCOA). We also provided solicitors attending more complex court-based mediations with an extra hour of pay.

### Removing barriers to legal aid for involuntary patients

We have removed our merit test for mental health inquiries to ensure involuntary patients can access representation. These patients can spend many years in involuntary detention, often because they are isolated and cannot obtain legal assistance.

### The year ahead

- Work with our partners to develop a scale for expert fees that is consistent across all areas of our work.
- Review our income and asset test variables to ensure our means test reflects the cost of living in 2024 and beyond, and that our services can be accessed by financially disadvantaged people across NSW.
- Continue to ensure our eligibility policies are targeted to disadvantaged people.
- Launch our new website means test indicator so clients, lawyers and staff can quickly check eligibility for help from Legal Aid NSW.

## Aboriginal and Torres Strait Islander clients

Aboriginal and Torres Strait Islander people experience heightened levels of disadvantage and are one of the most overrepresented groups in our justice system as a result.

Our Aboriginal Client Services Strategy 2019–23 commits us to delivering culturally appropriate services to Aboriginal and Torres Strait Islander people and communities and increasing the number of Aboriginal and Torres Strait Islander clients we support.

### Expansion of the Family Law Service for Aboriginal Communities

Over the last year, Legal Aid NSW has expanded our Family Law Service for Aboriginal Communities service (FamAC) to enable more Aboriginal and Torres Strait Islander people across regional NSW to access holistic, cross-practice and culturally safe services.

Since its implementation in 2022, there has been a significant and sustained demand for FamAC's legal and social support. It offers clients a culturally safe, interdisciplinary approach to legal services and provides outreach, service delivery and casework in regional and remote areas with large Aboriginal communities.

The team has worked with local communities and Aboriginal community-controlled organisations to ensure that outreach service delivery is co-designed with locals and meets their needs. FamAC has partnered with the Civil Law Service for Aboriginal Communities (CLSAC) to provide wrap-around legal services in key regional and remote areas, noting the intersection of many civil and family law and care and protection issues.

FamAC now delivers outreach and clinic services to Brewarrina and Bourke, Moree, Toomelah and Boggabilla, Dareton and Wentworth, Lake Cargelligo and Condobolin, Tweed Heads and Murwillumbah, Jubullum and Tabulum, Yamba and Maclean, Baryulgil and Pottsville.

### Wrap-around support helps family stay together

FamAC assisted a young Aboriginal mother in care and protection proceedings relating to her older child, and family law proceedings relating to her youngest child. Our client was a victim-survivor of family violence and sexual abuse, was a child in care herself, and had a stillborn baby at the age of 15 years while living in a residential group home. She then gave birth to a child at 17 years who was subsequently removed from her care. Our client was not provided any support to address child protection concerns, which included family violence and housing. This child remains in out-of-home care, despite judicial commentary about the lack of supports available to the client as a child in care.

In January 2023, our client gave birth to her youngest child. FamAC filed an urgent family law initiating application seeking orders that our client share parental responsibility with a relative while the baby remained in her care.

FamAC has provided intensive non-legal support from a caseworker and referrals to culturally safe programs, including parenting programs, mental health support and housing. DCJ opened a case concerning the newborn. However, they did not join the family law proceedings and have now closed their file, indicating that there are no safety concerns for our client's youngest child.

### **More support for Aboriginal women leaving custody**

Aboriginal women comprise over 40% of the NSW adult female prison population and often present with complex legal and non-legal needs. They may have a negative housing classification, unpaid fines, family law and/or care and protection issues regarding their children, or be victims of domestic violence.

In 2013, our Aboriginal Women Leaving Custody (AWLC) program was established at Silverwater Correctional Centre to address the unmet housing needs of Aboriginal women exiting custody. The program was originally funded under the National Partnership Agreement on Homelessness, and co-designed by CLASC, Corrective Services NSW, Housing NSW and the Community Restorative Centre.

In the year ahead, AWLC will expand to the Mid-North Coast Correctional Centre and other locations. The team will include more solicitors, a caseworker, an Aboriginal field officer and a project officer. The AWLC Team works hard to reduce barriers to housing for Aboriginal women as they transition back into the community so that they do not exit custody into homelessness or unsafe living arrangements. The AWLC Team partners with FamAC family law solicitors to provide a more holistic service to clients.

### **Walama Unit expansion**

In 2022–23, we expanded our Walama Unit, first established in May 2022. The unit supports 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 uses an intensive, holistic process to reduce Aboriginal and Torres Strait Islander incarceration and reoffending rates. “Walama” is a Dharug word meaning “come back” or “return”, and in the context of the Walama List, it means coming back to identity, community, culture and a healthy, crime-free life.

The pilot has reached maximum capacity this financial year, and a ballot process for new applicants has been introduced. To meet service demand, we have added an additional solicitor and social worker to our Walama Team to ensure we can continue to provide high-quality legal services to our clients.

### **Leading advocacy for survivors of the Stolen Generations**

Since the commencement of the NSW Stolen Generations Reparations Scheme (SGRS), CLSAC has been helping Stolen Generations survivors submit applications and reviews to the SGRS.

The SGRS commenced on 1 July 2017 and officially ended on 30 June 2023. Under the scheme, survivors could apply for reparation if they were “removed by, committed to or otherwise came to be in the care of” the Aborigines Welfare Board (AWB) or the Aborigines Protection Board, under the powers of the *Aborigines Protection Act 1909* (NSW).

This Act was repealed on 2 June 1969, but many survivors in NSW were then removed using powers in other legislation, such as the *Child Welfare Act 1939* (NSW). Our staff have conducted extensive research alongside survivors to show that other government agencies acted in a racially discriminatory way, and sometimes on the advice of the AWB, extending eligibility for reparations.

We continue to work alongside the Department of Aboriginal Affairs to achieve the best possible outcomes for survivors.

### **Expansion of the Youth Koori Court to Dubbo**

When the Youth Koori Court expanded to Dubbo in March 2023, the Children’s Civil Law Service (CCLS) established a small Dubbo team to partner with the ALS to provide wrap-around services to Aboriginal young people appearing in the court.

A CCLS duty lawyer assists with legal issues such as debts and fines, policing, social security and out-of-home care that may be contributing to criminal law issues. A CCLS youth caseworker helps with non-legal needs that may present a barrier to resolving civil law needs. Strong referral relationships with key stakeholders in Dubbo provide additional support for young people going before the Youth Koori Court.

### **Expansion of our Aboriginal field officer program**

We now employ Aboriginal field officers in 14 Legal Aid NSW offices in both regional and metropolitan areas across our criminal, family and civil practices. The primary role of an Aboriginal field officer is to increase access to justice for the Aboriginal community, and their work often focuses on community engagement, supporting Aboriginal clients, and working alongside lawyers at outreach clinics and community legal education programs.

### **Working with Aboriginal Client and Community Support Officers to address debt from fines**

The Work and Development Order (WDO) Service conducted a series of online training sessions for Aboriginal Client and Community Support Officers (ACCSOs) throughout NSW in 2022–23 to support them in assisting people to resolve debt caused by fines.

The comprehensive training covered fines law, an overview of the WDO Scheme, and guidance for local court staff to help clients with fines debt to access advice and assistance. This help could include a WDO placement, which assists people to clear unpaid fines through participation in activities or treatment programs.

The WDO Team is following up the training with in-person visits to ACCSOs at local courts statewide to facilitate stronger collaboration.

### **Commitment to Closing the Gap**

In 2022–23, we have continued to build on our commitment to working with stakeholders across government, the legal assistance sector and communities to achieve the priority reforms, targets and outcomes within the National Agreement on Closing the Gap. We established a Closing the Gap Project Board and Working Group to develop, oversee and co-ordinate initiatives and activities that are aligned to Closing the Gap outcomes.

### **Aboriginal Cultural Safety Framework Implementation**

We delivered cultural safety training to our Executive, solicitors in charge, office managers and regional offices as part of our implementation of our Aboriginal Cultural Safety Framework. This training will continue to be delivered as an ongoing part of our overall training program.

### **The year ahead**

- Expand FamAC's culturally safe wrap-around legal and social support services to the Far South Coast and Riverina.
- Continue to expand FamAC and partner with Family Advocacy and Support Services to assist Aboriginal families when the Specialist Indigenous List expands to Newcastle.
- Expand the Aboriginal Women Leaving Custody program.
- Improve our family dispute resolution services for Aboriginal and Torres Strait Islander families in NSW. We will work with stakeholders, including the FCFCOA Indigenous list, to establish referral pathways and review internal practices, procedures and mediation models to ensure these meet the needs of First Nations families.
- Further enhance the Aboriginal Field Officer program by co-designing policies and guidelines on delivering culturally appropriate services to Aboriginal and Torres Strait Islander people and communities.
- Develop an Aboriginal Client Services Strategy 2023–28 to ensure that we create and strengthen service models that best serve our clients.
- Explore and strengthen our partnerships with Aboriginal community-controlled organisations.
- Continue to roll out cultural safety training to our staff.

## Meeting the needs of diverse clients

Many of our services are targeted to people experiencing significant disadvantage.

Our diverse client base includes children, people with disability, people from culturally and linguistically diverse (CALD) communities and LGBTQIA+ people. We advocate for law and policy reform that protects disadvantaged clients in pursuit of a more just society.

### Fact file

- 9.3% of our casework services were provided to clients born in non-English speaking countries.
- We spent \$1,375,302.59 (excl GST) on interpreting and translation services.
- We presented 313 community legal education sessions to culturally and linguistically diverse and newly arrived migrant audiences.

### Specialised services for diverse clients

Across our criminal, family and civil law practice areas, we have a number of specialised services for clients experiencing acute disadvantage. Many of our other specialist services also target diverse clients but do not support them exclusively.

#### Refugee Service

The Legal Aid NSW Refugee Service provides legal advice, assistance and representation, and community legal education and outreach to refugees in NSW.

#### Immigration Service

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

#### Mental Health Advocacy Service

The Mental Health Advocacy Service assists people appearing before the Mental Health Review Tribunal, the Guardianship Division of the NSW Civil and Administrative Tribunal, or who have been kept in a hospital under the *Mental Health Act 2007* (NSW). Staff also offer advice on related matters such as financial management orders and community treatment orders.



## Pathway to Community Project

The Pathway to Community Project provides targeted early intervention services to people with disabilities in closed environments (including hospitals, forensic facilities and in custody) where National Disability Insurance Scheme (NDIS) issues are affecting their transition to the least restrictive possible environment.

### Transitioning clients back to their communities

An Aboriginal man from western NSW had been a forensic patient in a high-security unit (HSU) for 10 years. While in the HSU, social workers made an NDIS access request for him, which was unsuccessful.

The project team assisted him in making a new access request and to seek a review of the request, helping him to get the reports he needed to show he met the access criteria. He was accepted onto the NDIS and then transitioned to a medium security unit (MSU), where he accessed the community and visited his family with support. The team will keep working with our client to advocate for the support he needs to eventually transition fully into the community.

### Refugee Service launch children's book

Our Refugee Service provides statewide legal advice and assistance to newly arrived refugees in all civil and family law matters, and procedural advice in some criminal matters such as domestic violence.

Noting that existing publications were not meeting community needs, the Refugee Service launched a bilingual children's storybook called *The Ribbon* this year to broaden awareness of their service among women and children. The book is about a refugee child migrating to Australia and interweaves simple legal problems with an age-appropriate storyline. It directs the reader to the Refugee Service for legal help and is available in four languages.

*The Ribbon* and the Refugee Service were featured in an interview on Radio National's *Law Report* and in the *Law Society Journal* in June 2023.

### Supporting service delivery to defendants with cognitive impairment

In 2022–23, we continued our longstanding cooperation with other justice stakeholders to support the work of the Justice Advocacy Service (JAS). The Intellectual Disability Rights Service delivers JAS, a service available across NSW to support young people and adults with cognitive impairment who are in contact with the NSW criminal justice system. Victims, witnesses, suspects and defendants can all access help from JAS to exercise their rights and fully participate in the process.

In July 2022, JAS expanded its functions to include a court-based diversion service in six NSW local courts: Downing Centre, Parramatta, Blacktown, Penrith, Gosford and Lismore. The primary goal was to promote diversion of eligible defendants under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW) and assist with access to the NDIS and other community support services.

We continued our role as a member of the JAS Working Group, working with JAS and the Department of Communities and Justice to oversee the implementation and delivery of the diversion service. We also partnered with the Aboriginal Legal Service (NSW/ACT) to contribute content to JAS court support volunteer training days and participated in an independent evaluation of the service.

### **Coronial inquest into 11-year-old's death recommends legal changes**

The Legal Aid NSW Children's Civil Law Service represented the mother of an 11-year-old who died while in respite care. Her child had been diagnosed with autism and global developmental delay.

After a two-week hearing, the Deputy State Coroner, Harriet Grahame, found that the young person's death occurred because he was able to abscond through an unlocked window and climb over an inadequate fence. He was struck and killed by a train around 30 minutes after running from the property. The Coroner made recommendations about changes to the law, including bringing respite care into line with substitute residential care. She also recommended limiting the care that the provider in question can offer people under 16 and the delivery of training for staff about how to raise the alarm when risks are identified.

### **NDIS review: Building a strong, effective NDIS**

In January 2023, our National Disability Insurance Scheme (NDIS) Team made four broad recommendations to the NDIS review for improving the experience of participants and prospective participants navigating the NDIS. As well as making recommendations about access to the scheme and fairer decision-making, we recommended a purpose-built consumer dispute resolution body. This body would have powers to involve participants, providers and the National Disability Insurance Agency (NDIA) to make decisions binding on providers and to stay court enforcement of debts against participants.

### **NDIS win for 12-year-old client**

Our NDIS Appeals service represented a client born with a rare genetic disorder affecting his height, behaviour, learning, handwriting and fine motor skills before the Administrative Appeals Tribunal. The National Disability Insurance Agency (NDIA) claimed he did not meet the requirements to access the NDIS because his problems with behaviour, learning, handwriting and fine motor skills were not permanent. Our NDIS Team drafted a statement with his mother and obtained evidence from a geneticist about the cause of his learning and behavioural difficulties and a psychologist about his behaviour. The NDIA conceded that he met the early intervention requirements to access the NDIS. This client now has therapy and social support as he goes through his first year of high school.

### **Contributing to law reform on the Disability Support Pension**

Over the last year, our Social Security Team worked with National Legal Aid to contribute to a review of the Disability Support Pension Impairment Tables in response to a Department of Social Services consultation.

The team made recommendations about prescriptive requirements regarding the diagnosis of mental health conditions, the definition of 'treated' and 'stabilised', and the operation of multiple impairment tables, including lower limb function. New tables were introduced in April 2023, incorporating several of our suggestions.

### **Early Intervention Unit resumes outreach**

Following a hiatus over the COVID-19 period, the Early Intervention Unit was very pleased to return to providing in-person outreach services at Muslim Women Australia (MWA) in Lakemba in May 2023.

At the request of our colleagues at MWA, our in-person services resumed at the first available opportunity after the conclusion of Ramadan, and we were pleased to have a full day of client bookings for our first day of appointments.

### **Assisting a woman trapped in coercive control and spiritual abuse**

We assisted a woman who has experienced significant family violence during her relationship with her husband. She was taken to her country of origin with her three young children for what she believed was a holiday to see family. While in this country, her husband, his childhood religious leader and the paternal family met with her and told her that she was “mentally unstable”. Her husband returned to Australia with her passport, the children’s passports and the children. She was unaware that her husband had secretly married two other women and had another child with one of them. Her husband alleged that she had borderline personality disorder, insisted she obtain a psychological assessment overseas and told his friends and community that she had abandoned him and the children.

We provided advice and assisted our client to return to Australia secretly. We prepared urgent court documents and had interim orders made to have her children returned to her primary care and allow her exclusive occupancy of the family home in Australia. We are also assisting her in obtaining a religious divorce so that she can spiritually heal from the relationship.

## 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 Division is the largest criminal defence practice 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 provides community legal education throughout NSW and contributes to law reform initiatives. It is also responsible for many statewide services, including the Children's Legal Service, Prisoners Legal Service, High Risk Offender Unit, Indictable Appeals Unit, Walama Unit and the Commonwealth Crime Unit, each providing specialist criminal law services.

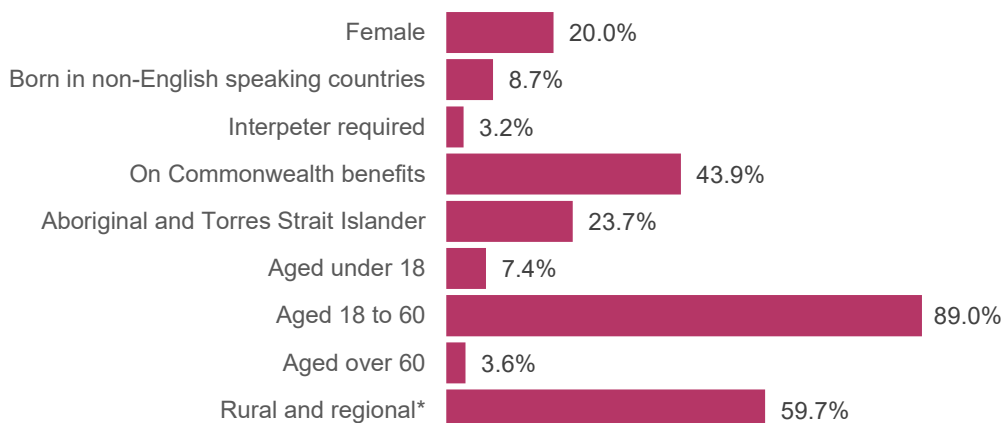
#### Fact file

Total staff: 315

Total expenditure on criminal law services: \$214 million

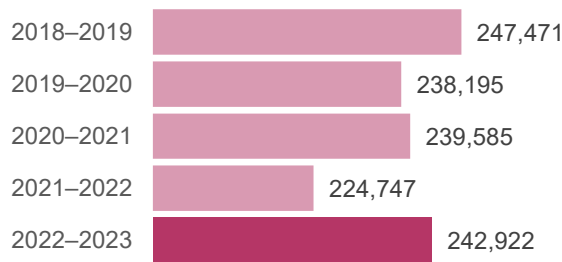
Proportion of overall expenditure on criminal law services: 44.65%

### Criminal law client profile



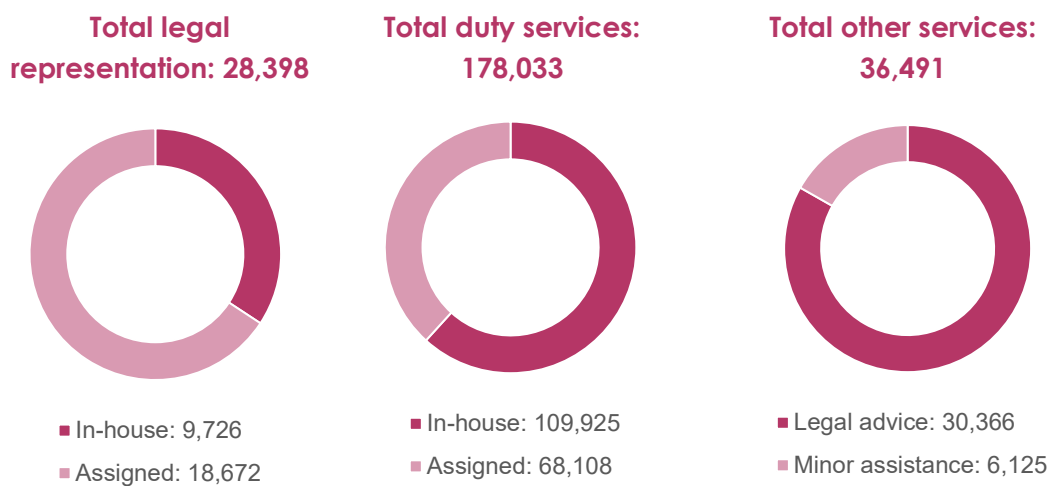
\*This figure includes Newcastle and Wollongong and is now based on a different calculation to that used in previous years to ensure consistency with our Commonwealth reporting obligations. It should not be compared with the same percentage in earlier reports.

## Criminal law services over five years



## We provided 242,922 criminal law services to clients in 2022–23.\*

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



## Review of the Commonwealth High Risk Offender Regime

In June 2022, we made a submission to the Independent National Security Legislation Monitor (INSLM) review into Division 105A of the *Criminal Code Act* (Cth), which allows two kinds of post-sentence orders to be made against Commonwealth terrorism offenders: continuing detention orders (CDO) and extended supervision orders (ESO). NSW is the only state or territory with its own post-sentence scheme aimed at terrorism, and we were the only legal aid organisation with specialist expertise in Commonwealth parole and terrorism post-sentence orders to provide a submission to the review. Our solicitors gave evidence at the public hearings held in Canberra, along with representatives from organisations such as the Australian Human Rights Commission and the Law Council of Australia.

The INSLM's final report was published in March 2023 and acknowledged the value of our submissions and evidence as "most thorough and thoughtful". The report made several recommendations consistent with our position, including that CDOs be abolished and rehabilitation and integration into society be a key goal of the legislation.

The Parliamentary Joint Committee on Intelligence and Security has since commenced its own review into the operation, effectiveness, and implications of Division 105A. We have made a

further submission endorsing the INSLM's recommendations, calling for greater transparency in decision-making, disclosure and consideration of our international human rights obligations.

### **Restructure of the High Risk Offender Unit**

The High Risk Offender (HRO) Unit was established in August 2018 to deal with increased high-risk offender applications following legislative changes in 2013 and 2017. These changes broadened the number of offenders eligible under the crimes HRO regime and introduced a new terrorism HRO regime.

The HRO Unit manages most of the HRO and terrorism HRO work in NSW, including in the Supreme Court of NSW. This work is often intense – it requires large briefs of evidence and covers complex legislation. Timeframes between filing an application and the hearing date are extraordinarily short, and the clients involved have confronting offending histories and complex needs.

Due to these challenges and growing demand, in 2022–23, we established the HRO Unit as an ongoing standalone unit with its own management structure and solicitor in charge. The unit now includes eight solicitors, a social worker, a paralegal, an office manager and a legal support officer.

### **Exonerating a 79-year-old victim of a drug mule scam**

A US national with no criminal record, our client travelled to Sydney with her elderly disabled husband and her intellectually disabled adult daughter.

Border Force Officers found a large amount of methamphetamine and cocaine concealed in the lining of the suitcases she brought with her to Sydney. She was arrested and given 10 minutes to say goodbye to her husband and daughter, who were sent back to the US.

Her emails and phone messages contained extensive evidence that our client had been the victim of an elaborate scam. She believed she was coming to Sydney to collect an inheritance, and scammers had previously paid for her to travel to Africa, where she signed an "official funds classified document" and collected "gifts" in suitcases for the "payment officers" in Sydney.

Our client had significant health issues, including diabetes and high blood pressure, and spent nine difficult months in custody awaiting trial. The prosecution accepted that she was the victim of a scam, but argued that she became aware of the risk of drugs in the suitcases when she assumed custody of them in Africa. They also used lies our client told Border Force and the Australian Federal Police against her – lies the scammers had told her to repeat should she be questioned by authorities.

In April 2023, it took a jury less than one hour to acquit her and she went home to her husband the next day. We are currently assisting several other seniors in similar circumstances.

### Defendant Portal

From 30 June 2022, we piloted a Defendant Portal at Bankstown, Blacktown, Mt Druitt, Sutherland and Penrith to make it easier for clients to access legal advice and representation from a Legal Aid NSW lawyer.

An accused person can access the portal by scanning a QR code on a pamphlet provided by the police at the time of charge or by using a link on the Legal Aid NSW website. They can enter their contact details and information about their case, which creates an intake record in our Client and Case Management System (CCMS). The relevant Legal Aid NSW office is notified and can schedule an appointment for them.

### Robotic process automation

In November 2022, we launched our new robotic process automation to reduce the number of finalised crime files incorrectly left open in our client operational systems. Since its introduction, incorrectly open in-house files have been reduced by at least 79%.

### High Court acquits co-tenant of break and enter

#### *BA v The King* [2023] HCA 14

We lodged an appeal for our client, who had been charged with breaking, entering and committing a serious indictable offence. Our client was on the lease of the relevant property as a co-tenant but had moved out, removed most of his possessions and stopped paying rent.

The elements of a break and enter in section 112(1)(a) of the *Crimes Act 1900* (NSW) require a trespass – that is, entry to the premises of another without lawful authority. We argued that under his tenancy agreement, our client had the right to enter the premises and to do so using the kind of force that would be called a "break" if he was not on the tenancy. He did not require consent to enter the property, regardless of whether he lived there at the time or entered the apartment by force.

The trial judge directed an acquittal, but the NSW Court of Criminal Appeal disagreed and allowed a Crown appeal. A majority at the High Court upheld our client's appeal and acquitted him of the charge.



## Back-Up Duty Scheme at Lithgow Local Court

Until July 2022, duty services at Lithgow Local Court were provided exclusively by private practitioners under the Duty Solicitor Scheme. As part of the local court expansion, an additional full-time Magistrate was allocated to the Lithgow/Mudgee circuit and duty services transitioned to the Legal Aid NSW in-house Back Up Duty Scheme (BUDS) model.

The in-house crime team at our Orange Office now manages the duty list with valuable support from private practitioners onboarded to the BUDS.

## Children's Legal Service Conference

We were delighted to see the Children's Legal Service Conference return on 13 May 2023 at the NSW Teachers Federation Conference Centre.

Legal Aid NSW Children's Legal Service Solicitors Tim Khoo and Claudia Cejas discussed Digital Evidence Access Orders, while fellow Children's Legal Service Solicitor Rhiannon O'Donoghue presented on essentials for criminal lawyers working with clients in out-of-home care.

The program also included presentations from the President of the Children's Court Her Honour Judge Ellen Skinner, Executive Director Youth Justice Paul O'Reilly, Public Defender Rose Khalilizadeh and Magistrate of the Local Court of NSW Debra Maher.

## The year ahead

- We will continue our role on the Sydney Drug Court Expansion Steering Committee and Working Group, supporting the expansion of the Sydney Drug Court from sitting one day per week to full-time operation. We will establish a new Sydney Drug Court Team to service the Court.
- Our Aboriginal Women on Remand Project will continue working closely with stakeholders and community organisations to reduce the amount of time Aboriginal women spend on remand, reduce delays in service delivery and fast-track resolutions in criminal matters. We will fast-track Supreme Court of NSW bail application access and triage Aboriginal women within two business days of a local court bail refusal.
- We will add two new information referral and rehabilitation support workers to the Prisoners Legal Service to reduce the workload of criminal law solicitors, reduce the delay in rehabilitation program applications being made for clients, create better relationships with service providers and provide data on both the needs of our clients and the availability of rehabilitation services.

## 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, case representation and allied professional social support.

The division supports clients who have care and protection and domestic violence law matters, provides community legal education throughout NSW and contributes to law reform initiatives.

Our specialist family law services include the Family Law Service for Aboriginal Communities, Early Intervention Unit, Domestic Violence Unit, Child Support Service, Appeals and Complex Litigation Unit and Family Dispute Resolution Unit. These services are available at our offices, by telephone and at outreach locations.

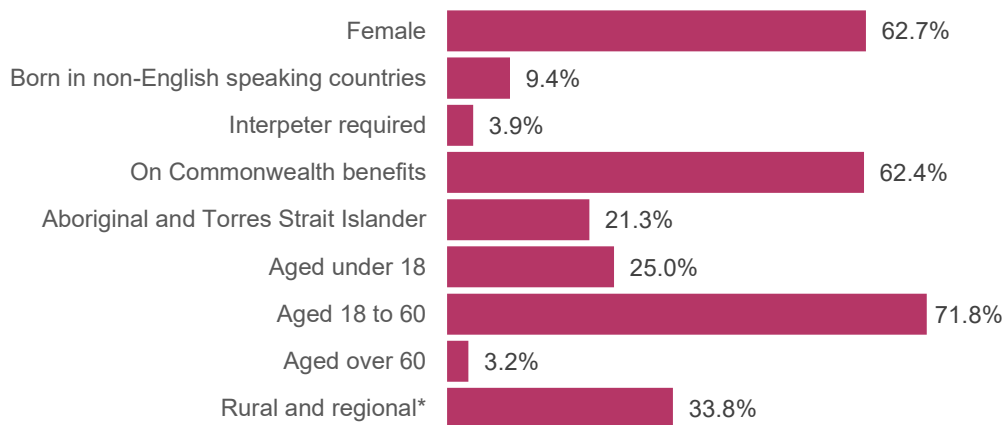
### Fact file

Total staff: 265

Total expenditure on family law services: \$120.1 million

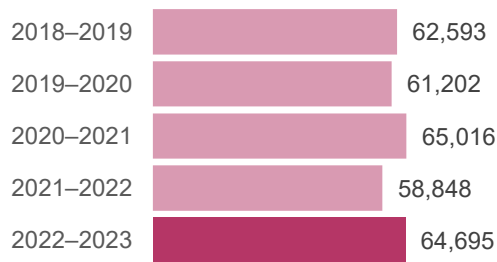
Proportion of overall expenditure on family law services: 25.06%

## Family law client profile



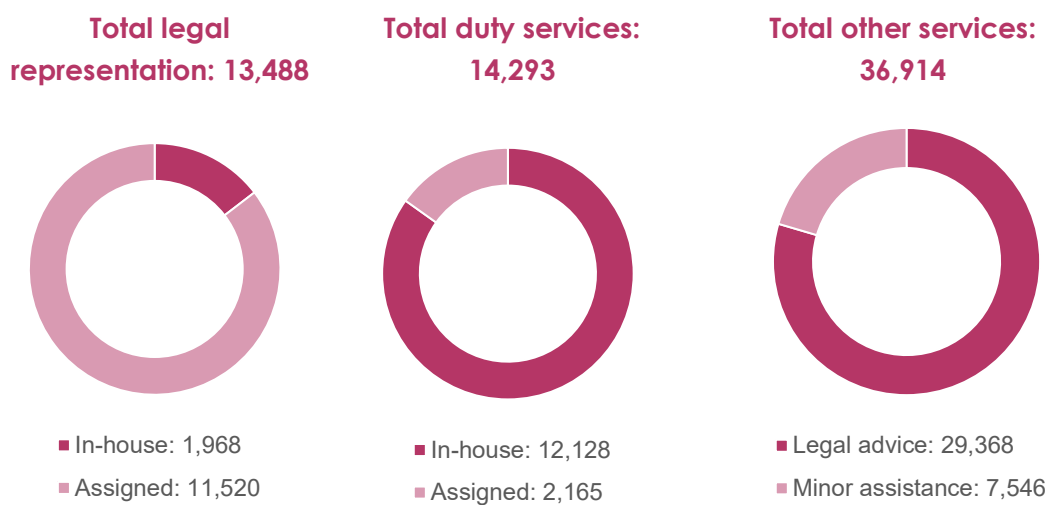
\*This figure includes Newcastle and Wollongong and is now based on a different calculation to that used in previous years, to ensure consistency with our Commonwealth reporting obligations. It should not be compared with the same percentage in earlier reports.

## Family law services over five years



## We provided 64,695 family law services to clients in 2022–23.\*

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



## Expansion of the Family Advocacy and Support Services

Legal Aid NSW continued to see an increase in demand for the support we provide through Family Advocacy and Support Services (FASS) in 2022–23.

FASS helps men and women impacted by domestic and family violence to solve their legal and non-legal problems and navigate the family law system. Our lawyers work alongside social support staff from Women’s Domestic Violence Court Advocacy Services and other organisations to provide an integrated legal and social support service. The effectiveness of the FASS was recognised by a national \$85 million funding boost in the 2022–23 budget. It was expanded to an additional 14 locations across NSW and services every Federal Circuit and Family Court of Australia (FCFCOA) registry and circuit location in the state. In-person services are now available to families in regional and remote NSW, and dedicated mental health support is embedded in the service.

A launch of these expanded offerings was held in Dubbo in June 2023 and was a fabulous showcase of the work of the service. It was attended by representatives from Legal Aid NSW, executives from the FCFCOA, the Judiciary, Dugald Saunders MP, local practitioners and

representatives from domestic and family violence services. The Commonwealth Attorney-General, Mark Dreyfus KC MP provided a video address.

### **FASS partners with the Family Law Service for Aboriginal Communities**

When the FCFCOA's Specialist Indigenous List expanded from Sydney to Lismore and Coffs Harbour in 2023, FASS partnered with the Family Law Service for Aboriginal Communities (FamAC) to provide holistic legal and social support services to Aboriginal and Torres Strait Islander families.

Legal Aid NSW can now support multiple parties in these matters, enabling family members to access culturally safe legal services, specialist social support if they are experiencing mental health issues or domestic and family violence, and support services through the assistance of an Aboriginal Field Officer.

### **Commonwealth Property Mediation Pilot**

A key focus for our Family Dispute Resolution (FDR) Unit in 2022–23 was the Commonwealth Property Mediation Pilot. A total of 699 referrals were received for the pilot, which uses a two-mediation model that includes funding for the second party.

Since early 2023, the FDR Unit has developed and trialled new property documents and processes to focus on disclosure in property mediation and improve outcomes for clients.

The Australian Institute of Family Studies released an independent evaluation in August 2022 and was positive about the model and the work done by legal aid commissions. It reported that every dollar spent returned \$4.69 in social and economic benefits. The report called the model a "prudent and efficient means of assisting parties to resolve property arrangements."

### **Transition to an online mediation platform**

On 1 July 2022, FDR transitioned to an online-first model for mediation, with face-to-face mediation continuing to be an option in relevant circumstances.

Before this, FDR saw a significant trend towards shuttle mediations, where parties speak only to the mediator and not to each other, and mediations are held over the phone. Outcomes for these mediation types saw a lower agreement rate.

Data from 2022–23 shows that 87% of FDR mediations were held online, with the percentage of online matters increasing monthly. Settlement rates for online mediation are comparable to in-person models and higher than telephone mediation outcomes. Online shuttle mediations also have a higher agreement rate than those held by phone. Feedback from clients, mediators and solicitors continues to be positive.

### Child reunited with mum

We assisted a young Australian mum who travelled with her husband and one-year-old to another country with the intention of staying for a year. COVID-19 then interfered, and they were stuck overseas. The couple then separated, and the court ordered that the child live with their mother and spend five hours per week with their father. The child's father then took them to another country, and our client contacted the Legal Aid NSW Early Intervention Unit. We could not assist at the time, because Australian courts have no jurisdiction when a child is outside Australia. We prepared a court application in case the father and child returned to Australia, and when they did, we filed the court application seeking that the child be placed on the airport watch list. Due to visa issues, it took weeks for our client to return home. When she landed, we filed another court application seeking a recovery order. The child is now safely back with our client.

### Health Justice Partnership outreach

The Early Intervention Unit resumed outreach services at the drug and alcohol recovery program We Help Ourselves (WHOS) in 2022–23 in conjunction with the Civil Law Consumer Team. They provide a much-needed and highly valued in-person service each Wednesday at WHOS Lilyfield and a phone service to clients in Newcastle, Penrith and Goulburn.

### The year ahead

- By 2024, we will embed the Legal Assistance for Families: Partnership Agreement objectives into our regular practice with the intention that our legal assistance will reduce families' contact with the child protection system and keep more children with their families and kin.
- We will continue to provide representation in property mediations following the success of the Commonwealth Property Mediation Pilot, which has been extended with increased funding until 2024–25 due to a positive evaluation.
- Our allied professional workforce will be expanded across NSW to provide wrap-around social support in family law and care and protection matters, assisting clients to fully participate in their case in a trauma-informed way.

## Civil law

Our Civil Law Division is the largest publicly funded civil practice in Australia. The work of our lawyers and allied professional staff is wide-ranging. Our practice covers housing and tenancy, human rights, social security, consumer protection, disaster response, insurance, employment, discrimination, immigration, visa cancellation, the NDIS, mental health law, fines, coronial inquests and the Sexual Assault Communications Privilege Service.

We have dedicated specialist services for Aboriginal and Torres Strait Islander communities, children, refugees, prisoners, veterans, older people experiencing elder abuse and communities impacted by disasters. This year, we also launched the Respect at Work Legal Service, a specialist statewide service providing legal services to people who have experienced sexual harassment or discrimination in the workplace.

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

Our Civil Law Blueprint, launched in March 2023 (see page 26), introduced a statement of purpose for the first time in the division's history: "To improve the lives of people experiencing deep and persistent disadvantage or dislocation by using civil law to meet their fundamental needs."

This purpose sharpens the focus of our broad and growing civil practice to reach clients experiencing severe, long-term disadvantage or a major life upheaval that can cause or entrench hardship. The emphasis on fundamental needs directs our resources to work that will have the greatest impact.

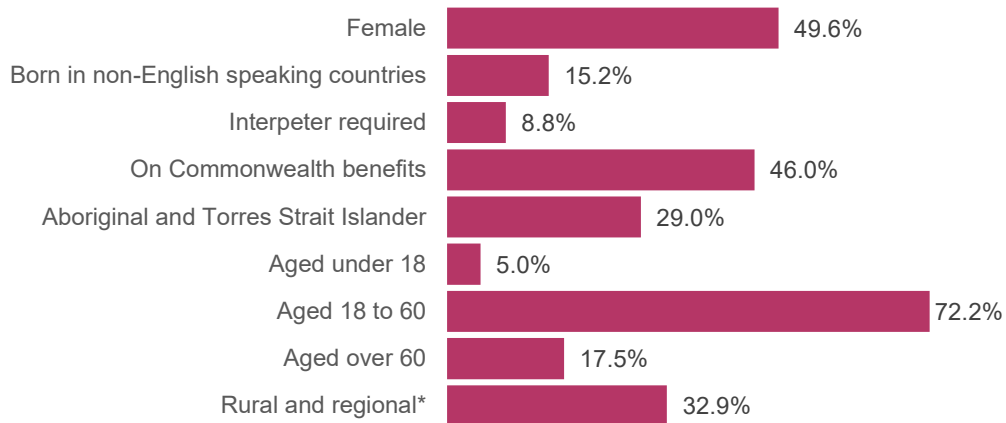
### Fact file

Total staff: 225

Total expenditure on civil law services: \$50.1 million

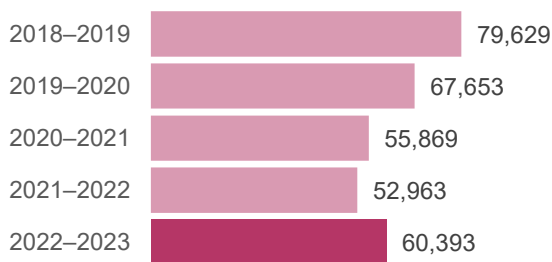
Proportion of overall expenditure on civil law services: 10.45%

## Civil law client profile



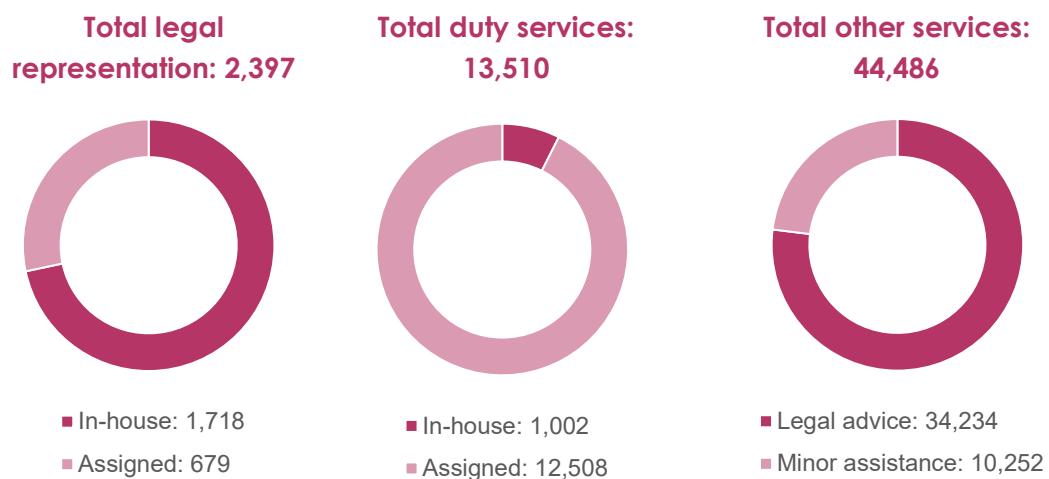
\*This figure includes Newcastle and Wollongong and is now based on a different calculation to that used in previous years, to ensure consistency with our Commonwealth reporting obligations. It should not be compared with the same percentage in earlier reports.

## Civil law services over five years



## We provided 60,393 civil law services to clients in 2022–23.\*

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



## Partnering with the Women's Domestic Violence Court Advocacy Service to address elder abuse

This year, the Legal Aid NSW Elder Abuse Service (EAS) partnered with the Central Coast Women's Domestic Violence Court Advocacy Service (WDVCAS) to increase referrals for legal advice and assistance for older people experiencing abuse. Almost 10% of WDVCAS clients are over 65 years old.

The EAS and WDVCAS delivered a half-day training session to 55 local service providers highlighting the differences between domestic violence and elder abuse and the different responses required. This partnership complements the EAS partnership with the NSW Police Force aimed at improving the identification of and response to elder abuse.

## Civil team save mother's home from ex-partner

**Sweeney v He [2022] NSW SC 655; Sweeney v He [2023] NSWCA 68**

Legal Aid NSW supported a client through judicial proceedings to save her from losing her home to her ex-partner, who lived with her in a property purchased by her son in 2013 and made regular rent payments. After the relationship breakdown, the client left to stay in crisis accommodation. Her ex-husband stayed in the property until the NSW Civil and Administrative Tribunal made eviction orders, and then our client returned to the property.

In 2021, our client's ex-husband commenced proceedings seeking a declaration that the property was held in trust for himself and our client under an oral agreement. Our client and her son both denied this agreement existed.

We appeared in the Supreme Court of NSW, which found in favour of our client and her son, deciding the property was purchased for the benefit of the son and that payments were made as rent. The ex-husband appealed to the Court of Appeal on several grounds, including that our client's counsel did not put allegations to him in cross-examination. The court dismissed the appeal, saving our client's home.

These proceedings were important as the Court of Appeal reviewed the rule of evidence in *Browne v Dunn*, which states that if you intend to contradict the evidence of a witness, they must be given a chance to explain or comment while they are still in the witness box. This rule ensures fairness to all the parties in the proceedings. The Court's decision clarified that when considering how this principle is applied, it must consider the case of the parties in its entirety, including issues raised at each stage of the proceedings. Explicit notice or warning to the witness is not always necessary to comply with this rule.



## **Contributing to administrative review reform**

In December 2022, the federal government announced that the Administrative Appeals Tribunal (AAT) would be abolished and replaced with a new federal administrative review body.

Harnessing our extensive experience representing applicants before the AAT in social security, immigration, NDIS and veterans matters, we participated in consultations with the Attorney-General's Department and contributed to the National Legal Aid submission on these reforms. We identified barriers to fair administrative review in the current system and proposed recommendations to ensure a fair, transparent, accessible and inclusive system.

## **Strategic advocacy for improved prisoner health care**

Our Human Rights Team continues to pursue strategic advocacy on the standard of health care provided to people in NSW prisons. Prisoners are entitled to receive equivalent health care to people in the community but are often not given the care they need.

This year, we delivered a presentation to Health Care Complaints Commission staff and met with staff from the NSW Ombudsman's office about improved access to health care for prisoners. We also advocated on behalf of prisoners to a delegation of the United Nations Subcommittee on Prevention of Torture who were visiting Australia and presented a report on the health of prisoners to Justice Health and other members of the Justice Health and Legal Partnership Forum.

As part of this work, we also made a detailed supplementary submission to the Disability Royal Commission. Our submission drew on our practice experience and highlighted systemic failures in providing timely, appropriate and quality healthcare and disability support, which in some cases resulted in serious health consequences or neglect.

## **Providing guidance to international policy makers**

In late 2022, the Legal Aid NSW Sexual Assault Communications Privilege Service (SACPS) was invited by Rape Crisis England & Wales to present at an online briefing about a proposal to include a sexual assault communications privilege in the UK Victims Bill.

The event was hosted by two British Members of Parliament and attended by 13 Members of Parliament and over 100 policy makers. SACPS spoke from experience about the protections available for sexual assault survivors in NSW, and the processes and scope covered by our legislation.

The presentation referred to four Sexual Assault Communications Privilege cases heard by the NSW Court of Criminal Appeal, as well as various law reform commission reviews, and the fact that all three significant amendments to the legislation had been to widen its scope and strengthen protections. We also addressed concerns that limiting access to notes made by counsellors working with rape survivors would result in unfair convictions and excessive appeals.

## **Support for flood-affected communities**

Catastrophic flooding devastated communities across NSW in 2022, causing homelessness and financial hardship. In July 2022, the Hunter, Central Coast, Greater Sydney and Hawkesbury regions were impacted. Some communities were impacted for the fourth time in 18 months. From September 2022, widespread flooding across the North West, Central West and Riverina Murray caused further destruction.

The magnitude of these new disasters, compounded by the dire legal need still facing flood-affected communities in the Northern Rivers, required an adaptive and flexible approach to reach as many impacted people as possible. The statewide Disaster Response Legal Service (DRLS) mobilised once again, offering a 1800 helpline, legal help at recovery centres, community legal education and a dedicated website with self-help tools.

We delivered frontline legal services where they were needed most: at recovery centres established by Resilience NSW (now the NSW Reconstruction Authority) in 102 locations across 46 LGAs.

In 2022–23, the DRLS provided over 2,780 legal services. These outcomes were only possible with the assistance of Legal Aid NSW civil lawyers, Aboriginal Field Officers and staff from specialist teams including CLSAC.

We co-ordinated the response with our partners in the legal assistance sector, including community legal centres, tenants' advice and advocacy services, Justice Connect, the Law Society of NSW, the NSW Bar Association, the NSW Tenants Union and the Financial Rights Legal Centre's Insurance Law Service.

## **Helping clients clean up after the floods**

The major floods across NSW left many houses and people's belongings water-logged and damaged. As soon as people could access their homes, they returned to be confronted by the massive task of cleaning up their communities. Many local councils offered free rubbish removal services, but people were cautious about getting rid of their belongings as they had been advised not to remove anything until insurance assessors had conducted inspections. Due to the magnitude of damage, assessor visits were likely to be weeks away. This situation resulted in piles of damaged belongings outside people's homes, causing further trauma for the community and creating a potential health hazard.

The DRLS worked with individual clients, Resilience NSW and community workers to inform residents of their legal rights and reassure them that they did not need to wait for assessor visits before they could get rid of their flood-affected items. The DRLS advised clients that they could take photographs or videos of damaged household goods and take advantage of council clean-ups to get rid of the debris immediately.

The DRLS raised this as a systemic issue with the Insurance Council of Australia (ICA). The ICA confirmed that the advice to the community was correct and sent communications to the

insurers in question and to its other members to ensure they were not advising residents to delay removing debris while waiting for insurer assessments.

### **Insurance win enables client to rebuild their home**

The DRLS assisted a client whose home was destroyed in the January 2020 bushfires. Her insurance claim was denied as the insurer alleged she failed to disclose relevant information when she took out insurance in the days before her property was destroyed. After an unsuccessful internal dispute resolution complaint, the DRLS challenged this decision in the Australian Financial Complaints Authority (AFCA). After a lengthy process of collecting evidence and drafting submissions, AFCA made a determination in our client's favour in October 2022, finding that the insurer failed to establish an exclusion under the policy and was required to settle the claim.

The sum insured was \$400,000. However, after further negotiation, we persuaded the insurer to pay additional benefits under the policy, such as temporary accommodation, debris removal, inflation cover and interest, on top of the sum insured. Our client received \$573,621.

For almost three years, without access to insurance funds or temporary accommodation, our client had been living in a shed on her property with two dogs, no kitchen and an outdoor bathroom. She intends to stay on her property and use her insurance claim funds to rebuild. Our client says she can now finally see a future for herself.

### **Prisoner's Power of Attorney Kit**

Many inmates experience challenges managing their finances and affairs while in custody. In 2022, the Prisoners Civil Law Service published a Power of Attorney Kit for people in prison, containing a factsheet about Powers of Attorney and the forms inmates need to appoint and revoke a power of attorney.

### **Using the Bugmy Bar Book in civil matters**

The Housing Specialist Team has pioneered using the Bugmy Bar Book in civil proceedings relating to housing matters. *Bugmy v The Queen* is a criminal case and authority for the principle that a client's history of disadvantage is relevant to assessing moral culpability during sentencing. Each chapter of the Bugmy Bar Book includes extracts from major reports and leading academic research about social issues, and chapters are regularly admitted into evidence in sentencing matters.

The Housing Team have now implemented the Bugmy Bar Book into civil practice. Chapters can be used persuasively to show that the circumstances of homelessness can be both a cause and consequence of involvement with the criminal justice system and that the impacts of

homelessness include poor physical health and mental health. Templates have been developed for use in the NCAT and first-tier appeals to the Department of Communities and Justice – Housing.

### Immigration Service gets client home in time for Christmas

Our Immigration Service represented a client before the General Division of the Administrative Appeals Tribunal (AAT) in the visa cancellation matter *Bishop and Minister for Immigration, Citizenship and Multicultural Affairs (Migration) [2022] AATA 4446*. The client was a New Zealand citizen but had been living in Australia for 47 years and did not know he was not an Australian Citizen until his visa was cancelled. He had a traumatic upbringing with periods of homelessness as a teenager. He had a large family in Australia, including three children, two of whom have a serious genetic disorder and another with a learning disability. The client did not have any connection with New Zealand.

The client's visa was cancelled when he was sentenced to 12 months in prison for assault and breach of bail. He had never been in custody prior to this offence. We represented the client in an appeal of the visa cancellation before the AAT and obtained expert evidence that showed how the client's upbringing had contributed to his offending. We were able to persuade the AAT that our client had a low risk of reoffending, that the impact of the client's removal on his children would be substantial and that the impact on his mental health would be significant. The AAT decided in our client's favour, and he was released from custody with a visa to return home to his family in time for a Christmas Eve breakfast.

### The year ahead

- We will implement phase 1 of the Civil Blueprint.
- We will implement a community legal education strategy to inform people who have experienced sexual harassment or discrimination in the workplace about the ways the Respect at Work Legal Service can help them.
- We will review our disaster response model to ensure it is scalable, flexible and sustainable to meet the ever-increasing demand for legal help in the aftermath of widespread disasters.
- We will expand the Aboriginal Women Leaving Custody program in partnership with the Legal Aid NSW Family Law Service for Aboriginal Communities.
- We will expand outreach to Aboriginal communities in the Far West NSW.

## Community legal education

Legal Aid NSW provides targeted community legal education (CLE) for priority client groups and community professionals.

In 2022–23, we have been able to return to face-to-face CLE in more locations, particularly in schools and at community events.

As remote learning is still preferred by many and accessible statewide, we maintained a strong focus on online CLE. We have continued our popular Law for Community Workers webinars, podcasts and social media content and hosted a successful Lunch and the Law webinar series for Law Week 2023.

We delivered 1,389 CLE events, of which 769 were for community workers. These events involved a total of 2,035 separate sessions.

We delivered 1,009 CLE events face to face including contributing to 232 stalls at events across NSW. We distributed thousands of educational resources.

This year, we re-branded our podcast channel to Law for Community Workers, simplifying the name by removing 'on the go'. We published 38 Law for Community Workers podcast episodes, which were downloaded about 10,000 times. Almost all these podcasts were collaborations with other organisations, and our most popular podcast this year was on the Australian Death Notification Service. We have released more than 125 episodes that have been downloaded more than 40,300 times since the podcast launched in 2018.

We hosted 312 online CLE events in 2022–23, including 25 live webinars that reached 1,473 attendees. We uploaded 30 videos to the Legal Aid NSW YouTube channel, which have been viewed more than 8,145 times. The most popular recorded webinar was about separation, divorce and property.

One of the main ways community workers find out about our upcoming events and new podcasts is through our Law for Community Workers email alert. This year, we sent out 23 alerts to our 3,447 newsletter subscribers. Each alert highlighted special events like NAIDOC, Seniors Week, Youth Week, Law Week and Refugee Week and contained links to our webinars, podcasts, publications and more. We also promoted webinars and events run by community legal centres and others in the sector.

### CLE sessions by area of law\*

Area of law	2020–21	2021–22	2022–23	Change from previous year
Criminal law	387	145	312	115.2%
Family law	195	208	322	54.8%
Civil law	1,131	967	1,401	44.9%
<b>Total</b>	<b>1,713</b>	<b>1,320</b>	<b>2,035</b>	<b>54.2%</b>

\*CLE figures for 2020–21 and 2021–22 have been revised following the identification of system issues that had previously resulted in undercounting.

### Award for best community stall

Stalls at community events are a great way for our staff to engage with target communities, educate the public about the law and our work, and let people know how to contact us.

This year, Legal Aid NSW won the award for best community stall at Mardi Gras Fair Day – a great achievement as there were over 300 stalls this year!

### Law Week 2023

NSW Law Week is a program of community events and activities designed to help people understand their rights, the law, the legal system and the legal profession.

This year, we partnered with the State Library of NSW, Marrickville Legal Centre and other services to host a special webinar series for the public called Lunch and the Law. We broadcast a different panel webinar each day of Law Week, including sessions on scams, renting, traffic fines and driving, employment and debt. We had 730 people in total register for our Law Week webinars and received 25 media mentions with a potential news reach of 587,000.

### Legal words for interpreters

For the past eight years, we have delivered workshops for interpreters and bilingual workers to help them explain some of the tricky legal terminology they may encounter when assisting Legal Aid NSW clients, particularly at courts or tribunals. This year, we ran four workshops on civil and criminal law words, both face to face and online, for a total of 319 interpreters.

### Seniors diary and calendar

Our Legal Topics for Seniors Diary is our most popular publication and meets an identified need to provide legal information to older people in an accessible, usable and attractive format. We produce the diary with funding support from our primary sponsor, the Department of Communities and Justice, and other sponsors, including the Law Society of NSW. This year, we distributed 50,000 diaries and 22,000 calendars. Ten thousand of these diaries were distributed to seniors who attended the Sydney Seniors Week Expo in February 2023.

### Other community legal education highlights

- We delivered 194 CLE events in schools and youth services. Sessions helped young people build their legal life skills by enhancing their understanding of police powers, sexting and consent, discrimination and more.
- Spotlight On is our podcast series for community workers about the wide range of specialist legal services available to assist their clients. The series includes 29 short, interesting and informative episodes that shine the spotlight on services such as community legal centres and Legal Aid NSW specialist services.
- The launch of the new Legal Aid NSW website was an opportunity for the CLE Team to streamline our website content. The CLE page now focuses upcoming events and information for community workers, schools and young people.

### The year ahead

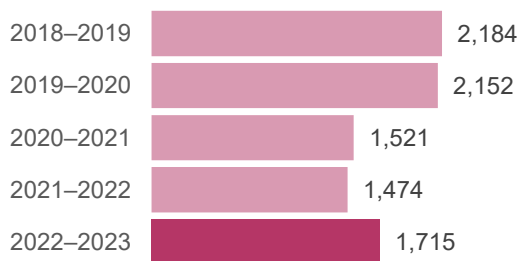
- We will pilot a program of CLE to support and empower local young people through the Cooperative Legal Service Delivery Program.
- We will continue our podcast collaboration projects with a series on homelessness: A Place to Call Home.
- We will conduct CLE for community workers and client groups about the new NSW laws on coercive control.
- We will continue to promote and grow our Law for Community Workers platforms so more community and health workers can spot legal issues and know where to refer their clients for legal help.
- We will work with our colleagues in the Communications, Statewide Advice and Legal Resources teams to conduct an office roadshow to ensure all staff at Legal Aid NSW are clear about what our teams do and where people should go for specific help.

## Private lawyers

Legal Aid NSW works with private lawyers, who receive funding from us to represent legally-aided clients in assigned matters. Private practitioners play a vital role in ensuring we can provide coverage across NSW in representing clients under grants of legal aid.

Private lawyers are appointed to Legal Aid NSW panels under the *Legal Aid Commission Act 1979* (NSW). This year, private lawyers provided 69% per cent of all the casework services we provided as a result of grants of aid and 40% per cent of all duty lawyer services.

### Total individual panel members

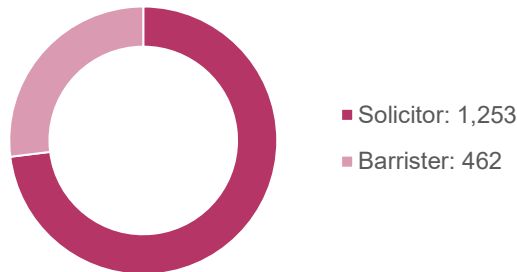


Number of private lawyers on Legal Aid NSW panels 2022–23*	
<b>General panels</b>	
General Civil Law Panel	354
General Family Law Panel	716
Summary Criminal Law Panel	1,301
<b>Specialist panels</b>	
Appellate Criminal Law Barrister Panel	88
Care and Protection Panel	158
Children’s Criminal Law Panel	484
Complex Criminal Law Barrister Panel	218
Domestic Violence Panel	587
Independent Children’s Lawyer Panel	136
Indictable Criminal Law Panel	704
Indictable Criminal Law Barrister Panel	409
Mental Health Advocacy Panel	406



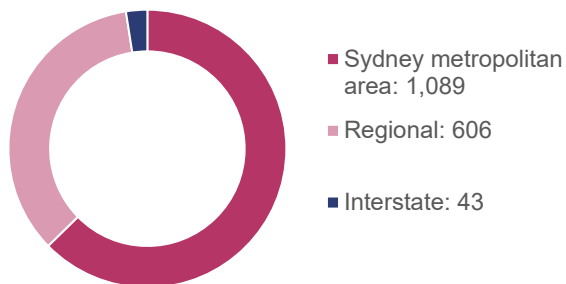
\*Some lawyers are active members of more than one panel. Figures include current active panel members whose appointment start dates were before 30 June 2023.

### The lawyers who sit on our panels



### Where our private lawyers are located\*

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



### Monitoring quality and supporting private lawyers

Private lawyers provide approximately half of all Legal Aid NSW services, with some regional and remote areas of NSW serviced exclusively by private lawyers.

Working with private lawyers, making it easy for them to provide services to our clients, and ensuring clear and reasonable expectations are crucial to effective service delivery to Legal Aid NSW clients. We proactively monitor the quality of services our clients receive to ensure we are supporting private lawyers on our panels to provide excellent service.

In 2022–23, we reviewed the Legal Aid NSW Panel Service Agreement and Quality Standards and continued implementing our Private Lawyer Quality Framework. We undertook audits, investigated complaints and conducted visits to regional areas to obtain feedback and encourage stakeholder engagement.

### Review of fees paid to private lawyers

On 1 July 2022, the base hourly rate for private lawyers supporting Legal Aid NSW clients in state matters increased from \$170 to \$180. Fees not based on the hourly rate increased by

5.9%. This increase was the third of four increases made possible by the allocation of \$87.7 million by the NSW Government in November 2019.

### Regional visits

Our Private Lawyer Quality Standards Unit conducts regional visits to speak with panel members, engage with stakeholders, gather feedback and identify areas where support and training can benefit panel members. In 2022–23, our team visited the Far South Coast and Hunter Valley regions.

### Audits

In 2022–23, we performed quality audits on a total of 100 files from 31 private lawyers. We performed file reviews on 20 files across 8 law practices and 231 spot-check audits across 96 law practices.

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

#### Total audits completed in 2022–23:

Quality audits	19 law practices (74 files)
File reviews	8 law practices (20 files)
Spot check audits	96 law practices

### Complaints

Complaints are the main way we identify concerns about private lawyer performance. Since implementing our complaints handling process, the number of complaints received and investigated by our team has increased. We are committed to engaging with stakeholders to ensure they are aware of our complaints process.

#### Complaints received (calendar year):

2018	65
2019	62
2020	43
2021	374
2022	333
January to June 2023	170

## Removals

In 2022–23, a total of five law practices were removed from Legal Aid NSW panels due to breaches of the Legal Aid NSW Panel Service Agreement or our Quality Standards.

## The year ahead

- We will continue to engage with private lawyers and provide them with Continuing Professional Development-accredited training.
- We will continue to engage with external and internal stakeholders to develop ways to gather feedback and monitor quality.
- We will continue proactively monitoring of the services our private lawyers provide through audits and regional visits.
- We will continue to investigate complaints in accordance with our Private Lawyer Quality Framework.

## Key challenge

- Ensuring our private lawyers on panels in regional areas receive the required level of engagement and training.

## Our programs

### Community legal centres

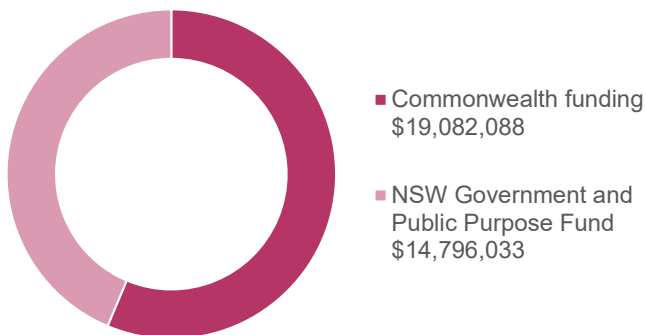
Legal Aid NSW administers funding on behalf of the NSW Government, Commonwealth Government and Public Purpose Fund for the Community Legal Centres (CLC) Program in NSW.

The CLC Program funds 32 centres, including 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 local communities.

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

### Funding and services

This year, we administered \$33,878,121 of CLC Program grant funding to community legal centres and CLCNSW. The CLC Program also administered some one-off Commonwealth and state funding for disaster-related legal assistance and sector-wide projects. For further details regarding this funding, see Appendix 4.



### Fact file

In 2022–23, community legal centres used this funding to assist 35,025 people and provide a range of legal assistance services, including:

- 40,215 instances of legal advice
- 10,209 legal tasks
- 3,784 representation services including 1,181 court and tribunal services
- 1,043 community legal education activities, and
- 351 community legal education resources.

### Increasing the capacity of CLCs to support victim-survivors of family violence

In 2022, the NSW Government allocated \$4.6 million to 22 CLCs to increase their capacity to support victim-survivors of domestic, family and sexual violence. The funding was for CLCs to deliver up to two years of additional frontline services. It enabled the sector to employ more lawyers and specialist workers to provide wrap-around legal assistance services and non-legal support, such as counselling.

The services complemented the work CLCs already do to assist vulnerable people experiencing or at risk of family violence across NSW. These clients are a national priority group, and many CLCs receive targeted funding to provide them with legal assistance and deliver family law or family violence-related services.

### Additional funding supporting flood and disaster-affected communities

In 2022, the federal government committed an additional \$7 million to NSW CLCs to support relief and recovery in communities impacted by the 2019–20 bushfires and 2022 floods.

The funding was allocated to seven CLCs in NSW for service delivery over four years up to 30 June 2026. The recipients included generalist regional CLCs in impacted areas and statewide CLCs specialising in tenancy and social security legal assistance.

Over the next four years, the CLCs will hire more staff and conduct additional outreach services to continue to support individuals and communities affected by natural disasters.

### Additional funding for the First Nations Cadetship Program

In 2021–22, the CLC sector received \$200,000 of Australian Government funding to pilot a First Nations Cadetship Program. In its first year, four Aboriginal or Torres Strait Islander university students took the opportunity to undertake practical learning and work experience in their field of study and were employed at participating CLCs.

In January 2023, the former NSW Attorney General awarded the First Nations Cadetship Program a further \$640,000 in Commonwealth funding to expand over the next three years. The additional funding will allow the Cadetship Program to employ another 12 cadets and a part-time cadetship coordinator.

The cadetship program provides the opportunity for First Nations cadets to gain experience at generalist and specialist CLCs located across NSW. The program aims to contribute to career development and encourage an increase in First Nations employment across the sector.

### **Outcomes of the 2022 funding application process**

In 2022, some streams of CLC Program funding were redistributed through an application process. The former NSW Attorney General appointed an independent panel to assess applications against criteria and make recommendations to guide funding decisions.

The former Attorney General accepted the panel's recommendations. Funding allocated to the CLC Program from 1 January 2023 to 30 June 2025 included \$4 million per annum of Commonwealth funding for family law and family violence-related services and \$2.2 million per annum of NSW Government funding for projects addressing identified critical service gaps in community legal services. These included projects focusing on older people, vulnerable women, employment law, a health justice partnership and northern and western NSW.

### **The year ahead**

- We will work with CLCNSW to conduct the sector-wide CLC client satisfaction survey.
- We will continue to administer funding to CLCs providing services to people most in need, including services dedicated to people impacted by floods and natural disasters, domestic, family and sexual violence and critical service gaps.
- The CLC sector will participate in the Australia-wide review of the National Legal Assistance Partnership in early 2024.
- As centres transition to new case management systems, we will continue to work with CLCNSW and CLCs Australia to improve data collection and reporting.

### **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, case management 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 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 FASS, a national scheme of integrated legal and social support for families affected by domestic and family violence. WDVCSs provide social support for women, and Relationships Australia NSW provides social support for men. In 2022–23, FASS social support workers assisted 3,346 clients.

**Fact file**

- 15.7% increase in the number of service events provided to clients in 2022–23 compared to the previous year.
- 15.6% of WDVCS clients identified as Aboriginal or Torres Strait Islander.
- 20% of WDVCS clients identified as being from a culturally diverse background.
- 10.3% of WDVCS clients identified as having a disability.

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



### Expansion of hearing support for women experiencing family violence

In April 2023, the NSW Government announced a \$6.1 million investment to expand the WDVCS Hearing Support Pilot.

Pilot funding has enabled participating WDVCSs to employ dedicated hearing support specialist workers to assist women in preparing for a court hearing and attending court safely. This support can include arranging for women to attend a pre-hearing clinic with police, helping them to understand the court process, facilitating access to remote witness facilities or arranging supports on the day, such as transport and childcare.

The pilot aims to reduce the stress and trauma associated with the court process. The pilot started in November 2022 in 14 WDVCS locations, covering 73 local courts.

The additional \$6.1 million announced in April 2023 will enable the pilot to expand to all WDVCS locations for one year from November 2023. Results will then be evaluated by the University of Technology, Sydney.

### Expansion of Police co-location pilot

In October 2022, the WDV CAP Unit successfully launched a co-location pilot with NSW Police in five police stations across the state. Under the pilot, a specialist domestic and family violence support worker from WDV CAS is based at a participating police station from Monday to Friday to provide support to women who visit the station to report or seek help with domestic and family violence.

The pilot aims to improve the response to women experiencing domestic and family violence who attend a police station. Providing a specialist, trauma-informed worker at the station may help reduce the fear women often feel when asked to share their story at the front counter and encourage more women to seek police assistance and engage with available supports.

Following positive feedback from pilot sites at Fairfield, Hurstville, Armidale, Griffith and Nowra, the NSW Government announced a further \$1.4 million investment in April 2023 to expand the pilot to five extra locations from October 2023.

### Expansion of support for people going through the family law process

In partnership with the Legal Aid NSW Domestic Violence Unit and Early Intervention Unit, the WDV CAP Unit helped to expand the FASS to all FCFCOA registries across NSW in 2022–23. This expansion was made possible by increased funding from the Australian Government.

Women and men impacted by domestic and family violence going through the family law process can now access integrated legal and social support through the FASS anywhere in NSW, no matter which court they attend.

### The year ahead

- We will launch a single, streamlined online client and case management system for WDV CASs and FASS social support services. This system will replace multiple existing systems and processes and is expected to reduce time spent on administration and data entry tasks by 50 to 80 per cent.
- We will undertake a procurement and contracting process for WDV CASs from 1 July 2024 onwards.

### Key challenge

- In 2023–24, we will need to manage multiple large-scale, high-priority projects simultaneously. We will launch our new client and case management system, complete a statewide procurement and contracting process, and expand the hearing support and police co-location pilots.



## An efficient and capable Legal Aid NSW

### Central Sydney refurbishment project

In the fourth quarter of this financial year, a decision was made to allocate some unspent capital funding to maintenance projects, including the clean up, painting and carpeting of three levels at Central Sydney. We finished the work on time and on budget, resulting in positive feedback from stakeholders and a fresh, vibrant workspace for Legal Aid NSW staff.

### Adapting a former government office for the Broken Hill Team

Our Broken Hill Team relocated from 194 Argent St to larger premises at 32 Sulphide Street in April 2023. Furniture items were trucked out from Sydney and integrated into the vacated office layout over the course of a week, resulting in a fresh, light-filled office that effectively accommodates the office's operations.

### Security system upgrade

This year, we completed the second stage of a two-year project designed to significantly improve our office security, better protect critical assets and enhance the safety of our staff and clients. Our Facilities Branch coordinated the installation of new security infrastructure and monitoring services at 10 metropolitan and 13 regional offices, including CCTV in client-facing areas at Central Sydney and duress alarms at all offices. Our new INTEGRITI system will enhance efficiencies in administration, workflows and monitoring for Sydney-based staff managing organisation-wide security issues.

### The year ahead

- Our Campbelltown Office fit-out is underway and should be completed in October 2023. The space is larger, and will have a people-centred design for clients with space-saving offices and increased privacy.
- We will undertake an expansion fit out at our Dubbo Office in 2023–24, creating offices for eight additional staff and a large meeting room.
- We will relocate our Statewide Advice Team and LawAccess NSW staff to a new, user-friendly, modern office tailored to their needs.

### Key challenge

- Additional funding has allowed us to grow as an organisation and provide more legal services for the community, but our office spaces were not set up for such rapid growth. Over the next year, we will inspect overcrowded sites, consult with office representatives to ascertain requirements and make an action plan to address these issues.

## Information technology

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

### **Uplifting efficiency using robotics**

Highly repetitive manual processes are key pain points for staff across our organisation. Automating some of these tasks using robotics has made us more efficient and allowed staff to focus on work of higher value to our clients. This year, we implemented robotics across our grants, client services, crime, finance and ICT teams and are planning further use cases. You can read about how our Criminal Law Division are using robotic process automation on page 56.

### **Improving our client and case management system**

We continued to enhance our client and case management system (CCMS), releasing monthly updates throughout 2022–23. The latest 2023 update focused on improving document management within CCMS. These enhancements sped up processing time, created a set of default folders for each new service and allowed staff to better link to relevant client records, improving search functionality.

### **Data and information strategy**

We developed a data and information strategy in 2022–23, which outlined a plan to improve our usage, storage, compliance and management of data over the next three years.

### **Microsoft 365 training for staff**

This year, we ran a change management and training initiative to educate staff on optimising Microsoft 365.

### **Cyber Security Uplift**

We continued a program of work commenced in 2021–22 to uplift our cyber security defences. New tools and procedures were implemented this year that have contributed to a significant improvement in our overall cyber security maturity.

### **The year ahead**

- We will deliver our new client portal in early 2024, a simple digital platform through which clients can access their case information and manage their journey with Legal Aid NSW.
- We will implement a new human capital management system to support HR processes within Legal Aid NSW.
- We will upgrade the contact centre telephony platform for LawAccess NSW and our Domestic Violence Unit, moving to a modern and intuitive user interface with minimal

disruption to workflows and processes. Our new platform will allow staff to engage with customers seamlessly across voice, web chat and email, ensuring a consistent and personalised customer experience.

- We will implement a new case management system for Women's Domestic Violence Court Advocacy Services with enhanced access to client data.
- We will implement the Process and Technology Harmonisation (PaTH) project, which introduces consistent processes and technology throughout the NSW Government. PaTH will replace the SAP HR and SAP Finance systems, improve data availability, increase workforce mobility and lay a foundation for continuous improvement.
- We will complete the program of work commenced in 2021–22 to enhance our cyber security maturity.
- We will refresh our network infrastructure across all locations, ensuring our staff continue to be provided with resilient and secure access to our systems.

### **Key challenge**

- Ensuring we have adequate funding and resources to implement PaTH and other major initiatives that will enhance information technology at Legal Aid NSW.

# Management and accountability

Providing clients with exceptional legal help requires our Board's support, our Executive Team's guidance, and strong, fair governance and management processes. We need a diverse workforce who are supported to build their skills and stay physically and mentally healthy.



The Early Intervention Unit attends their first post-COVID-19 in-person outreach service at Muslim Women Australia in Lakemba in May 2023.

### **Key achievements**

- We completed implementing our Legal Aid NSW Strategic Plan 2018–23.
- We engaged with staff across our organisation on what a fair, respectful and inclusive workplace looks like as part of Project Respect, and prepared a final report based on our findings.
- We continued to apply behavioural insights to our work to create processes built around client need.

### **The year ahead**

- We will roll out the first year of our Legal Aid NSW Strategic Plan 2023–28.
- We will implement the recommendations and the complaints and resolution framework laid out in the Project Respect final report. The framework includes establishing a Diversity, Equity and Inclusion (DEI) Board.
- We will launch our new Client Service Standards, providing guidance for clients on what they can expect when they work with us.

### **Key challenge**

- Ensuring our workforce has the skills to manage their wellbeing while delivering high-quality services to clients.

## Key activities of the Board

The Board of Legal Aid NSW comprises 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 seven meetings in 2022–23.

### Engagement with the Board

The Board is advised by:

- the Legal Aid NSW Audit and Risk Committee (ARC), which advises on budgetary and internal audit matters, and other areas of organisational risk, and
- the Closing the Gap Project Board, which monitors and guides our strategies to meet the socio-economic outcome targets under Closing the Gap.

At each meeting the Board is provided with financial statements, the minutes from ARC meetings and reports on complaints, safety, health and wellbeing, cybersecurity, organisational performance and achievements against the Strategic Plan.

### Decisions of the Board 2022–23

#### 30 August 2022

- Approved a policy to narrow the circumstances in which independent children’s lawyers are funded and reduce funding for drug testing assessments in family law matters.
- Approved a new policy to provide legal aid for responding to an application to the court for mandatory testing orders for vulnerable third parties under section 14 of the *Mandatory Disease Testing Act 2021* (NSW).
- Endorsed the Project Respect project plan.
- Approved the establishment of the Racism and Inclusion Special Consultative Committee (RISCC) to advise the Board and Legal Aid NSW on issues of cultural safety, diversity and inclusion, racism and discrimination and identify any potential risks to the organisation.
- Noted the additional services funded under the National Legal Assistance Partnership Agreement for the period 2022 to 2025.
- Noted the introduction of a revised intake and triage framework under the One Legal Aid model.
- Noted Aboriginal Cultural Safety initiatives and the expansion of the Aboriginal Field Officer program.

## 25 October 2022

- Approved nominations for appointment to the Legal Aid Review Committee for the period 1 January 2023 to 31 December 2024.
- Approved a civil law policy amendment to remove the merit test for further review proceedings for involuntary patients appearing before the Mental Health Review Tribunal under section 37(1)(c) of the *Mental Health Act 2007* (NSW).
- Noted workforce diversity targets and our updated flexible work policy.

## 28 November 2022

- Noted that the Attorney General had approved an extension of Mr Michael Coleman as the ARC Chair and Mr Peter Whitehead as an ARC member to 28 October 2023.
- Noted that Ms Tasneem Chopra AO had agreed to be Co-Chair of the RISCC.

## 28 February 2023

- Acknowledged the work of the ARC.
- Noted the proposal to alter the structure of the Executive.
- Approved provision of extended legal assistance for complex fines matters.
- Approved changes to the means test to:
  - increase the current income and asset test variable amounts
  - remove an element of the Ability to Pay Test
  - include the Family Tax Benefit and Rent Assistance as income and the Department of Veterans' Affairs Aged Pension as a Centrelink Support payment, and
  - introduce new means test discretions.
- Noted information was provided concerning private practitioner fees, achievements against the Domestic and Family Violence Plan 2021–23, and a decision made concerning the recovery of costs in criminal matters.

## 31 March 2023 (ad-hoc meeting)

- Approved the revised Legal Aid NSW Board Charter and Code of Conduct.

## 18 April 2023

- Approved a Criminal Law Expert Fee Scale which increased the standard rates for engaging psychologists, psychiatrists and neuropsychologists in legally aided criminal law matters.
- Noted the actions arising from the RISCC.
- Noted that the Grants Simplification Project approved in October 2021 was completed.
- Noted the Civil Law Blueprint setting out the future direction of the Civil Law Division.
- Noted the culturally and linguistically diverse cultural competency implementation plan for the Early Intervention Unit and Domestic Violence Unit.

## 27 June 2023

- Approved amendments to care and protection policies and guidelines to reflect right to be heard and joinder applications, and amended the means test and fees for these matters.
- Approved an increase in the fees payable to independent children’s lawyers for preparation and appearance prior to hearings.
- Approved the appointment of Ms Nicola Davis to replace Mr Peter Whitehead as a member of the ARC.
- Approved the Strategic Plan 2023–28.
- Noted information the was provided on the impact of driving unlicensed on Aboriginal people in rural and remote communities, payment of fees for neuropsychologists in criminal matters, a service freeze announced by the Aboriginal Legal Service (ACT/NSW), and the Voice to Parliament Referendum.
- Noted the Inclusive Assessment Project report.



## Board members | 1 July 2022 to 30 June 2023



### **Craig Smith**

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

#### **Chair**

*Attended five of six meetings and an additional ad-hoc meeting*

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 26 September 2025.

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.



### **Monique Hitter**

*BSW, Dip Law*

#### **Chief Executive Officer**

*Attended six of six meetings and an additional ad-hoc meeting*

Monique is currently the CEO of Legal Aid NSW and was appointed to the role in July 2022. Prior to this she was the Acting CEO from November 2021. Monique was our Deputy CEO from November 2018 to November 2021 and prior to that was the Director, Civil Law for 11 years.

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 and the Children's Civil Law Service, and of expanding the reach and scope of the Legal Aid NSW Civil Law Program, 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 the Legal Aid NSW response to the pandemic.



**Peggy Dwyer**

*BA LLB (ANU), PhD (University of Edinburgh)*

**Board member**

*Attended two of six meetings and an additional ad-hoc meeting*

Peggy Dwyer was appointed as a representative of the NSW Bar Association by the NSW Attorney General and has been reappointed until 26 September 2025.

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.



**Ainslie van Onselen**

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

**Board member**

*Attended two of six meetings*

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 26 September 2025.

For more than 20 years, Ms van Onselen enjoyed a parallel career as a law partner and non-executive director before progressing into senior executive roles at Westpac, including Managing Director of RAMS Home Loans and running its retail deposits portfolio. Ms van Onselen has been the Chief Executive Officer of Chartered Accountants Australia and New Zealand (CAANZ) since May 2020.

Ms van Onselen is passionate about social justice, inclusion and diversity. She is the former Global Director of Women's Markets, Inclusion and Diversity for Westpac and currently serves as Chair of Kambala Girls School and is Chair (elect) of Chartered

Accountants Worldwide. She is 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.

A member of Chief Executive Women Australia, an Australian Financial Review Women of Influence winner and a former 40 under 40 WA Business News and University of Western Australia Award winner, Ms van Onselen was invited to represent CAANZ and the accounting and auditing professions at the Australian Government's 2022 Jobs Summit.

As well as steering CAANZ's strategy and digital and data transformation, Ms van Onselen drives CAANZ's inclusion and diversity agenda and is a prominent advocate for global sustainability and environmental, social and corporate governance standards.



**Michael Coleman**

*M Comm, B Comm, FAICD Life, FCA, FCPA*

**Board member**

*Attended six of six meetings and an additional ad-hoc meeting*

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 26 September 2025.

The Board also appointed Mr Coleman as Chair of the ARC from 29 June 2016.

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, was a member of the Reserve Bank of Australia's audit committee and previously held several significant roles with the Australian Institute of Company Directors.

Mr Coleman 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, a Governor and Chairman of the Risk and Audit Committee of The Centenary Institute of Cancer Medicine and Cell Biology and

a director of the Bionics Institute. He is also Chair of the Advisory Board of The Foundation for National Parks and Wildlife.



**Richard Henry**

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

**Board member**

*Attended six of six meetings*

Richard Henry was appointed as a representative who, in the opinion of the NSW Attorney General, possesses skills and experience that would benefit Legal Aid NSW. Dr Henry has been reappointed until 26 September 2025.

Dr Henry is an Emeritus Professor at the University of New South Wales (UNSW). He was Professor of Paediatrics at both the University of Newcastle and UNSW and has held senior leadership roles in both the university and health sectors. From 2006 to 2012, he was Deputy Vice-Chancellor (Academic) and Vice-President at UNSW. Since his retirement from UNSW, he has worked as a consultant in health and higher education. Dr Henry's current unpaid roles include Director of the Children's Cancer Institute, Chairman of Trustees of Sydney Grammar School and Director of Luminesce Alliance.

He was appointed as a Member of the Order of Australia in 2007 for service to paediatric respiratory medicine as a clinician, researcher, educator and mentor, and for serving in a range of roles with professional medical organisations.



**Sue Gilchrist**

*LLM, BA LLB (Hons)*

**Board member**

*Attended four of six meetings and an additional ad-hoc meeting*

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 26 September 2025.

Ms Gilchrist is a senior intellectual property disputes partner at Herbert Smith Freehills. She is experienced in all intellectual property areas, including patents, designs, copyright, trademarks, passing off, and confidential information. She is regularly recognised in the top ranking of legal profession directories for intellectual property litigation, and in particular, patent litigation.

Ms Gilchrist has strong management experience, having been the Regional Managing Partner of Herbert Smith Freehills for Asia and Australia until 2017. She is a member of the Global Council

for Herbert Smith Freehills, and is also 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.



**Anna Cody**

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

**Board member**

*Attended six of six meetings and an additional ad-hoc meeting*

Anna Cody was appointed by the NSW Attorney General as a representative of bodies providing community legal services. Professor Cody has been reappointed until 26 September 2025.

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 a member of the Board of the National Association of Community Legal Centres.



**Alison McRobert**

*BA LLB (Wollongong University)*

**Board member**

*Attended four of six meetings and an additional ad-hoc meeting*

Alison McRobert was appointed by the NSW Attorney General as a representative of Unions NSW and has been reappointed until 26 September 2025.

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.



**Brett McGrath**

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

**Board member**

*Attended zero of one meeting*

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 Judicial 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.



**Jacqueline Dawson**

*MA, LLB (University of Sydney), GAICD*

**Board member**

*Attended four of five meetings and an additional ad-hoc meeting*

Jacqueline Dawson is the Principal of Sexton Family Law and an Accredited Specialist in Family Law. Admitted to practice as a solicitor in 1994 and an Accredited Specialist since 2001, Ms Dawson began practice in early 1995 with the firm then known as Robyn Sexton & Associates and remained as a principal of the firm when Judge Sexton was appointed to the Federal Magistrates Court.

Ms Dawson is a Councillor of the Law Society of NSW. Within the NSW Law Society, she is presently Chair of the Specialist Accreditation Board, Co-Chair of the Family Law Committee, Deputy Chair of the Professional Conduct Committee and a member of the Audit Risk and Finance Committee.

She also serves as a committee member of each of the Sydney University Law Extension Committee and the Legal Qualifications Committee of the Legal Profession Admission Board.

# Organisational structure – as at 30 June 2023





## Senior Executive

### Key data on our Senior Executive

	2021–22	2022–23
<b>Total number of Senior Executives</b>	<b>15</b>	<b>17</b>
Band 3 Senior Executives	1	1
Band 2 Senior Executives	2	2
Band 1 Senior Executives	12	14
<b>Average Executive remuneration</b>		
Band 3 Senior Executives	\$374,151	\$391,189
Band 2 Senior Executives	\$282,166	\$287,809
Band 1 Senior Executives	\$226,015	\$226,238
<b>Percentage of total employee-related expenditure related to Senior Executives</b>		
Band 3 Senior Executives	0.2%	0.3%
Band 2 Senior Executives	0.2%	0.2%
Band 1 Senior Executives	2.5%	2.3%
<b>Total for all Senior Executives</b>	<b>2.8%</b>	<b>2.9%</b>

### Changes to our Senior Executive in 2022–23

On 8 August 2022, Jackie Finlay was appointed to a newly established temporary position of Deputy Director, Civil Law.

In October 2022, Kimberley Wilson was permanently appointed to the role of Director, Aboriginal Services following a highly competitive recruitment process.

On 2 January 2023, Koshala Nishaharan was appointed to the newly established position of Director, Enterprise Project Management.

In January 2023, Helen Jessop resigned from her position as Executive Director, Corporate Services and Chief Financial Officer. Ms Jessop had been on secondment at the Department of Communities and Justice since 1 December 2021.

From 22 May to 7 July 2023, Tony Boutoubia was employed as Deputy Director, Human Resources (Band 1), with shared responsibility for the budgets and staffing of the Director, Human Resources.

## Senior Executive staff



**Monique Hitter**

*BSW, Dip Law*

**Chief Executive Officer**

(Band 3)

Budget total: \$510.9M

Total staff (full-time equivalent): 1,463.5

Total actual staff: 1,591

Our CEO is responsible for our whole organisation's budget and staff, and listed totals reflect this.



**Trent Wilson**

*B Comm, MBA*

**Executive Director, Digital Transformation**

(Band 2)

Budget total: \$0.7M

Total staff (full-time equivalent): 16.8

Total actual: 19



**Michael Brodie**

*B Ec, CA, GAICD*

**Director, Finance**

(Band 1)

Budget total: \$510.9M

Total staff (full-time equivalent): 21

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)*

**Director, Legal Service & In-house Counsel**

(Band 1)

Budget total: \$122.4M

Total staff (full-time equivalent): 98.3

Total actual: 104



**Robert Hoyles**

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

**Director, Criminal Law**

(Band 1)

Budget total: \$162.4M

Total staff (full-time equivalent): 465.1

Total actual: 503



**Alexandra Colquhoun**

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

**Director, Family Law**

(Band 1)

Budget total: \$91.1M

Total staff (full-time equivalent): 360.3

Total actual: 396



**Meredith Osborne**

*BA (Hons), LLB*

**Director, Civil Law**

(Band 1)

Budget total: \$38M

Total staff (full-time equivalent): 217.3

Total actual: 235



**Jane Cipants**

*BSW, M Social Policy, EMPA*

**Director, Client Service**

(Band 1)

Budget total: \$25.7M

Total staff (full-time equivalent): 125.4

Total actual: 146



**Michelle Jones**

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

**Director, Human Resources**

(Band 1)

Budget total: \$5.9M

Total staff (full-time equivalent): 39.5

Total actual: 42



**Jocelyn Flanagan**

*BA, LLB*

**Director, Grants**

(Band 1)

Budget total: \$8.9M

Total staff (full-time equivalent): 68.2

Total actual: 73



**Wayne Gale**

*BA (Computing) M Comm (Accounting)*

**Director, Information and Communications Technology**

(Band 1)

Budget total: \$16.8M

Total staff (full-time equivalent): 39.6

Total actual: 40



**Kimberley Wilson**

*BA, LLB*

**Director, Aboriginal Services**

(Band 1)

Budget total: \$2.4M

Total staff (full-time equivalent): 4

Total actual: 4



**Koshala Nishaharan**

*BBS, MBA*

**Director, Enterprise Project Management**

(Band 1)

Budget total: \$1.2M

Total staff (full-time equivalent): 2

Total actual: 2



**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.



**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.



**Jackie Finlay**

*BA, LLB*

**Deputy Director, Civil Law**

(Band 1)

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

# Governance framework

## Code of Conduct

Our Legal Aid NSW Code of Conduct addresses the requirements of the *Public Service Commission and the Government Sector Employment Act 2013* (NSW) ethical framework provisions.

The code:

- sets the legal, ethical and institutional context for ethical conduct
- provides advice to all employees on demonstrating ethical good practice in leadership, decision-making and other responsibilities, and
- clearly outlines the responsibility of all employees to know, understand and comply with the ethical and legal obligations that apply to them.

The Code of Conduct has been included in the Legal Aid NSW induction program and individual planning.

All our lawyers are bound by professional practice standards and comply with continuing professional development requirements.

## Financial performance

Legal Aid NSW has a strong financial focus, robust budgets and clear, concise reporting to internal and external stakeholders. Detailed monthly financial reports are prepared for the Audit and Risk Committee (ARC) and the Board. A commentary, including detailed analysis, is also provided. Members of the Executive provide expert advice at ARC and Board meetings.



## Members of the Audit and Risk Committee

**Michael Coleman** is a chartered accountant. He retired from KPMG in 2011 following a career that included 30 years as an audit partner and practice leader. Mr Coleman is the Chair of Legal Aid NSW’s ARC and is also a member of the Legal Aid NSW Board. He also sits on a

number of other boards and audit committees, including Macquarie Bank. He is currently an Adjunct Professor at the Australia School of Business, University of New South Wales.

**Peter Whitehead** is a lawyer and the former Public Trustee of NSW. Mr Whitehead was part of the original committee reviewing the role of audit within the NSW Government. He has since chaired a number of NSW Government audit and risk committees, including for the NSW Department of Premier and Cabinet, what was then the NSW Attorney General's Department, the NSW Crime Commission and the Judicial Commission of NSW. He currently works in the financial services industry.

**Leah Fricke** has had a 20-year executive career as a lawyer, governance professional and lecturer and 10 years of 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 for Western NSW Local Health District and an independent member of the audit and risk committee of Sydney Local Health District. Ms Fricke holds a Bachelor of Laws/Bachelor of Arts from the University of Melbourne and an MBA from the University of Sydney. She is a Fellow of the Australian Institute of Company Directors, a Fellow of the Governance Institute of Australia and a member of the Association of Professional Futurists.

**Nicola Davis** is a chartered accountant. She retired from KPMG in 2021 following a career that included 35 years as an audit and advisory partner and practice leader, specialising in providing services to state and federal Governments. Ms Davis is an independent non-executive director of Mutual Trust Pty Ltd, where she is Chair of the Audit Committee, the Cash Fund Compliance Committee and the Trustee Compliance Committee and also a member of the Risk Committee. Ms Davis holds a Master of Arts (Economics) from the University of Cambridge, is a Graduate of the Australian Institute of Company Directors (GAICD) and is a member of the Institute of Chartered Accountants in Australia and New Zealand. She has previously held a number of other Board roles for various charities and foundations.

### **Business continuity**

We have a corporate service disruption plan (enterprise 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. The plans are reviewed periodically and activated when Legal Aid NSW cannot continue providing services from a regional or metropolitan office, including our Central Sydney Office. Plans address required actions and specify a recovery management team to oversee the recovery process.

### **Fraud and corruption processes**

Legal Aid NSW is committed to conducting business with honesty and transparency. Our Fraud and Corruption Prevention Framework outlines the steps we take to prevent fraud and other corrupt behaviour. 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 audits.
- We will review the Legal Aid NSW Fraud and Corruption Framework, seeking feedback from ICAC and ensuring it aligns with the ICAC Assessing Corruption Control Maturity.
- We will implement the first year of the Legal Aid NSW Strategic Plan 2023–28.



## 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 was one public interest disclosure made during this reporting period.

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

#### ***R v Rodden (Costs)* [2022] NSWSC 1230**

In *R v Rodden (Costs)* [2022] NSWSC 1230, Fagan J declined to grant a costs certificate under the *Costs in Criminal Cases Act 1967* (NSW), where the acquitted applicant's legal costs were funded by a grant of legal aid.

Fagan J construed "costs incurred in the proceedings" under section 4(1) of the Act as being limited to the "costs incurred by the person who has been acquitted", and said that costs certificates issued to legally-aided clients under the Act "would merely lead to churning of funds between public accounts."\*

### Privacy

Legal Aid NSW manages personal information in accordance with its Privacy Management Plan. The plan was revised and updated during the reporting period and explains how we manage personal information under the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW). We include privacy notices in our applications and other public documents and guide staff in dealing with privacy issues and queries. We received one application for internal review during the reporting period.

### Right to Information

Legal Aid NSW adopts a proactive approach to releasing information where possible. We review our published information regularly 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 information about legal rights and

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\*In an appeal decision handed down outside the reporting period on 18 August 2023, the Court of Criminal Appeal held that an entirely legally aided applicant can be granted a costs certificate under the *Costs in Criminal Cases Act*. More details will be provided in our 2023–24 Annual Report.

responsibilities, policy documents and law reform submissions. Publications are also available in a variety of community languages.

During the 2022–23 reporting period we received 56 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 or applications made by legal representatives. The full details of these applications are set out in Appendix 7: Right to Information.

### **The year ahead**

- In accordance with amendments to the *Privacy and Personal Information Protection Act 1998* (NSW), we will implement the Mandatory Notification of Data Breach Scheme to notify the Privacy Commissioner and affected individuals of any data breaches involving personal or health information likely to result in serious harm.
- We will expand our range of information resources and develop and present training for in-house solicitors on a range of legal and ethical issues to assist them in understanding their professional and legal obligations.

### **Key challenge**

- Maintaining the high quality legal services the In-House Counsel Unit provides despite an increasing workload. We will manage this challenge by continuing to improve our systems and processes for managing matters and developing innovative ways of delivering our services.

## Complaints handling

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

In 2022–23, we received 104 frontline complaints. These included 37 complaints about wait times and customer service issues, one privacy-related complaint, 56 complaints about solicitor conduct (both in-house and private lawyers) and 10 other non-categorised complaints. These were handled locally and did not require a formal response or investigation.

We received 199 escalated complaints. These complaints required further investigation and often a further explanation or action.

We received 171 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. This year, we received 96 compliments.

### Complaints working group

Key representatives from across Legal Aid NSW met quarterly this year to identify and discuss complaints and areas of service improvement. They identified the need to improve how we work with transgender young people, how we manage requests from clients to transfer to a different lawyer and how we prevent correspondence from being sent to clients who have died.

The group also worked to ensure staff have the skills and knowledge to receive and action complaints in line with our policy.

### Complaints training for staff

All new staff complete an induction, which includes training on feedback and complaints to improve their understanding of the complaint-handling processes. In addition, our complaints and client services officer works one-on-one with teams to support staff to better understand and respond to challenging client behaviour. We simplified our resources for managing unreasonable behaviour this year, providing additional support to help staff assist our clients safely and with compassion.

### Complaint 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 monthly. We consistently met our performance target and managed complaints within the 15-business day timeframe. For information on complaints about private lawyers, see page 74.

### **The year ahead**

- We will continue to improve client experiences by implementing new Client Service Standards. We will make ourselves more accountable by incorporating them into the complaint-handling process.

## 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.

### Applying behavioural insights to our work

As part of our Behavioural Insights Unit Immersion Program, four Legal Aid NSW staff had the opportunity to apply behavioural science to ongoing Legal Aid NSW projects while on secondment to the NSW Government Behavioural Insights Unit (BIU). These projects focused on improving outcomes for vulnerable clients, including:

- making it easier for clients to get legal help and apply for a grant of aid from Legal Aid NSW
- reducing the number of Drug Court participants being terminated from a program to lower reoffending
- increasing support for high-risk offenders in the first 12 weeks in the community to improve compliance with supervision orders, and
- improving bail decision-making by NSW Police to reduce short-term remand and unnecessary time in custody for young people.

We look forward to continuing to build the capacity of our staff and apply behavioural insights to our diverse and multifaceted work through our Behavioural Insights Community of Practice.

### Developing our Client Service Standards

In 2022, our Client Service Unit worked with staff to develop a set of Client Service Standards. These standards outline how clients can expect to be treated when they engage with us and are based on the NSW customer commitments.

In October 2023, we will launch the standards, including making them available to the public and training staff on implementing them.

## Staff numbers over five years

Ensuring we have adequate staff helps us offer the best possible services to our clients.

Year	Full-time equivalent* staff as at the end of the financial year	Actual staff as at the end of the financial year
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
2022–23	1407.00	1,591

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

## The year ahead

- We will launch our Client Service Standards in October 2023.
- We will continue to support our staff to provide outstanding customer service.

## Keeping staff healthy and safe at work

### Workers compensation claims and associated costs

Staff recorded 241 workplace incidents in the 2022–23 financial year compared to 149 incidents last financial year, a 62% increase.

Of these incidents, 69.2% were related to unreasonable client conduct or threats from clients, a decrease of 3.2% since 2021–22.

Our insurer received 123 injury and illness notifications, of which 20 were cost-impacting workers compensation claims for the 2022–23 financial year. The total net amount paid for these claims was \$176,611. Of the 20 claims, nine were physical and 11 were psychological.

We spent a total of \$1,998,554.53 on all active workers compensation claims in 2022–23, with an overall claims breakdown of:

- 11 physical injuries totalling 9.52% of claims costs, and
- 22 psychological injuries totalling 90.48% of claims costs.

The main increase in the total amount paid has been settlement costs for workplace injuries.

### Injury/illness notifications by mechanism

Mechanism	2020–21	2021–22	2022–23
Total claims	19	54	123
Vehicle incidents and other	2	5	3
Falls, trips and slips	3	4	6
Hitting objects with a part of the body	1	-	4
Being hit by moving objects	-	1	5
Body stressing	9	3	8
Heat, electricity and other environmental factors	-	-	1
Mental stress	4	41	96

## Workforce diversity and equity

We are committed to recruiting and training diverse staff to ensure every level of our organisation reflects our client base and our state.

### **Project Respect**

Bringing together diverse voices, Project Respect engaged staff to discuss what a fair, respectful and inclusive workplace means to help us strengthen our organisational culture. Legal Aid NSW facilitated opportunities for staff across the organisation to share their experiences working at Legal Aid NSW on a confidential basis, and insights from the consultations identified areas for improvement. The Chairs of our Pride, Culturally and Linguistically Diverse Communities and disAbility staff networks, as well as the Aboriginal Advisory Group on behalf of the Aboriginal Staff Network, worked with external consultants to develop a set of recommendations based on these insights, which were presented to the Executive. A core design team of staff, managers and executives also co-designed a new high-level internal complaints and resolution framework.

In the coming year, we will focus on implementing the recommendations and the complaints and resolution framework laid out in the Project Respect final report. As part of this, we will establish a Diversity, Equity and Inclusion (DEI) Board chaired by the CEO. The Board will include representatives from each of the staff networks, Executive representatives from the practice areas, corporate services and administrative support, and a representative from the Public Service Association of NSW. The DEI Board will have overall oversight and coordinate the implementation of the recommendations of Project Respect across the organisation.

### **Career development for Aboriginal and Torres Strait Islander crime solicitors**

In September 2022, we launched a career development series for our Aboriginal and Torres Strait Islander crime solicitors. Informal quarterly sessions invite a guest speaker to address the group on their work and career progression and to offer their guidance. We have been honoured to welcome the President of the Children's Court Judge Skinner, Director of Public Prosecutions Sally Dowling and Senior Judge of the Drug Court Judge Mottley.



## Embedding lived experience in the With You project

The With You project team is pioneering greater client participation in service design and delivery as part of their work to improve how the legal assistance sector supports distressed clients. Through recruitment of the first lived experience role at Legal Aid NSW, client perspectives are being authentically embedded as the backbone of training materials being designed by this team.

The mental health sector already recruits workers with lived experience known as peer workers, and a parallel to peer workers in the legal assistance sector is now emerging. By employing people who are current or former clients of the legal assistance sector, we can bring in perspectives that are inherently client centred and engage clients from a place of mutual understanding.

With You is an ongoing case study for co-designing legal assistance sector materials and services with those directly impacted by them. Co-design goes beyond traditional consultation, and With You's first phase of training materials are being co-reviewed by clients and will later be co-evaluated. This process ensures accountability and that client needs are at the centre of service delivery in the legal assistance sector nationwide.

## The year ahead

- Prioritise staff safety, health and wellbeing and embed an inclusive and respectful culture so we can attract, retain, develop and reward a highly engaged workforce.
- Develop our diversity, equity and inclusion strategy, anti-racism strategy and disability action plan.

## Legal education and capability development

We continued to upskill our staff to ensure they can deliver the best possible services to our clients.

### **Criminal law advocacy training program**

Starting in March 2023, we rolled out a criminal-law focused advocacy training program with tiers for beginning, intermediate and advanced practitioners. In total, 48 of our criminal law solicitors participated in one of the three advocacy workshops. Post-workshop feedback was very positive, with participants reporting that the advocacy skills they had learned or practised during the workshop would assist them in their work.

Criminal Law Division Executive staff and two experienced solicitor advocates delivered beginner and intermediate workshops at the mock court at the University of Technology Sydney, providing a realistic in-court experience for solicitors to test and hone their skills.

The highly regarded and much sought-after Australian Advocacy Institute delivered a three-day custom workshop to 24 of our most senior criminal law solicitors in May, which included an all-day in-court workshop at the Family Court building in Sydney.

### **Training packages promote equity by upskilling staff**

In 2022–23, we commenced the organisation-wide roll-out of two training packages designed to create a more equitable organisation for clients and staff.

### **Everyone's Business: Trauma-Informed Stolen Generations training**

Developed by the Public Service Commission in response to the Stolen Generations Unfinished Business report, this training brings together the powerful stories of people impacted by Stolen Generations policies.

### **Addressing sexual harassment**

Co-designed with the Australian Human Rights Commission and delivered by Legal Aid NSW staff, this training covers our new sexual harassment policy and processes as well as ways to prevent sexual harassment in the workplace. It gives staff an opportunity to practice being an active bystander and interrupting potentially harmful situations, as well as for managers to practice assessing the risk of sexual harassment.

### **Career and performance development planning training**

We launched our new career and performance development planning tool this financial year, a major upgrade on the program we had previously used. We trained all staff on using the new tool and provided additional training for managers to understand organisational expectations and develop the skills needed for meaningful supervision conversations.

### **The year ahead**

- Anti-Racism and Anti-Discrimination training will be developed, and delivery will commence.
- We will deliver client service training to accompany the new Client Service Standards. More information about these is available on page 109.

# Sustainability

We are committed to ensuring our procurement practices reflect our values by choosing suppliers with fair and sustainable business practices.



Elizabeth Lehmann, Disaster Response Legal Service solicitor, on outreach at Eugowra 2022 following severe floods in the region. We supported clients through recent bushfires and floods with the knowledge that they are symptoms of a changing climate.

### Key achievements

- We reduced our electricity consumption by choosing energy efficient appliances and increasing our use of green energy.
- We continued to make our fleet of business vehicles more environmentally friendly by increasing the number of hybrid vehicles, meeting government fuel efficiency standards for new vehicles and reducing fleet size where possible.
- We developed a climate change policy and renewed support for the Legal Aid NSW Green Committee.

### The year ahead

- We currently have 41 hybrid vehicles on order to replace petrol vehicles as leases expire.
- We will continue to work closely with offices to see where we can reduce the size of our fleet by transferring underutilised vehicles between offices instead of ordering new vehicles.
- We will continue to comply with our obligations under the *Modern Slavery Act 2018* (NSW).

### Key challenge

- Several of our offices have added significant additional staff to their teams and will require upgraded spaces. We will ensure these changes are made in the most environmentally efficient way possible.

## Environmental responsibility

Goal	Target	Achievements in 2022-23
<b>Reduce electricity consumption</b>	Purchase electrical equipment with high water and energy efficiency star ratings.	All electrical appliances have been replaced with appliances rated as three stars or higher for water and energy usage. A fridge rated highly for energy efficiency was purchased for the Wagga Wagga Office, and a dishwasher highly rated for water and energy efficiency was purchased for level 19 at the Central Sydney Office.
<b>Increase use of green electricity</b>	Green electricity represents 6% of all electricity consumed.	We worked with the NSW Government's preferred electricity providers 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.
<b>Make our fleet of cars more environmentally friendly</b>	Increase the numbers of hybrid vehicles.	Hybrid vehicles produce 10% fewer smog-inducing emissions than non-hybrid models, decreasing our organisation's carbon footprint. We continue to 'hybridise' our fleet of 73 vehicles. All new vehicle orders this year were for hybrids, except for outreach vehicles due to operational needs. We currently have 41 hybrid vehicles on order.
	Meet NSW Government fuel efficiency standards for new light vehicles.	We only lease vehicles included in the NSW Government pre-qualification scheme to ensure all vehicles meet fuel efficiency standards.
	Reduce fleet size.	We are working to reduce the replacement of vehicles with low kilometres or low usage. We have already reduced our total fleet from 74 to 73 vehicles.
<b>Re-use office furniture</b>	Re-use workstations and other appropriate furniture.	Workstations and other office furniture items were re-used for most of the new Broken Hill Office fit-out. Furniture has been and will be re-used across various Legal Aid NSW offices for both minor and major projects.

## Ensuring a fair supply chain

### **Our obligations under the *Modern Slavery Act 2018 (NSW)***

Legal Aid NSW is committed to delivering against the objectives of the *Modern Slavery Act 2018 (NSW)*.

In line with the NSW Government's 'risk-based' approach to identifying, managing and removing modern slavery from supply chains, we have an obligation to take 'reasonable steps' to ensure that goods and services procured by and for our use are not a product of modern slavery. By eliminating all aspects of modern slavery from NSW Government supply chains, we can use government buying power to move the dial on modern slavery.

The Anti-slavery Commissioner did not raise any issues related to our obligations under the *Modern Slavery Act 2018 (NSW)* with Legal Aid NSW in the 2022–23 reporting period.

### **Strengthening our compliance on modern slavery**

As part of the Stronger Communities cluster procurement network, our chief procurement officers had the opportunity to meet with Commissioner Cockayne in 2022–23 to understand his priorities and incorporate them into our agency-level plans and strategies.

We have been taking direction from NSW Procurement about updates and changes we should make to our procurement policy and supporting framework to meet the requirements of the *Modern Slavery Act 2018 (NSW)*. Since the implementation of the Act, we have:

- updated applicable procurement policy material, as well as supplier contract agreements, templates and tender documentation, to include modern slavery compliance considerations and ensure we are meeting our reporting obligations, and
- monitored supplier segmentation activity, identified salient risks, and developed ongoing action, remediation and audit plans for high-risk suppliers.

# Financial performance

## Key facts

- Our total income was \$492.0 million.
- Our total expenses were \$479.3 million.
- Our net equity was \$46.2 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.

In understanding our financial statements, it is helpful to note that the Legal Aid Commission of NSW (Legal Aid NSW) economic entity consists of two separate reporting entities: the Legal Aid NSW 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.



## Financial overview

Our net financial result was a surplus of \$10.9 million.

	2021–22 (\$M)	2022–23 (\$M)	Change %
Operating revenue	438.9	492.0	12.1%
Operating expenses	426.0	479.3	12.5%
Total assets	87.8	103.6	18%
Total liabilities	52.5	57.4	9.3%
Surplus	13.5	10.9	(19.3%)
Net equity	35.3	46.2	30.9%

### 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 2022–23 was \$492.0 million, and expenditure was \$479.3 million.

### Key developments

Our financial result was a surplus of \$10.9 million, which is \$13.3 million more than our budgeted deficit of \$2.4 million.

We ended the year with net equity of \$46.2 million. Payments of \$163.3 million were made to private lawyers who provide legal aid services to our clients. These payments include disbursements for other professional services.

### Where our money came from

Funding received in 2022–23	(\$M)
State appropriation, including Commonwealth funding provided under the National Legal Assistance Partnership	373.7
Public Purpose Fund grant	39.5
Other grants	64.9
Acceptance by the Crown Entity of employees' benefits and other liabilities	5.1
Other sources	8.8
<b>Total</b>	<b>492.0</b>

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

Employee-related expenses	177.6
External legal services	163.3
Grants and subsidies	90.7
Other	47.7
<b>Total</b>	<b>479.3</b>

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

Criminal law	214.0
Family law	120.1
Civil law	50.1
Community partnerships	95.1
<b>Total</b>	<b>479.3</b>

## Financial results

Our financial result was a surplus of \$10.9 million, which is \$13.3 million more than our budgeted deficit of \$2.4 million.

### Income

Total income for 2022–23 was \$492.0 million, and expenditure was \$479.3 million.

Funding from the NSW Government was \$266.8 million. Funding from the Commonwealth under the National Legal Assistance Partnership was \$106.9 million.

Acceptance by the Crown entity of employees' benefits and other liabilities was \$5.1 million.

Funding from other sources includes \$39.5 million from the Public Purpose Fund, \$64.9 million from other grants received and \$8.8 million from other sources.

Further details may be found in the notes to the financial statements that begin on page 125.

### Expenses

Our major expenses for 2022–23 were:

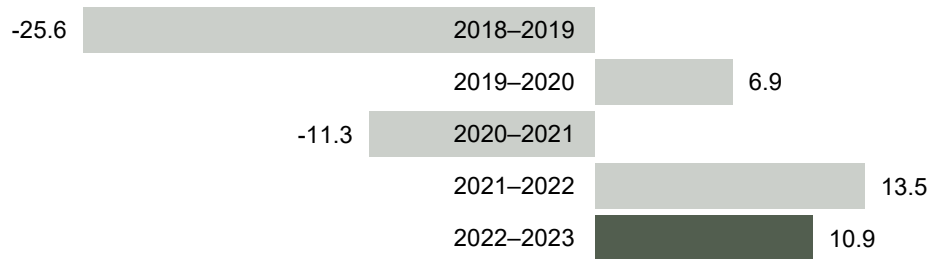
- employee-related expenses of \$177.6 million (\$161.0 million in 2021–22), and
- payments to private lawyers and other professional services of \$163.3 million (\$145.9 million in 2020–2021).

### Our financial performance over five years

#### Total expenses (\$M)



### Surplus or deficit (\$M)



### Budget outline 2023-24 (\$M)

Operating statement		(\$M)
Revenue (including government contributions)		533.0
Expenditure		546.2
Other gains or losses		(0.2)
Net result		(13.3)

Balance sheet		(\$M)
Current assets		42.2
Non-current assets		47.9
Total assets		90.1
Current liabilities		45.8
Non-current liabilities		11.4
Total liabilities		57.2
Net assets		32.9
Equity		32.9

## LEGAL AID COMMISSION OF NEW SOUTH WALES

### Statement by Members of the Board

Pursuant to *Part 7.6 of the Government Sector Finance Act 2018* and in accordance with a resolution of the Board of the Legal Aid Commission of NSW we declare on behalf of the

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 2023.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.

Craig Smith  
**Chair**



Date: 9 October 2023

Monique Hitter  
**Chief Executive Officer**



Date: 9 October 2023



## 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 2023, the Statement of Financial Position as at 30 June 2023, 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 are 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 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 Board is responsible for assessing the ability of the Commission and the consolidated entity to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

## Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

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

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

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

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

- that the Commission and 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

18 October 2023  
SYDNEY

**LEGAL AID COMMISSION OF NEW SOUTH WALES**  
Statement of comprehensive income for the year ended 30 June 2023

	Notes	Consolidated			Commission	
		Budget	Actual	Actual	Actual	Actual
		2023	2023	2022	2023	2022
		\$'000	\$'000	\$'000	\$'000	\$'000
<b>Expenses excluding losses</b>						
Employee-related expenses	2(a)	189,603	177,613	161,063	1,309	794
Personnel Services	2(a)	-	-	-	176,747	161,074
Operating expenses	2(b)	39,408	38,944	20,638	38,447	19,784
Depreciation and amortisation	2(c)	8,396	8,603	18,725	8,603	18,725
Grants and subsidies	2(d)	82,229	90,741	77,299	90,741	77,299
Finance costs	2(e)	12	114	2,299	114	2,299
Services provided by private practitioners	2(f)	162,346	163,289	145,998	163,289	145,998
<b>Total Expenses excluding losses</b>		<b>481,994</b>	<b>479,304</b>	<b>426,022</b>	<b>479,250</b>	<b>425,973</b>
<b>Revenue</b>						
Sale of goods and services	3(a)	4,337	6,940	7,693	6,940	7,693
Investment revenue	3(b)	-	524	183	524	183
Grants and contributions	3(c)	471,304	478,144	425,379	478,144	425,379
Acceptance by the Crown Entity of employee benefits and other liabilities	3(d)	3,842	5,122	4,167	5,068	4,118
Other revenue	3(e)	284	1,334	1,515	1,334	1,515
<b>Total Revenue</b>		<b>479,767</b>	<b>492,064</b>	<b>438,937</b>	<b>492,010</b>	<b>438,888</b>
<b>Operating Result</b>		<b>(2,227)</b>	<b>12,760</b>	<b>12,915</b>	<b>12,760</b>	<b>12,915</b>
Gain / (loss) on disposal	4	35	(132)	(5)	(132)	(5)
Other Gains/(losses)	5	(200)	(1,726)	625	(1,726)	625
<b>Net result</b>	19	<b>(2,392)</b>	<b>10,902</b>	<b>13,535</b>	<b>10,902</b>	<b>13,535</b>
<b>Other comprehensive income</b>		-	-	-	-	-
<b>Total other comprehensive income</b>		-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>(2,392)</b>	<b>10,902</b>	<b>13,535</b>	<b>10,902</b>	<b>13,535</b>

The accompanying notes form part of these statements



LEGAL AID COMMISSION OF NEW SOUTH WALES

Statement of financial position as at 30 June 2023

	Notes	Budget 2023 \$'000	Consolidated Actual 2023 \$'000	Actual 2022 \$'000	Commission Actual 2023 \$'000	Actual 2022 \$'000
<b>ASSETS</b>						
<b>Current Assets</b>						
Cash and cash equivalents	7	22,240	48,875	34,490	48,875	34,490
Receivables	8	7,115	10,773	9,096	10,773	9,096
<b>Total Current Assets</b>		<b>29,355</b>	<b>59,648</b>	<b>43,586</b>	<b>59,648</b>	<b>43,586</b>
<b>Non Current Assets</b>						
Receivables	8	10,700	9,129	9,357	9,129	9,357
Plant and Equipment	9	8,500	12,258	12,317	12,258	12,317
Right-of-use assets	10	491	290	963	290	963
Intangible Assets	11	27,067	22,314	21,581	22,314	21,581
<b>Total Non-Current Assets</b>		<b>46,758</b>	<b>43,991</b>	<b>44,218</b>	<b>43,991</b>	<b>44,218</b>
<b>Total Assets</b>		<b>76,113</b>	<b>103,639</b>	<b>87,804</b>	<b>103,639</b>	<b>87,804</b>
<b>LIABILITIES</b>						
<b>Current Liabilities</b>						
Payables	12	15,222	26,719	22,325	26,719	22,325
Borrowings	13	243	44	612	44	612
Provisions	14	22,181	23,033	21,799	23,033	21,799
<b>Total Current Liabilities</b>		<b>37,646</b>	<b>49,796</b>	<b>44,736</b>	<b>49,796</b>	<b>44,736</b>
<b>Non Current Liabilities</b>						
Provisions	14	6,620	7,314	7,210	7,314	7,210
Borrowings	13	570	331	562	331	562
<b>Total Non Current Liabilities</b>		<b>7,190</b>	<b>7,645</b>	<b>7,772</b>	<b>7,645</b>	<b>7,772</b>
<b>Total Liabilities</b>		<b>44,836</b>	<b>57,441</b>	<b>52,508</b>	<b>57,441</b>	<b>52,508</b>
<b>Net Assets</b>		<b>31,277</b>	<b>46,198</b>	<b>35,296</b>	<b>46,198</b>	<b>35,296</b>
<b>EQUITY</b>						
Accumulated funds	15	31,277	46,198	35,296	46,198	35,296
<b>Total Equity</b>		<b>31,277</b>	<b>46,198</b>	<b>35,296</b>	<b>46,198</b>	<b>35,296</b>

The accompanying notes form part of these statements

**LEGAL AID COMMISSION OF NEW SOUTH WALES**  
Statement of changes in equity for the year ended 30 June 2023

Notes	Consolidated Accumulated Funds \$'000	Commission Accumulated Funds \$'000
<b>Balance at 1 July 2022</b>	35,296	35,296
<b>Net result for the Year</b>	10,902	10,902
<b>Other comprehensive income</b>	-	-
<b>Total comprehensive income for the year</b>	10,902	10,902
<b>Balance at 30 June 2023</b>	46,198	46,198
<b>Balance at 1 July 2021</b>	21,761	21,761
<b>Net result for the Year</b>	13,535	13,535
<b>Total comprehensive income for the year</b>	13,535	13,535
<b>Balance at 30 June 2022</b>	35,296	35,296

The accompanying notes form part of these financial statements.

LEGAL AID COMMISSION OF NEW SOUTH WALES  
Statement of cash flows for the year ended 30 June 2023

	Notes	Consolidated			Commission	
		Budget	Actual	Actual	Actual	Actual
		2023	2023	2022	2023	2022
		\$'000	\$'000	\$'000	\$'000	\$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee Related		(185,761)	(169,552)	(154,390)	(1,309)	(794)
Personnel services		-	-	-	(169,097)	(154,450)
Grants and subsidies		(82,229)	(99,815)	(85,029)	(99,815)	(85,029)
Private Practitioners		(203,964)	(160,371)	(143,027)	(160,371)	(143,027)
Other		(12)	(43,597)	(28,882)	(42,657)	(27,942)
<b>Total Payments</b>		<b>(471,966)</b>	<b>(473,335)</b>	<b>(411,328)</b>	<b>(473,249)</b>	<b>(411,242)</b>
<b>Receipts</b>						
Sale of goods and services		4,137	6,329	6,406	6,329	6,406
Interest received		-	524	183	524	183
Grants and Contributions		471,304	478,798	427,982	478,798	427,982
Other		284	12,612	9,927	12,526	9,840
<b>Total Receipts</b>		<b>475,725</b>	<b>498,263</b>	<b>444,499</b>	<b>498,177</b>	<b>444,412</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	19	<b>3,759</b>	<b>24,928</b>	<b>33,171</b>	<b>24,928</b>	<b>33,170</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
Proceeds from sale of plant and equipment		35	-	-	-	-
Purchases of plant and equipment, and intangibles		(8,993)	(10,103)	(7,819)	(10,103)	(7,819)
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(8,958)</b>	<b>(10,103)</b>	<b>(7,819)</b>	<b>(10,103)</b>	<b>(7,819)</b>
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>						
Proceeds from borrowings and advances		-	-	-	-	-
Payment of principal portion of lease liabilities		1,968	(440)	(12,507)	(440)	(12,507)
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>		<b>1,968</b>	<b>(440)</b>	<b>(12,507)</b>	<b>(440)</b>	<b>(12,507)</b>
<b>NET INCREASE / (DECREASE) IN CASH AND CASH EQUIVALENT</b>		<b>(3,231)</b>	<b>14,385</b>	<b>12,845</b>	<b>14,385</b>	<b>12,844</b>
Opening cash and cash equivalents		25,471	34,490	21,645	34,490	21,645
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	7	<b>22,240</b>	<b>48,875</b>	<b>34,490</b>	<b>48,875</b>	<b>34,489</b>

The accompanying notes form part of these statements

## 1 STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

### **(a) Reporting Commission**

The Legal Aid Commission of NSW (the Commission) is a NSW government entity and is controlled by the State of New South Wales, which is the ultimate parent. The Commission is an independent statutory body, established under the Legal Aid Commission Act 1979. The Commission is a not-for-profit Commission (as profit is not its principal objective) and it has no cash generating units. The Commission's main objective is to improve access to justice for the most disadvantaged people in our society, responding to their legal needs.

The Commission, as a reporting entity, comprises all entities under its control, namely, the Commission and the Legal Aid Commission Staff Agency. Transactions relating to the Legal Aid Commission Trust Account are not included in the financial statements of the Commission, as the Commission does not control or use these funds for the achievement of its objectives.

In the process of preparing the consolidated financial statements for the economic entity consisting of the controlling and controlled entities, all inter-entity transactions and balances have been eliminated and like transactions and other events are accounted for using uniform accounting policies.

The consolidated financial statements for the year ended 30 June 2023 were authorised for issue by the Chair, Legal Aid NSW and the Chief Executive Officer on 9 October 2023.

### **(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) Budgeted Amounts**

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments made to the original budget (e.g. adjustment for transfers of functions between entities as a result of Administrative Arrangement Orders) are not reflected in the budgeted amounts. Major variances between the original budgeted amounts and the actual amounts disclosed on the primary financial statements are explained in Note 18.

**(g) Comparative Information**

Except when an AAS permits or requires otherwise, comparative information is presented in respect of the previous period for all amounts reported in the financial statements.

**(h) Changes in accounting policy, including new or revised Australian Accounting Standards Effective for the first time in 2022-23**

The accounting policies applied in 2022-23 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 2020-3 Amendments to Australian Accounting Standards - Annual Improvements 2018-2020 and Other Amendments
- AASB 2020-6 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-Current - deferral of effective date
- AASB 2021-7a Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB10 and AASB128 and Editorial Corrections [general editorials]
- AASB 2022-3 Amendments to Australian Accounting Standards - Illustrative Examples for Not-for-Profit Entities accompanying AASB15

### Issued but not yet effective

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

- AASB 17 Insurance Contracts
- AASB 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 2021-7b Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections
- AASB 2021-7c Amendments to Australian Accounting Standards - Effective Date of Amendments to AASB 10 and AASB 128 and Editorial Corrections [deferred AASB10 and AASB 128 amendments in AASB 2014-10 apply]
- AASB 2022-1 Amendments to Australian Accounting Standards - Initial Application of AASB17 and AASB 9 - Comparative Information Covenants
- AASB 2022-7 Editorial Corrections to Australian Accounting Standards and Repeal of Superseded and Redundant Standards
- AASB 2022-8 Amendments to Australian Accounting Standards - Insurance Contracts: Consequential Amendments

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 2023.

### ***(i) Impact of COVID-19 on Financial Reporting for 2022-23***

The Commission has determined that there is no separately identifiable financial impact of COVID-19 on its operations, noting there are still work backlogs in certain courts.

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 confirmed that there is only a minor impact on the valuation as at 30 June 2023.

2 EXPENSES EXCLUDING LOSSES	Consolidated		Commission	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
<b>(a) Employee related expenses and personnel services</b>				
<b>Employee related expenses</b>				
Salaries and wages (including annual leave)	146,352	137,702	-	-
Superannuation - defined benefit plans	948	900	-	-
Superannuation - defined contribution plans	14,845	12,788	-	-
Long service leave	4,348	1,132	-	-
Workers' compensation insurance	798	568	-	-
Payroll tax and fringe benefits tax	9,013	7,179	-	-
Agency staff costs	1,309	794	1,309	794
<b>Total</b>	<b>177,613</b>	<b>161,063</b>	<b>1,309</b>	<b>794</b>

The Commission does not employ staff that are directly involved in day-to-day servicing or maintenance. Employee related expenses capitalised to assets in 2022-23 was \$0.367m (2021-22: \$0.740m), therefore excluded from the above.

#### Personnel services

Personnel services provided by the Legal Aid Commission Staff Agency	-	-	176,747	161,074
<b>Total</b>	<b>-</b>	<b>-</b>	<b>176,747</b>	<b>161,074</b>

#### (b) Other operating expenses

Other operating expenses include the following:				
Auditor's remuneration - audit of financial statements	160	159	160	159
Auditor's remuneration - other	26	10	26	10
Cleaning	572	684	572	684
Consultants	981	132	981	132
Contractors	988	146	988	146
Electricity and gas	276	281	276	281
Information Technology	9,475	7,176	9,475	7,176
Insurance	307	271	307	271
Internal audit	117	90	117	90
Lease expense	13,727	2,772	13,727	2,772
Library resources	859	890	859	890
Maintenance	325	151	325	151
Postage	671	790	671	790
Practicing certificates	658	643	658	643
Printing	871	791	871	791
Records management	920	834	920	834
Stationery, stores and provisions	656	450	656	450
Telephone	510	550	510	550
Travel	2,244	761	2,244	761
Other	4,601	3,057	4,104	2,203
<b>Total</b>	<b>38,944</b>	<b>20,638</b>	<b>38,447</b>	<b>19,784</b>

## Recognition and Measurement

### Maintenance Expense

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

### Insurance

The Commission's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past claims experience.

### Lease expense

The entity recognises the lease payments associated with the following types leases as an expense on a straight-line basis:

- Leases that meet the definition of short-term. i.e. where the lease term at commencement of the lease is 12 months or less. This excludes leases with a purchase option.
- Leases of assets that are valued at \$10,000 or under when new.

Variable lease payments not included in the measurement of the lease liability (i.e. variable lease payments that do not depend on an index or a rate, initially measured using the index or rate as at the commencement date). These payments are recognised in the period in which the event or condition that triggers those payments occurs.

	Consolidated		Commission	
	2023	2022	2023	2022
	\$'000	\$'000	\$'000	\$'000
<b>(c) Depreciation and amortisation expenses</b>				
<b>Depreciation</b>				
Leasehold improvements	2,956	2,425	2,956	2,425
Right of use leased assets	286	11,633	286	11,633
Plant and equipment	505	725	505	725
<b>Total</b>	<b>3,747</b>	<b>14,783</b>	<b>3,747</b>	<b>14,783</b>
<b>Amortisation</b>				
Software	4,856	3,942	4,856	3,942
<b>Total</b>	<b>4,856</b>	<b>3,942</b>	<b>4,856</b>	<b>3,942</b>
<b>Total depreciation and amortisation expense</b>	<b>8,603</b>	<b>18,725</b>	<b>8,603</b>	<b>18,725</b>

Refer to Notes 9, 10 and 11 for recognition and measurement policies on depreciation and amortisation.

### (d) Grants and subsidies

Domestic Violence Court Assistance Program	45,738	32,801	45,738	32,801
Community Legal Centres	37,513	37,219	37,513	37,219
Grants to other organisations	7,490	7,279	7,490	7,279
<b>Total</b>	<b>90,741</b>	<b>77,299</b>	<b>90,741</b>	<b>77,299</b>

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

### (e) Finance costs

Interest expense from lease liabilities	27	1,525	27	1,525
Unwinding of discount on make good provision	87	774	87	774
<b>Total</b>	<b>114</b>	<b>2,299</b>	<b>114</b>	<b>2,299</b>

## 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 <sup>(1)</sup>**

Solicitor services provided by private practitioners	105,664	93,540	105,664	93,540
Barrister services provided by private practitioners	42,805	38,198	42,805	38,198
Disbursements	14,820	14,260	14,820	14,260
<b>Total</b>	<b>163,289</b>	<b>145,998</b>	<b>163,289</b>	<b>145,998</b>

<sup>(1)</sup> 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*.

	<b>Consolidated</b>		<b>Commission</b>	
	<b>2023</b>	<b>2022</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>(a) Sale of goods and services</b>				
<b>Rendering of services</b>				
Criminal Law	2,994	4,671	2,994	4,671
Family Law	3,353	2,574	3,353	2,574
Civil Law	593	448	593	448
<b>Total</b>	<b>6,940</b>	<b>7,693</b>	<b>6,940</b>	<b>7,693</b>

**Recognition and Measurement****Rendering of Services**

Revenue from rendering of services is recognised when the contribution is levied. The Commission has determined that income from the rendering of services is recognised in accordance with AASB 1058 *Income of Not-for-Profit Entities* as the granting of aid to a client has been determined as not being a contract.

	<b>Consolidated</b>		<b>Commission</b>	
	<b>2023</b>	<b>2022</b>	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>(b) Investment revenue</b>				
Interest on outstanding accounts	524	183	524	183
<b>Total</b>	<b>524</b>	<b>183</b>	<b>524</b>	<b>183</b>

Interest on outstanding accounts which was paused by Legal Aid due to its COVID-19 pandemic response was restarted on 1 December 2021.

**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	352,982	323,612	352,982	323,612
Cluster Agency capital contribution	5,822	5,950	5,822	5,950
Law Society Public Purpose Fund i)	39,476	20,970	39,476	20,970
Other capital grants	1,223	3,889	1,223	3,889
Cluster Agency recurrent contribution - CLC specific ii)	14,893	11,126	14,893	11,126
Other grants and contributions iii)	63,748	59,832	63,748	59,832
<b>Total</b>	<b>478,144</b>	<b>425,379</b>	<b>478,144</b>	<b>425,379</b>

## Recognition and Measurement

### Grants and Contributions

Revenue from grants with sufficiently specific performance obligations is recognised as and 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 \$8.472m (\$15.6m in 2021-22) to provide legal aid services in specific State matters.

ii) Community Legal Centres (CLC) specific funding received from the Commonwealth Government via the National Partnership Appropriation. In 2022-23, \$14.893m was received (2021-22 \$11.13m). These funds were earmarked for distribution to various Community Legal Centres.

Consolidated		Commission	
2023	2022	2023	2022
\$'000	\$'000	\$'000	\$'000

iii) Other State or Commonwealth grants and contributions include:

Commonwealth	14,354	19,269	14,354	19,269
State	49,394	40,563	49,394	40,563
<b>Total</b>	<b>63,748</b>	<b>59,832</b>	<b>63,748</b>	<b>59,832</b>

#### (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	948	900	948	900
Long Service Leave	4,120	3,218	4,120	3,218
Payroll tax	54	49	-	-
<b>Total</b>	<b>5,122</b>	<b>4,167</b>	<b>5,068</b>	<b>4,118</b>

#### (e) Other revenue

Miscellaneous	1,334	1,515	1,334	1,515
<b>Total</b>	<b>1,334</b>	<b>1,515</b>	<b>1,334</b>	<b>1,515</b>

## 4 GAIN/(LOSS) ON DISPOSAL

Gain/(Loss) on disposal of plant and equipment

Proceeds from disposal	-	-	-	-
Less: Written down value of assets disposed	(132)	(5)	(132)	(5)
<b>Net Gain/(loss) on disposal</b>	<b>(132)</b>	<b>(5)</b>	<b>(132)</b>	<b>(5)</b>

## 5 OTHER GAINS / (LOSSES)

Impairment gain/(loss) on receivables	(1,594)	(1,863)	(1,594)	(1,863)
Derecognition of right-of-use assets and lease liabilities with Property and Development NSW*	-	2,488	-	2,488
Gain/(loss) on right of use asset derecognition	(132)	-	(132)	-
Gain/(loss) on make good provision	-	-	-	-
<b>Net Other Gains/(losses)</b>	<b>(1,726)</b>	<b>625</b>	<b>(1,726)</b>	<b>625</b>

### Recognition and Measurement

#### Impairment Losses

Impairment losses may arise on assets held by the Commission from time to time. Accounting for impairment losses is dependent upon the individual asset (or group of assets) subject to impairment. Accounting Policies and events giving rise to impairment losses are disclosed in Note 8 - Receivables, Note 9 - Plant and equipment, Note 10 - Leased assets, and Note 11 - Intangible assets.

\* The net gains are recognised from the derecognition of the right-of-use asset and lease liability with Property and Development NSW 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:

	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Right-of-use asset</b>		
Gross carrying value	-	(93,074)
Less: accumulated depreciation and accumulated impairment provision	-	29,341
Net book value	<u>-</u>	<u>(63,733)</u>
<b>Amortised balance of incentives received</b>	-	-
<b>Lease liability</b>	-	66,221
<b>Net Gains/(Losses)</b>	<u>-</u>	<u>2,488</u>

## 6. STATE OUTCOME GROUP STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2023

### CONSOLIDATED EXPENSES AND REVENUES

	Outcome Group 1 *		Outcome Group 2 *		Not Attributable **		Total	
	Legal Services		Community Partnerships					
	2023 \$000	2022 \$000	2023 \$000	2022 \$000	2023 \$000	2022 \$000	2023 \$000	2022 \$000
<b>Expenses excluding losses</b>								
Employee related/ Personnel services	173,338	156,743	4,275	4,320	-	-	177,613	161,063
Operating expenses	37,494	19,147	1,450	1,491	-	-	38,944	20,638
Depreciation and amortisation	8,400	18,223	203	502	-	-	8,603	18,725
Grants and subsidies	1,934	1,913	88,807	75,386	-	-	90,741	77,299
Finance costs	111	2,237	3	62	-	-	114	2,299
Services provided by private practitioners	162,888	145,649	401	349	-	-	163,289	145,998
<b>Total Expenses excluding losses</b>	<b>384,165</b>	<b>343,912</b>	<b>95,139</b>	<b>82,110</b>	-	-	<b>479,304</b>	<b>426,022</b>
<b>Revenue</b>								
Sale of goods and services	6,940	7,693	-	-	-	-	6,940	7,693
Investment income	512	178	12	5	-	-	524	183
Grants and contributions	358,100	317,758	120,044	107,621	-	-	478,144	425,379
Acceptance by the Crown of employee benefits and other liabilities	5,056	4,036	66	131	-	-	5,122	4,167
Other revenue	956	1,189	378	326	-	-	1,334	1,515
<b>Total Revenue</b>	<b>371,564</b>	<b>330,855</b>	<b>120,500</b>	<b>108,082</b>	-	-	<b>492,064</b>	<b>438,937</b>
<b>Operating Result</b>	<b>(12,601)</b>	<b>(13,057)</b>	<b>25,361</b>	<b>25,972</b>	-	-	<b>12,760</b>	<b>12,915</b>
Gain / (Loss) on disposal of non-current assets	(111)	(4)	(21)	(1)	-	-	(132)	(5)
Other gains / (losses)	(1,685)	2,420	(41)	(1,795)	-	-	(1,726)	625
<b>Net result</b>	<b>(14,397)</b>	<b>(10,641)</b>	<b>25,299</b>	<b>24,176</b>	-	-	<b>10,902</b>	<b>13,535</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(14,397)</b>	<b>(10,641)</b>	<b>25,299</b>	<b>24,176</b>	-	-	<b>10,902</b>	<b>13,535</b>

## CONSOLIDATED ASSETS AND LIABILITIES

	Outcome Group 1 *		Outcome Group 2 *		Not Attributable **		Total	
	Legal Services		Community Partnerships					
	2023 \$000	2022 \$000	2023 \$000	2022 \$000	2023 \$000	2022 \$000	2023 \$000	2022 \$000
<b>Current Assets</b>								
Cash and cash equivalents	-	-	-	-	48,875	34,490	48,875	34,490
Receivables	10,296	8,776	477	320	-	-	10,773	9,096
<b>Total Current Assets</b>	<b>10,296</b>	<b>8,776</b>	<b>477</b>	<b>320</b>	<b>48,875</b>	<b>34,490</b>	<b>59,648</b>	<b>43,586</b>
<b>Non Current Assets</b>								
Receivables	8,725	9,028	404	329	-	-	9,129	9,357
Plant and equipment	11,963	11,987	295	330	-	-	12,258	12,317
Right-of-use assets	283	937	7	26	-	-	290	963
Intangible assets	21,777	21,002	537	579	-	-	22,314	21,581
<b>Total Non-Current Assets</b>	<b>42,748</b>	<b>42,954</b>	<b>1,243</b>	<b>1,264</b>	<b>-</b>	<b>-</b>	<b>43,991</b>	<b>44,218</b>
<b>Total Assets</b>	<b>53,044</b>	<b>51,730</b>	<b>1,720</b>	<b>1,584</b>	<b>48,875</b>	<b>34,490</b>	<b>103,639</b>	<b>87,804</b>
<b>Current Liabilities</b>								
Payables	26,288	21,905	431	420	-	-	26,719	22,325
Borrowings	43	596	1	16	-	-	44	612
Provisions	22,479	21,214	554	585	-	-	23,033	21,799
<b>Total Current Liabilities</b>	<b>48,810</b>	<b>43,715</b>	<b>986</b>	<b>1,021</b>	<b>-</b>	<b>-</b>	<b>49,796</b>	<b>44,736</b>
<b>Non Current Liabilities</b>								
Provisions	7,138	7,017	176	193	-	-	7,314	7,210
Borrowings	323	547	8	15	-	-	331	562
Other	-	-	-	-	-	-	-	-
<b>Total Non Current Liabilities</b>	<b>7,461</b>	<b>7,564</b>	<b>184</b>	<b>208</b>	<b>-</b>	<b>-</b>	<b>7,645</b>	<b>7,772</b>
<b>Total Liabilities</b>	<b>56,271</b>	<b>51,279</b>	<b>1,170</b>	<b>1,229</b>	<b>-</b>	<b>-</b>	<b>57,441</b>	<b>52,508</b>
<b>Net Assets</b>	<b>(3,227)</b>	<b>451</b>	<b>550</b>	<b>355</b>	<b>48,875</b>	<b>34,490</b>	<b>46,198</b>	<b>35,296</b>

\* 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.

## 7 CURRENT ASSETS - CASH AND CASH EQUIVALENTS

	Consolidated		Commission	
	2023	2022	2023	2022
	\$'000	\$'000	\$'000	\$'000
Cash at bank	48,875	34,490	48,875	34,490
<b>Total Cash</b>	<b>48,875</b>	<b>34,490</b>	<b>48,875</b>	<b>34,490</b>

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash at bank, cash on hand, short-term deposits with a maturity of three months or less, which are subject to an insignificant risk of changes in value, and net of outstanding bank overdraft.

Cash and cash equivalents (per Statement of Financial Position)	48,875	34,490	48,875	34,490
<b>Cash and cash equivalents (per Statement of Cash Flows)</b>	<b>48,875</b>	<b>34,490</b>	<b>48,875</b>	<b>34,490</b>

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

The Commission has a business credit card facility of \$0.300m (2021-22: \$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	5,101	5,017	5,101	5,017
Less: - Allowance for expected credit loss	(675)	(444)	(675)	(444)
	4,426	4,573	4,426	4,573
Other debtors	54	24	54	24
GST recoverable from Australian Taxation Office	2,827	2,525	2,827	2,525
Prepayments	3,466	1,974	3,466	1,974
<b>Total Current</b>	<b>10,773</b>	<b>9,096</b>	<b>10,773</b>	<b>9,096</b>

### Non- Current

Sale of goods and services	11,845	11,193	11,845	11,193
Less: - Allowance for expected credit losses	(2,716)	(1,836)	(2,716)	(1,836)
<b>Total Non-Current</b>	<b>9,129</b>	<b>9,357</b>	<b>9,129</b>	<b>9,357</b>

**Movement in the allowance for expected credit loss**

Balance at the beginning of the year	2,280	1,023	2,280	1,023
Amounts written off during the year	(487)	(607)	(487)	(607)
Amounts recovered during the year	4	1	4	1
Increase/(decrease) in allowance recognised in net result	1,594	1,863	1,594	1,863
Balance at the end of the year	<b>3,391</b>	<b>2,280</b>	<b>3,391</b>	<b>2,280</b>

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 \$10.855m (2021-22: \$10.32m) 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.

	<b>2023</b> <b>\$'000</b>	<b>2023</b> <b>\$'000</b>
<b>9 NON-CURRENT ASSETS - PLANT AND EQUIPMENT</b>		
<b>At 1 July 2022 - fair value</b>		
Gross Carrying Amount	53,827	53,827
Less: Accumulated depreciation and impairment	<u>(41,510)</u>	<u>(41,510)</u>
<b>Net Carrying Amount</b>	<b><u>12,317</u></b>	<b><u>12,317</u></b>
<b>At 30 June 2023 - fair value</b>		
Gross Carrying Amount	55,140	55,140
Less: Accumulated depreciation and impairment	<u>(42,882)</u>	<u>(42,882)</u>
<b>Net Carrying Amount</b>	<b><u>12,258</u></b>	<b><u>12,258</u></b>

### **Reconciliation**

A reconciliation of the carrying amounts of plant and equipment at the beginning and end of the current reporting period is set out below:

	<b>2023</b>	<b>2022</b>	<b>2023</b>	<b>2022</b>
Net carrying amount at beginning of year	12,317	10,736	12,317	10,736
Additions	3,484	2,493	3,484	2,493
Disposals	(82)	(5)	(82)	(5)
Transfers <sup>(1)</sup>	-	2,243	-	2,243
Depreciation expense asset owned	<u>(3,461)</u>	<u>(3,150)</u>	<u>(3,461)</u>	<u>(3,150)</u>
<b>Net carrying amount at end of year</b>	<b><u>12,258</u></b>	<b><u>12,317</u></b>	<b><u>12,258</u></b>	<b><u>12,317</u></b>

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

<sup>(1)</sup> Transfers are from assets under construction where construction is complete.

### **Plant and equipment classification**

	<b>2023</b>	<b>2022</b>	<b>2023</b>	<b>2022</b>
Office equipment	826	796	826	796
IT hardware	368	643	368	643
Leasehold improvements	11,063	10,878	11,063	10,878
	<b><u>12,258</u></b>	<b><u>12,317</u></b>	<b><u>12,258</u></b>	<b><u>12,317</u></b>

### **Recognition and Measurement**

#### **Acquisition of Plant**

Plant and equipment are initially measured at cost and subsequently revalued at fair value less accumulated depreciation and impairment. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other AAS.

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

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent; i.e. deferred payment amount is effectively discounted over the period of credit.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition.



## **Capitalisation Thresholds**

Plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network or group costing more than \$5,000) are capitalised.

## **Restoration Costs**

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for a provision are met.

## **Depreciation of Plant and equipment**

Depreciation is provided for on a straight line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Commission. Leasehold improvements are amortised over the unexpired period of the lease or estimated useful life whichever is the shorter. Refer Note 2(c).

	<b>2023</b>	<b>2022</b>
	<b>%</b>	<b>%</b>
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 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 21-09). 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 1 to 10 years, but may have extension options. Lease terms are negotiated on an individual basis and contain a wide range of different terms and conditions. The lease agreements do not impose any covenants, but leased assets may not be used as security for borrowing purposes. The entity does not provide residual value guarantees in relation to leases.

Extension and termination options are included in a number of property and equipment leases. These terms are used to maximise operational flexibility in terms of managing contracts. The majority of extension and termination options held are exercisable only by the entity and not by the respective lessor. In determining the lease term, management considers all facts and circumstances that create an economic incentive to exercise an extension option, or not exercise a termination option. Extension options (or periods after termination options) are only included in the lease term if the lease is reasonably certain to be extended (or not terminated). 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.

Comparative information for the financial year ended 30 June 2022 reflects changes made when the entity accepted changes in the office accommodation arrangements with Property and Development NSW (PDNSW). The change was 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 were 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 are 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 via 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 01 July 2022	963
Additions and/or	(387)
Depreciation expense	(286)
Derecognition of right-of-use asset	
Balance 30 June 2023	<b>290</b>
Balance 01 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	<b>963</b>

#### Lease liabilities - Borrowings

The following table presents liabilities under leases:

	<b>2023</b>	<b>2022</b>
	<b>\$'000</b>	<b>\$'000</b>
Balance 01 July	1,174	68,820
Additions and/or reassessment of leases	(581)	9,557
Interest expense on lease liabilities	27	1,525
Payments	(377)	(12,507)
Derecognition of lease liabilities	132	(66,221)
Balance 30 June (see Note 13)	<b>375</b>	<b>1,174</b>

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:

	<b>2023</b> <b>\$'000</b>	<b>2022</b> <b>\$'000</b>
Depreciation expense	286	11,633
Interest expense on lease liabilities	27	1,525
Expense relating to short term leases	151	731
Expense relating to low-value assets	330	282
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	<b>794</b>	<b>11,683</b>

The Commission had total cash outflows for leases of \$0.529m in FY2022-23 (FY2021-22 \$16.8m).

### Recognition and measurement

The Commission assesses at contract inception whether a contract is, or contains, a lease. That is, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

The Commission recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets, except for short-term leases and leases of low-value assets.

#### (i) Right-of-use assets

The Commission recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability (refer below), adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site. The right of use assets are subsequently measured at cost.

They are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets, as follows:

- Property Leases - term of the lease remaining
- Motor vehicles and other equipment - 2 to 5 years

If ownership of the leased asset transfers to the entity at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset. The right-of-use assets are also subject to impairment. The Commission assesses, at each reporting date, whether there is an indication that an asset may be impaired. If any indication exists, or when annual impairment testing for an asset is required, the entity estimates the asset's recoverable amount. When the carrying amount of an asset exceeds its recoverable amount, the asset is considered impaired and is written down to its recoverable amount. After an impairment loss has been recognised, it is reversed only if there has been a change in the assumptions used to determine the asset's recoverable amount. The reversal is limited so that the carrying amount of the asset does not exceed its recoverable amount, nor exceed the carrying amount that would have been determined, net of depreciation, had no impairment loss been recognised for the asset in prior years. Such reversal is recognised in the net result.

## **(ii) Lease liabilities**

At the commencement date of the lease, the Commission recognises lease liabilities measured at the present value of lease payments to be made over the lease term. Lease payments include:

- fixed payments (including in substance fixed payments) less any lease incentives receivable;
- variable lease payments that depend on an index or a rate;
- amounts expected to be paid under residual value guarantees;
- exercise price of a purchase options reasonably certain to be exercised by the Commission; and
- payments of penalties for terminating the lease, if the lease term reflects the Commission exercising the option to terminate.

Variable lease payments that do not depend on an index or a rate are recognised as expenses (unless they are incurred to produce inventories) in the period in which the event or condition that triggers the payment occurs.

The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, which is generally the case for the Commission's leases, the lessee's incremental borrowing rate is used, being the rate that the entity would have to pay to borrow the funds necessary to obtain an asset of similar value to the right-of-use asset in a similar economic environment with similar terms, security and conditions.

After the commencement date, the amount of lease liabilities is increased to reflect the accretion of interest and reduced for the lease payments made. In addition, the carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (e.g., changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset. The Commission's lease liabilities are included in borrowings.

## **(iii) Short-term leases and leases of low-value assets**

The Commission applies the short-term lease recognition exemption to its short-term leases of equipment (i.e. those leases that have a lease term of 12 months or less from the commencement date and do not contain a purchase option). It also applies the lease of low-value assets recognition exemption to leases of office equipment that are considered to be low value. Lease payments on short-term leases and leases of low value assets are recognised as expense on a straight-line basis over the lease term.

## **(iv) Leases that have significantly below-market terms and conditions principally to enable the Commission to further its objectives.**

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

## 11 INTANGIBLE ASSETS

	Consolidated		Commission	
	2023	2022	2023	2022
	\$'000	\$'000	\$'000	\$'000
<b>At 1 July - fair value</b>				
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)
<b>Net Carrying Amount</b>	<b>21,581</b>	<b>22,216</b>	<b>21,581</b>	<b>22,216</b>
<b>At 30 June - fair value</b>				
Cost (gross carrying amount)	49,377	44,439	49,377	44,439
Less: Accumulated amortisation and impairment	(27,063)	(22,858)	(27,063)	(22,858)
<b>Net Carrying Amount</b>	<b>22,314</b>	<b>21,581</b>	<b>22,314</b>	<b>21,581</b>

### Reconciliation

A reconciliation of the carrying amounts of intangible assets at the beginning and end of the current reporting period is set out below.

<b>Net carrying amount at beginning of year</b>	<b>21,581</b>	<b>22,216</b>	<b>21,581</b>	<b>22,216</b>
Additions	5,640	5,550	5,640	5,550
Disposals	(51)	-	-	-
Transfers to plant and equipment	-	(2,243)	-	(2,243)
Amortisation (recognised in "depreciation and amortisation")	(4,856)	(3,942)	(4,856)	(3,942)
<b>Net carrying amount at end of year</b>	<b>22,314</b>	<b>21,581</b>	<b>22,365</b>	<b>21,581</b>
<b>Intangible assets classification</b>				
IT software	19,922	19,743	19,922	19,743
IT software and hardware under construction	2,392	1,838	2,392	1,838
	<b>22,314</b>	<b>21,581</b>	<b>22,314</b>	<b>21,581</b>

## 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 4-10 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.

### 12 CURRENT LIABILITIES - PAYABLES

	Consolidated		Commission	
	2023	2022	2023	2022
	\$'000	\$'000	\$'000	\$'000
Accrued salaries, wages and on-costs	4,502	2,814	-	-
Legal Aid Commission Staff Agency - accrued salaries, wages and on-costs	-	-	4,502	2,814
Creditors	1,370	1,395	1,370	1,395
Accrued Expenses	2,608	2,795	2,608	2,795
Unearned Revenue	-	-	-	-
Accrual of estimated legal expenses i)	18,239	15,321	18,239	15,321
<b>Total</b>	<b>26,719</b>	<b>22,325</b>	<b>26,719</b>	<b>22,325</b>

i) 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 2023 with that received 12 months earlier and LANSW have 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.

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	44	612	44	612
Lease liability - non current		562	331	562
	331			
<b>Total (see Note 10)</b>	<b>375</b>	<b>1,174</b>	<b>375</b>	<b>1,174</b>

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.



	Consolidated		Commission	
	2023	2022	2023	2022
	\$'000	\$'000	\$'000	\$'000
<b>14 CURRENT / NON-CURRENT LIABILITIES - PROVISIONS</b>				
<b>Current</b>				
<b>Employee benefits and related on-costs</b>				
Annual leave	12,032	11,390	-	-
Annual leave expected to be taken after 12 months	2,485	2,353	-	-
Provision for related on-costs	8,516	8,056	-	-
Legal Aid Commission Staff Agency - provision for personnel services	-	-	23,033	21,799
<b>Total Current</b>	<b>23,033</b>	<b>21,799</b>	<b>23,033</b>	<b>21,799</b>
<b>Non-Current</b>				
<b>Employee benefits and related on-costs</b>				
Provision for related on-costs	444	427	-	-
Legal Aid Commission Staff Agency - provision for personnel services	-	-	444	427
	<b>444</b>	<b>427</b>	<b>444</b>	<b>427</b>
<b>Other Provisions</b>				
Restoration costs*	6,870	6,783	6,870	6,783
	<b>6,870</b>	<b>6,783</b>	<b>6,870</b>	<b>6,783</b>
<b>Total Non-Current Provisions</b>	<b>7,314</b>	<b>7,210</b>	<b>7,314</b>	<b>7,210</b>

\* Restoration costs refers to the present value of estimated cost of make good obligations (in accordance with AASB 137) that will arise when existing office accommodation leases expire. The provision is adjusted annually for unwinding and changes in discount rates. Any cost variations in make good expenses at the time of implementation will be recognised in the Statement of Comprehensive Income.

#### Aggregate employee benefits and related on-costs

Provisions - current	23,033	21,799	-	-
Provisions - non-current	444	427	-	-
Accrued salaries, wages and on-costs (Note 12)	4,502	2,814	-	-
	<b>27,979</b>	<b>25,040</b>	-	-

#### Movements in provisions (other than employee benefits)

##### Restoration Provision

<b>Carrying amount at start of financial year</b>	6,783	5,757	6,783	5,757
Additional provisions recognised	-	252	-	252
Amounts used or reduction in provision	-	-	-	-
Unwinding / change in the discount rate	87	774	87	774
<b>Carrying amount at end of financial year</b>	<b>6,870</b>	<b>6,783</b>	<b>6,870</b>	<b>6,783</b>

#### Recognition and Measurement

##### Employee Benefits and related on-costs

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

##### Salaries and wages, annual leave and sick leave

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

Annual leave is not expected to be settled wholly before twelve months after the end of the annual reporting period in which the employees render the related service. As such, it is required to be measured at present value in accordance with AASB 119 Employee Benefits (although short-cut methods are permitted). Actuarial advice obtained by Treasury has confirmed that using the nominal annual leave balance plus the annual leave entitlements accrued while taking annual leave (calculated using 8.4% of the nominal value of annual leave) can be used to approximate the present value of the annual leave liability. Legal Aid has assessed the actuarial advice based on the Commission's circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability even where the Commission does not expect to settle the liability within 12 months as the Commission does not have an unconditional right to defer settlement.

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

## Long Service Leave and Superannuation

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

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

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

## Consequential on-costs

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

## Provisions

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

If the effect of the time value of money is material, provisions are discounted at 4.17% (2022 3.66%), 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

#### Accumulated Funds

The category 'accumulated funds' includes all current and prior period retained funds.

## 16 COMMITMENTS FOR EXPENDITURE

Capital Commitments	Consolidated		Commission	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
Aggregate capital expenditure contracted for at balance date and not provided for:				
Not later than one year	1,851	891	1,851	891
<b>Total (including GST)</b>	<b>1,851</b>	<b>891</b>	<b>1,851</b>	<b>891</b>

The total commitments above include input tax credits of \$0.17m (2021-22: \$0.81m) 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 (2021-22:\$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 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 \$10.9m (21-22 surplus of \$13.5m) shows a \$13.3m favourable variance to the original budget deficit of \$2.4m. The main contributors to the surplus are an under-spend in employee-related expenses of \$11.9m and a \$0.5m under-spend in operating expenses.

### Assets and Liabilities

Actual net assets of \$46.2m is more than the budget due to the favourable operating result. The main contributors are: current assets of \$59.7m is \$30.3m more than the budget of \$29.4m and non-current receivables of \$9.1m are below the total budget by \$1.6m.

### Cash Flows

The net surplus of cash flow was \$48.9m compared to the budget of \$22.2m due to the favourable operating result. Total operating activities receipts were \$498.2m compared to operating activities payments of \$473.3m. The net cash outflow from investing activities was in line with the budget of \$9.0m due to expenditure on the purchase of plant and equipment. The closing cash actual balance of \$48.9m was \$26m 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	
	2023	2022	2023	2022
	\$'000	\$'000	\$'000	\$'000
Net cash used on operating activities	24,929	33,171	24,929	33,171
Depreciation and amortisation expense	(8,603)	(18,725)	(8,603)	(18,725)
Interest expense from lease liabilities	(27)	(1,525)	(27)	(1,525)
Derecognition of right-of-use assets and lease liabilities with Property and Development NSW	-	2,488	-	2,488
Decrease / (increase) in provisions	(1,338)	(2,710)	(1,338)	(2,710)
Decrease / (increase) in creditors	(5,376)	(1,527)	(5,376)	(1,527)
Increase / (decrease) in prepayments and other assets	1,449	2,368	1,449	2,368
Net Gain/(Loss) on disposal of plant and equipment	(132)	(5)	(132)	(5)
<b>Net Result</b>	<b>10,902</b>	<b>13,535</b>	<b>10,902</b>	<b>13,535</b>

## 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

Cash balance at the beginning of the financial year	1,569	865
Add: Receipts	2,320	3,528
Less: Expenditure	(3,265)	(2,824)
<b>Cash balance at the end of the financial year</b>	<b>624</b>	<b>1,569</b>

As the Legal Aid Commission of NSW performs only a custodial role in respect of trust monies, and because the monies cannot be used for the achievement of its objectives; that is, the definition criteria for assets is not met, trust funds are not brought to account in the financial statements, but are shown in the notes for information purposes.

1 Pursuant to Section 64A of the *Legal Aid Commission Act 1979*, a Legal Aid Commission Trust Account is maintained for verdict and settlement moneys held on behalf of legally aided persons represented by Commission in-house practitioners. The Legal Aid Commission of NSW may recover some costs upon finalisation of these matters.

## 21 FINANCIAL INSTRUMENTS

The principal financial instruments of the Commission are outlined below. These financial instruments arise directly from the operations of the Commission or are required to finance the operations of the Commission. The Commission does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The main risks arising from financial instruments for the Commission are outlined below, together with the objectives of the Commission, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout the financial statements.

The Chief Executive Officer has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the Legal Aid Commission of NSW, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by Management and by the Internal Auditors on a continuous basis.

(a) Financial Instrument Categories	Note	Category	Carrying	Carrying
			Amount	Amount
			2023	2022
			\$'000	\$'000
<b>Financial Assets</b>				
<b>Class:</b>				
Cash & cash equivalents	7	Amortised cost	48,875	34,490
Receivables <sup>1</sup>	8	Amortised cost	13,609	13,954
<b>Financial Liabilities</b>				
<b>Class:</b>				
Payables <sup>2</sup>	12	Financial Liabilities measured at amortised cost	25,956	22,232

<sup>1</sup>. Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

<sup>2</sup>. Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7)

The Commission determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

### **(b) Derecognition of financial assets and financial liabilities**

A financial asset is derecognised when the contractual rights to the cash flows from the financial assets expire; or if the Commission transfers its rights to receive cash flows from the asset or as assumed an obligation to pay the received cash flows in full without material delay to a third party under a 'pass-through' arrangement; and either:

- 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 passthrough arrangement, it evaluates if, and to what extent, it has retained the risks and rewards of ownership. Where the Commission has neither transferred nor retained substantially all the risks and rewards or transferred control, the asset continues to be recognised to the extent of the Commission's continuing involvement in the asset. In that case, the Commission also recognises an associated liability. The transferred asset and the associated liability are measured on a basis that reflects the rights and obligations that the Commission has retained. Continuing involvement that takes the form of a guarantee over the transferred asset is measured at the lower of the original carrying amount of the asset and the maximum amount of Consideration that the Commission could be required to repay.

A financial liability is derecognised when the obligation specified in the contract is discharged or cancelled or expires. When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as the derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised in the net result.

### **(c) Offsetting financial instruments**

Financial assets and financial liabilities are offset and the net amount is reported in the Statement of Financial Position if there is a currently enforceable legal right to offset the recognised amounts and there is an intention to settle on a net basis, or to realise the assets and settle the liabilities simultaneously.

### **(d) Financial Risks**

#### **i) Credit Risk**

Credit risk arises when there is the possibility of the counterparties of the Commission defaulting on their contractual obligations, resulting in a financial loss to the Commission. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance for credit loss or allowance for impairment).

Credit risk arises from the financial assets of the Commission, including cash, and receivables. The Commission has secured a portion of its receivables by way of caveat. The Commission has not granted any financial guarantees.

Credit risk associated with the financial assets of the Commission, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards.

The Commission considers a financial asset in default when contractual payments are 90 days past due. However, in certain cases, the entity may also consider a financial asset to be in default when internal or external information indicates that the entity is unlikely to receive the outstanding contractual amounts in full before taking into account any credit enhancements held by the Commission.

## Cash

Cash comprises the Commission's funds that are held in the general operating bank account within the NSW Treasury Banking System (TBS). Refer Note 7.

## 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 2023. 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 2023. The discount rate was assumed to be 4.17% p.a. for secured debtors and 4.11% 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:

	<b>01/01/2023 to 30/06/2023</b>	<b>01/07/2022 to 31/12/2022</b>
Overdue debt (Section 71A of <i>Legal Aid Commission Act</i> )	4.55%	3.05%
Local Court judgements (Section 101 of <i>Civil Procedure Act 2005</i> )	9.10%	6.10%
Family Court judgements (Section 117B of <i>Family Law Act</i> )	9.10%	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 that are not past due (2023: \$0.471m 2022: \$0.373m) and not less than one month past due (2023: \$0.801m 2022: \$1.587m) are not considered impaired and together these represent 7.88% of the total debtors (2022: 12.649%).

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:

	<b>Total</b>	<b>Past due but not considered loss allowance (See note 1,2)</b>	<b>Considered loss allowance (See note 1,2)</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>2023</b>			
< 3 months overdue	920	920	-
3 months - 6 months overdue	806	131	675
> 6 months overdue	14,418	11,702	2,716
<b>2022</b>			
< 3 months overdue	2,344	2,344	-
3 months - 6 months overdue	664	220	444
> 6 months overdue	12,412	10,576	1,836

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 <sup>1</sup> \$000	Maturity < 1 year \$000	Maturity 1 to 5 years \$000	Maturity > 5 years \$000
<b>2023</b>				
<i>Payables</i>				
Accounts payables	25,956	25,956	-	-
<i>Borrowings</i>				
Lease liabilities	375	44	331	-
<b>2022</b>				
<i>Payables</i>				
Accounts payables	22,232	22,232	-	-
<i>Borrowings</i>				
Lease liabilities	1,174	612	562	-

<sup>1</sup> The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities based on the earliest date on which Legal Aid can be required to pay except for Borrowings which are discounted at weighted average effective interest rate of 3.70%

**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.

	2023		2022	
	-1%	1%	-1%	1%
Lease liabilities	(109)	109	0	0
Equity	(462)	462	0	0

**(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 lumpiness in the schedule of work between the start and end dates, the liability may also change by around \$2.5m.

- For the assessment of outstanding legal debtors, a 1% (absolute) increase in discount rates will decrease the value of the secured debtors asset by \$0.4m.



## Sensitivity Analysis

<b>Creditors</b>			
Scenario	Net Provision		Impact
	\$m	\$m	%
<b>Base Scenario</b>			
Work completed date assumed to be midway between start and end date	17.9		
Work completed date assumed to be 2/5ths way between start and end date	20.4	2.5	14%
Work completed date assumed to be 3/5ths way between start and end date	15.7	-2.3	-13%

<b>Secured Debtors</b>				
Scenario		Net Provision		Impact
		\$m	\$m	%
Base Scenario		8.4		
Ultimate Debt Recoverability	-2%	8.1	-0.3	-4%
	+1%	8.0	-0.4	-5%
Discount Rate (Absolute Change)	-1%	8.9	0.5	6%

## 22 RELATED PARTY DISCLOSURE

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

Short term employee benefits:

	\$'000	\$'000
	2023	2022
Salaries	454	637
Other monetary allowances	-	-
Long term employee benefits:	-	-
Termination benefits	-	-
<b>Total Remuneration</b>	<b>454</b>	<b>637</b>

The key management personnel and their compensation disclosure are limited to the key decision makers, i.e., Chief Executive Officer, and Board Members of the Commission. During the year, 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
- \* 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 99.47% of invoices received within 30 days in 2022–23, a decrease compared with 99.58% in 2021–22.

Period	2022–23		2021–22	
	Invoices	%	Invoices	%
Within 30 days	147,641	99.47%	145,555	99.58%
Over 30 days	788	0.53%	620	0.42%
<b>Total</b>	<b>148,429</b>	<b>100%</b>	<b>146,175</b>	<b>100%</b>

Accounts paid within 30 days by quarter is as follows:

Accounts paid within 30 days by quarter	Target %	Achieved %	Amount paid within 30 days \$'000	Total Amount Paid \$'000
September	100.00	99.49%	94,093	95,690
December	100.00	99.56%	104,302	106,432
March	100.00	96.92%	49,447	51,020
June	100.00	98.56%	79,552	80,718

#### (b) Ageing of creditors

Aged creditors analysis at end of each quarter is as follows:

Quarter	\$'000	\$'000	\$'000	\$'000
	Current	31–60 days	61–90 days	> 90 days
September	1,256	0	0	2
December	1,304	0	1	1
March	1,346	392	0	1
June	995	374	0	1

#### (c) Consultancies

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

##### Consultancy projects less than \$50,000:

Legal Aid NSW engaged 9 consultants for individual projects costing less than \$50,000 per project during 2022–23. The total cost of these consultancies was \$155,594.

### 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

Four

#### Charitable and deductible gifts

##### 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 2022–23 premium for workers compensation insurance increased by 41% from \$556,071 in 2021–22 to \$782,566 in 2022-23. The premium for the other insurance types increased to \$306,597 compared to \$274,348 in 2021–22.

### **Motor vehicle claims**

The number of motor vehicle claims in 2022–23 was 31, an increase from 14 in 2021–22. This incurred a net cost of \$68,747, an increase on the net cost of \$35,160 in 2020–21. The average number of vehicles in the Legal Aid NSW fleet is 74, a decrease compared with 79 in 2021–22. This results in an average claim cost per vehicle of \$2,217.65 compared with \$2,511.45 in 2021–22.

The 2022–23 deposit premium for motor vehicles was \$77,232, an increase compared with the 2021–22 deposit premium of \$74,069.

### **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

## Appendix 1 Human resources information

### FTE staff as at 30 June 2023

Central Sydney	731
Metropolitan offices	484
Regional offices	191
<b>Total staff FTE</b>	<b>1,406</b>

### FTE staff as at 30 June 2023

CEO/Executive	19
Legal officers	697
Legal admin support staff	690
<b>Total staff FTE</b>	<b>1,406</b>

Number of actual staff by employment type	2019–20	2020–21	2021–22	2022–23
Ongoing full-time	831	873	1,031	989
Ongoing part-time	230	247	114	368
Temporary full-time	222	209	179	163
Temporary part-time	62	81	67	48
Contract Executive	10	13	11	15
Non-Executive	0	0	0	0
Casual	0	12	7	4
Other	5	5	19	4
<b>Total</b>	<b>1,360</b>	<b>1,440</b>	<b>1,428</b>	<b>1,591</b>

Number of actual staff by type of work	Central Sydney	Metropolitan	Regional	Total
Lawyers	326	314	140	780
Administration	481	257	73	811
<b>Total</b>	<b>807</b>	<b>571</b>	<b>213</b>	<b>1,591</b>

### Number of Executive roles

Band	Salary range (\$)	Average remuneration		2021–22		2022–23	
		2021–22	2022–23	Female	Male	Female	Male
Band 3 (Chief Executive Officer)	\$361,301 to \$509,250	\$374,151	\$391,189	1		1	
Band 2 (Executive Director)	\$287,201 to \$361,300	\$282,166	\$287,809		1		1
Band 1 (Director)	\$201,350 to \$287,200	\$226,015	\$226,238	11	4	13	4
<b>Total</b>				<b>12</b>	<b>5</b>	<b>14</b>	<b>5</b>

## Appendix 2 Workforce diversity groups

Number of actual staff in different workforce diversity groups*	2019-20	2020-21	2021-22	2022-23
Men	322	330	306	353
Women	1,037	1,109	1,121	1,236
Unspecified gender**	1	1	1	2
Aboriginal and Torres Strait Islander people	83	87	98	124
People from racial, ethnic, ethno-religious minority groups	294	310	324	367
People whose first language is not English	195	208	213	247
People with disability	86	97	103	124
People with disability requiring a work-related adjustment	17	21	24	34
<b>Total staff</b>	<b>1,360</b>	<b>1,440</b>	<b>1,428</b>	<b>1,591</b>

\*Data includes casual staff

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

### Parliamentary annual report tables

**Table 1: Trends in the representation of workforce diversity groups**

Workforce diversity Group	Benchmark or target (%)	% Total staff			
		2019-20	2020-21	2021-22	2022-23
Women	50%	76.2	77.1	78.5	77.6
Aboriginal and Torres Strait Islander people	3.30%	8.0	8.1	8.7	9.5
People whose first language spoken as a child was not English	23.20%	20.3	19.9	19.7	19.6
People with disability	5.60%	9.1	9.4	9.4	9.8
People with disability requiring a work-related adjustment	N/A	1.8	2.0	2.3	2.7

**Table 2: Trends in the distribution of workforce diversity groups**

Workforce diversity Group	Benchmark or target (%)	Distribution index			
		2019-20	2020-21	2021-22	2022-23
Women	100	92	93	93	94
Aboriginal and Torres Strait Islander people	100	89	88	86	88
People whose first language spoken as a child was not English	100	98	97	98	97
People with disability	100	101	97	100	98
People with disability requiring a work-related adjustment	100	103	98	104	97

Note

Staff numbers as at 30 June 2023.

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 funds 27 Women's Domestic Violence Court Advocacy Services (WDVCASs) and 11 Family Advocacy and Support Services.

WDVCAS	Provider	FASS Social			Total funding (\$)
		Base WDV CAS funding (\$)	Support Service funding (\$)	Other funding (\$)	
Burwood	Burwood Community Welfare Services	1,029,552		450,291	1,479,842
Central Coast	Central Coast Domestic Violence Court Advocacy Service Inc.	1,285,033		747,360	2,032,393
Central North-West	Housing Plus	504,319		102,638	606,957
Central West	Housing Plus	1,147,103		265,200	1,412,303
Coffs-Clarence	Warrina Women and Children's Refuge Co-operative Society	1,220,718	136,500	226,390	1,583,608
Cumberland	Western Sydney Community Legal Centre Inc.	1,219,250	380,000	403,233	2,002,483
Far West	Far West Community Legal Centre	550,771		213,176	763,947
Hunter Valley	Carrie's Place Women's and Children's Services	1,520,727		591,116	2,111,842
Illawarra	Wollongong Women's Information Service	1,343,729	204,000	365,937	1,913,667
Macarthur	Macarthur Legal Centre	1,013,649		550,000	1,563,649
Mid-Coast	Mid-Coast Women's Domestic Violence Court Advocacy Services Inc.	1,169,639	136,500	565,984	1,872,123
Monaro-Hume	Molonglo Women's and Children's Services	610,097		281,280	891,377
Murray River	Linking Communities Network Ltd	649,479		105,433	754,912
Murrumbidgee	Linking Communities Network Ltd	523,860		222,527	746,386
Nepean-Blue Mountains	Penrith Women's Health Centre	747,911			747,911
Nepean-Blue Mountains	Blacktown Women's and Girls Health Centre	1,154,702		440,742	1,595,443
New England	Tamworth Family Support Service	801,033	136,500	280,258	1,217,790
Newcastle	Hunter Women's Domestic Violence Court Service Inc.	1,523,342	204,000	753,973	2,481,315
North West Sydney	Blacktown Women's and Girls Health Centre	1,933,441		521,959	2,455,400
Northern Rivers	Northern Rivers Community Legal Centre	1,402,228	136,500	512,367	2,051,095
Northern Sydney	CatholicCare Broken Bay	1,023,293		370,167	1,393,460
Oxley	Tamworth Family Support Service	700,803		344,396	1,045,199
Riverina	Linking Communities Network Ltd	656,137	136,500	560,000	1,352,637
South Coast	Southern Women's Group	1,098,222		391,064	1,489,286
South West Sydney	South West Sydney Legal Centre	2,271,084		900,404	3,171,488
Southern Sydney	Sutherland Shire Family Services (The Family Co)	1,323,461		460,107	1,783,568

Sydney	South West Sydney Legal Centre	1,759,500	204,000	728,072	2,691,572
Western	Housing Plus	1,026,064	136,500	445,614	1,608,178
FASS Social Support Service for Men	Relationships Australia NSW		1,542,900		1,542,900
<b>Total</b>		<b>31,209,145</b>	<b>3,353,900</b>	<b>11,799,687</b>	<b>46,362,732</b>

#### Note

Funding streams included in 'Base WDVCS funding':

- baseline WDVCS funding
- Safer Pathway funding, and
- Social and Community Services (SACS) Modern Award equal remuneration order supplementation funding.

Funding streams included in 'Other funding':

- WDVCSs received \$7,593,000 in case management funding for clients with complex needs
- 14 WDVCSs received \$3,190,000 for the WDVCS Hearing Support Pilot
- five WDVCSs received \$602,155 for the NSW Police Force-WDVCS Co-location Pilot
- six WDVCSs received \$189,750 for the Hunter New England & Central Coast Primary Health Network GP Pilot – Phase 1
- four WDVCSs received \$180,192 for the Hunter New England & Central Coast Primary Health Network GP Pilot – Phase 2, and
- there was a change of provider for Nepean-Blue Mountains WDVCS in October 2022. The incoming provider, Penrith Women's and Girls' Health Centre, received a one-off payment of \$44,590 to assist with set-up costs.



## Appendix 4 Community Legal Centres Program funding

<b>Community Legal Centre</b>	<b>Commonwealth funding (\$)</b>	<b>Commonwealth Flood and Disaster funding (\$)</b>	<b>NSW Government funding (\$)</b>	<b>Public Purpose Fund funding (\$)</b>	<b>Total payments (\$)</b>
Australian Centre for Disability Law	677,527	0	210,417	55,582	943,526
Central Coast Community Legal Centre	646,894	0	305,388	81,985	1,034,267
Central Tablelands and Blue Mountains Community Legal Centre	269,458	250,000	298,098	74,628	892,184
Community Legal Centres NSW	0	0	724,250	186,455	910,705
Community Restorative Centre (Court Support Scheme)	43,957	0	22,673	5,921	72,551
Environmental Defender's Office	0	0	170,396	40,692	211,088
Far West Community Legal Centre	563,077	0	249,479	39,408	851,964
Financial Rights Legal Centre	935,336	0	166,829	40,692	1,142,857
HIV/AIDS Legal Centre	101,174	0	271,320	70,488	442,982
Hume Riverina Community Legal Service	825,130	0	150,951	40,816	1,016,897
Hunter Community Legal Centre	808,561	0	450,235	113,171	1,371,967
Illawarra Legal Centre	610,381	250,000	294,940	72,994	1,228,315
Immigration Advice & Rights Centre	240,169	0	320,608	78,548	639,325
Inner City Legal Centre	366,741	0	441,221	56,290	864,252
Intellectual Disability Rights Service	76,875	0	106,892	28,903	212,670
Justice Connect	0	150,000	0	0	150,000
Justice Support Centre (formerly South West Sydney Legal Centre)	684,720	0	696,697	96,359	1,477,776
Kingsford Legal Centre	772,181	0	517,726	40,291	1,330,198
Macarthur Legal Centre	692,965	0	583,696	115,677	1,392,338
Marrickville Legal Centre	503,430	0	316,389	75,889	895,708
Mid North Coast Community Legal Centre	863,947	250,000	503,333	41,694	1,658,974
North & North West Community Legal Service	581,477	0	224,197	60,029	865,703
Northern Rivers Community Legal Centre	720,202	765,800	172,036	44,824	1,702,862

Public Interest Advocacy Centre	152,023	0	157,392	38,438	347,853
Redfern Legal Centre	825,866	0	691,252	71,038	1,588,156
Refugee Advice & Casework Service	0	0	338,760	70,736	409,496
Seniors Rights Service	171,662	0	227,503	61,431	460,596
Shoalcoast Community Legal Centre	616,499	250,000	523,096	133,850	1,523,445
Tenants' Union of NSW	99,940	440,000	157,080	38,363	735,383
University of Newcastle Legal Centre	0	0	243,600	0	243,600
Welfare Rights Centre	412,751	250,000	253,794	64,475	981,020
Western NSW Community Legal Centre	1,507,538	0	277,744	73,397	1,858,679
Western Sydney Community Legal Centre	1,351,658	185,000	810,460	204,979	2,552,097
Wurringa Baiya Aboriginal Women's Legal Centre	532,501	0	589,082	143,529	1,265,112
Women's Legal Service NSW	2,427,447	0	803,518	163,412	3,394,377
<b>Total</b>	<b>19,082,087</b>	<b>2,790,800</b>	<b>12,271,052</b>	<b>2,524,984</b>	<b>36,668,923</b>

#### Note

Justice Connect does not receive recurrent funding through the CLC Program. Commonwealth funding for flood-related legal assistance was administered to the centre on a one-off basis in 2022–23.

Commonwealth funding is provided through the National Legal Assistance Partnership 2020–25, including the Bilateral Schedule and Domestic Violence Unit funding streams.

Commonwealth funding to Western NSW CLC includes \$786,397 of dedicated funding for a Domestic Violence Unit.

Commonwealth and NSW Government funding includes former Social and Community Services Equal Remuneration Order supplementation payments that now form part of baseline funding.

The table excludes \$674,035 of project funding to Community Legal Centres NSW for the First Nations Cadetship Program and the Employee Assistance Program to 30 June 2025.

The table excludes small one-off grants to all CLCs and CLCNSW paid in June and CLC Program operational costs including CLC data system access and upgrades, interpreting service fees and reimbursements, and program administration costs.

## Appendix 5 Legal practice operational statistics

<b>Legal Aid NSW total</b>	<b>2020–21</b>	<b>2021–22</b>	<b>% change from previous year</b>	<b>2022–23</b>	<b>% change from previous year</b>
<b>Case matters</b>					
Applications received	51,431	47,760	-7.1%	53,181	11.4%
Applications refused	8,809	7,206	-18.2%	7,638	6.0%
In-house grants	12,829	10,675	-16.8%	11,513	7.9%
Assigned grants	29,704	26,372	-11.2%	26,430	0.2%
<b>Total case grants</b>	<b>42,533</b>	<b>37,047</b>	<b>-12.9%</b>	<b>37,943</b>	<b>2.4%</b>
Grant rate	82.8%	83.7%	1.1%	83.2%	-0.5%
Applications determined	51,342	44,253	-13.8%	45,581	3.0%
Applications undetermined at year end	1,273	978	-23.2%	852	-12.9%
Grants finalised	37,601	38,467	2.3%	43,072	12.0%
Current grants on hand at year end	52,742	51,484	-2.4%	43,888	-17.3%
<b>Duty services</b>					
In-house duty services	117,486	112,275	-4.4%	123,055	8.8%
Assigned duty services	80,148	77,932	-2.8%	82,781	6.2%
<b>Total duty services</b>	<b>197,634</b>	<b>190,207</b>	<b>-3.8%</b>	<b>205,836</b>	<b>7.6%</b>
<b>Other services</b>					
Advice	99,547	84,946	-14.7%	93,968	9.6%
Minor assistance	19,456	20,709	6.4%	23,923	15.5%
Extended legal assistance	1,061	1,149	8.3%	1,305	13.6%
Early resolution assistance	239	2,500	946.0%	5,035	101.4%
Information	170,981	86,873	-49.2%	143,819	39.6%
<b>Total other services</b>	<b>291,284</b>	<b>196,177</b>	<b>-32.7%</b>	<b>268,050</b>	<b>26.8%</b>
<b>Total client services</b>	<b>531,451</b>	<b>423,431</b>	<b>-20.3%</b>	<b>511,829</b>	<b>17.3%</b>

<b>Criminal law</b>	<b>2020–21</b>	<b>2021–22</b>	<b>% change from previous year</b>	<b>2022–23</b>	<b>% change from previous year</b>
<b>Case matters</b>					
Applications received	33,877	30,371	-10.3%	33,961	11.8%
Applications refused	4,862	4,176	-14.1%	4,906	17.5%
In-house grants	9,887	8,386	-15.2%	9,581	14.2%
Assigned grants	19,066	17,776	-6.8%	18,672	5.0%
<b>Total case grants</b>	<b>28,953</b>	<b>26,162</b>	<b>-9.6%</b>	<b>28,253</b>	<b>7.4%</b>
Grant rate	85.6%	86.2%	0.7%	85.2%	-1.2%
Applications determined	33,815	30,338	-10.3%	33,159	9.3%
Applications undetermined at year end	653	616	-5.7%	577	-6.3%
Grants finalised	25,384	25,780	1.6%	29,712	15.3%
Current grants on hand at year end	27,434	27,946	1.9%	24,073	-13.9%

<b>Duty services</b>					
In-house duty services	107,113	100,229	-6.4%	109,925	9.7%
Assigned duty services	64,898	64,250	-1.0%	68,108	6.0%
<b>Total duty services</b>	<b>172,011</b>	<b>164,479</b>	<b>-4.4%</b>	<b>178,033</b>	<b>8.2%</b>
<b>Other services</b>					
Advice	32,282	28,089	-13.0%	30,366	8.1%
Minor assistance	6,251	5,883	-5.9%	6,125	4.1%
Extended legal assistance	88	134	52.3%	145	8.2%
Information	43,724	18,789	-57.0%	33,439	78.0%
Total other services	82,345	52,895	-35.8%	70,075	32.5%
<b>Total client services</b>	<b>283,309</b>	<b>243,536</b>	<b>-14.0%</b>	<b>276,361</b>	<b>13.5%</b>

<b>Civil law</b>	<b>2020–21</b>	<b>2021–22</b>	<b>% change from previous year</b>	<b>2022–23</b>	<b>% change from previous year</b>
<b>Case matters</b>					
Applications received	2,175	2,909	33.7%	3,080	5.9%
Applications refused	778	579	-25.6%	685	18.3%
In-house grants	826	790	-4.4%	674	-14.7%
Assigned grants	594	622	4.7%	679	9.2%
<b>Total case grants</b>	<b>1,420</b>	<b>1,412</b>	<b>-0.6%</b>	<b>1,353</b>	<b>-4.2%</b>
Grant rate	64.6%	70.9%	9.8%	66.4%	-6.4%
Applications determined	2,198	1,991	-9.4%	2,038	2.4%
Applications undetermined at year end	32	33	3.1%	12	-63.6%
Grants finalised	1,333	1,374	3.1%	1,450	5.5%
Current grants on hand at year end	1,906	1,927	1.1%	1,815	-5.8%
<b>Duty services</b>					
In-house duty services	1,463	1,035	-29.3%	1,002	-3.2%
Assigned duty services	12,927	11,539	-10.7%	12,508	8.4%
<b>Total duty services</b>	<b>14,390</b>	<b>12,574</b>	<b>-12.6%</b>	<b>13,510</b>	<b>7.4%</b>
<b>Other services</b>					
Advice	32,958	30,151	-8.5%	34,234	13.5%
Minor assistance	6,286	7,905	25.8%	10,252	29.7%
Extended legal assistance	800	919	14.9%	1,044	13.6%
Early resolution assistance	15	2	-86.7%	-	-100.0%
Information	86,383	52,856	-38.8%	83,503	58.0%
<b>Total other services</b>	<b>126,442</b>	<b>91,833</b>	<b>-27.4%</b>	<b>129,033</b>	<b>40.5%</b>
<b>Total client services</b>	<b>142,252</b>	<b>105,819</b>	<b>-25.6%</b>	<b>143,896</b>	<b>36.0%</b>

<b>Family law</b>	<b>2020-21</b>	<b>2021-22</b>	<b>% change from previous year</b>	<b>2022-23</b>	<b>% change from previous year</b>
<b>Case matters</b>					
Applications received	15,379	14,480	-5.8%	16,140	11.5%
Applications refused	3,169	2,451	-22.7%	2,047	-16.5%
In-house grants	2,116	1,499	-29.2%	1,258	-16.1%
Assigned grants	10,044	7,974	-20.6%	7,079	-11.2%
Total case grants	12,160	9,473	-22.1%	8,337	-12.0%
Grant rate	79.3%	79.4%	0.2%	80.3%	1.1%
Applications determined	15,329	11,924	-22.2%	10,384	-12.9%
Applications undetermined at year end	588	329	-44.0%	263	-20.1%
Grants finalised	10,884	11,313	3.9%	11,910	5.3%
Current grants on hand at year end	23,402	21,611	-7.7%	18,000	-16.7%
<b>Duty services</b>					
In-house duty services	8,910	11,011	23.6%	12,128	10.1%
Assigned duty services	2,323	2,143	-7.7%	2,165	1.0%
<b>Total duty services</b>	<b>11,233</b>	<b>13,154</b>	<b>17.1%</b>	<b>14,293</b>	<b>8.7%</b>
<b>Other services</b>					
Advice	34,307	26,706	-22.2%	29,368	10.0%
Minor assistance	6,919	6,921	0.0%	7,546	9.0%
Extended legal assistance	173	96	-44.5%	116	20.8%
Early resolution assistance	224	2,498	1015.2%	5,035	101.6%
Information	40,874	15,228	-62.7%	26,877	76.5%
<b>Total other services</b>	<b>82,497</b>	<b>51,449</b>	<b>-37.6%</b>	<b>68,942</b>	<b>34.0%</b>
<b>Total client services</b>	<b>105,890</b>	<b>74,076</b>	<b>-30.0%</b>	<b>91,572</b>	<b>23.6%</b>

<b>Commonwealth and state allocation of legal aid services</b>	<b>State matter</b>	<b>State matter %</b>	<b>Commonwealth matter</b>	<b>Commonwealth matter %</b>	<b>Total</b>
<b>Family law</b>					
Grants	3,777	45.3%	4,560	54.7%	8,337
Duty appearances	6,552	45.8%	7,741	54.2%	14,293
Advice	4,736	16.1%	24,632	83.9%	29,368
Minor assistance	1,894	25.1%	5,652	74.9%	7,546
Extended legal assistance	68	58.6%	48	41.4%	116
Early resolution assistance	3	0.1%	5,032	99.9%	5,035
<b>Total</b>	<b>17,030</b>	<b>26.3%</b>	<b>47,665</b>	<b>73.7%</b>	<b>64,695</b>
<b>Criminal law</b>					
Grants	27,737	98.2%	516	1.8%	28,253
Duty services	175,959	98.8%	2,074	1.2%	178,033
Advice	29,695	97.8%	671	2.2%	30,366
Minor assistance	6,065	99.0%	60	1.0%	6,125

Extended legal assistance	46	31.7%	99	68.3%	145
<b>Total</b>	<b>239,502</b>	<b>98.6%</b>	<b>3,420</b>	<b>1.4%</b>	<b>242,922</b>
<b>Civil law</b>					
Grants	1,059	78.3%	294	21.7%	1,353
Duty services	13,505	100.0%	5	0.0%	13,510
Advice	20,725	60.5%	13,509	39.5%	34,234
Minor assistance	5,160	50.3%	5,092	49.7%	10,252
Extended legal assistance	728	69.7%	316	30.3%	1,044
<b>Total</b>	<b>41,177</b>	<b>68.2%</b>	<b>19,216</b>	<b>31.8%</b>	<b>60,393</b>
<b>Legal Aid NSW total</b>					
Grants	32,573	85.8%	5,370	14.2%	37,943
Duty services	196,016	95.2%	9,820	4.8%	205,836
Advice	55,156	58.7%	38,812	41.3%	93,968
Minor assistance	13,119	54.8%	10,804	45.2%	23,923
Extended legal assistance	842	64.5%	463	35.5%	1,305
Early resolution assistance	3	0.1%	5,032	99.9%	5,035
<b>Total</b>	<b>297,709</b>	<b>80.9%</b>	<b>70,301</b>	<b>19.1%</b>	<b>368,010</b>

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

<b>In-house and private practitioner allocations of legal work</b>	<b>In-house practitioner %</b>	<b>In-house practitioner %</b>	<b>Private practitioner %</b>	<b>Private practitioner %</b>	<b>Total</b>
<b>Family law</b>					
Duty services	12,128	84.9%	2,165	15.1%	14,293
Grants of legal aid	1,258	15.1%	7,079	84.9%	8,337
<b>Total</b>	<b>13,386</b>	<b>59.2%</b>	<b>9,244</b>	<b>40.8%</b>	<b>22,630</b>
<b>Criminal law</b>					
Duty services	109,925	61.7%	68,108	38.3%	178,033
Grants of legal aid	9,581	33.9%	18,672	66.1%	28,253
<b>Total</b>	<b>119,506</b>	<b>57.9%</b>	<b>86,780</b>	<b>42.1%</b>	<b>206,286</b>
<b>Civil law</b>					
Duty services	1,002	7.4%	12,508	92.6%	13,510
Grants of legal aid	674	49.8%	679	50.2%	1,353
<b>Total</b>	<b>1,676</b>	<b>11.3%</b>	<b>13,187</b>	<b>88.7%</b>	<b>14,863</b>
<b>Legal Aid NSW total</b>					
Duty services	123,055	59.8%	82,781	40.2%	205,836
Grants of legal aid	11,513	30.3%	26,430	69.7%	37,943
<b>Total</b>	<b>134,568</b>	<b>55.2%</b>	<b>109,211</b>	<b>44.8%</b>	<b>243,779</b>

<b>Community legal education</b>	<b>2020–21</b>	<b>2021–22</b>	<b>% change from previous year</b>	<b>2022–23</b>	<b>% change from previous year</b>
Criminal law	387	145	-62.5%	312	115.2%
Family law	195	208	6.7%	322	54.8%
Civil law	1,131	967	-14.5%	1,401	44.9%
<b>Total</b>	<b>1,713</b>	<b>1,320</b>	<b>-22.9%</b>	<b>2,035</b>	<b>54.2%</b>

\*Community legal education figures for 2020–21 and 2021–22 have been revised following the identification of system issues that had previously resulted in undercounting.

<b>Family dispute resolution</b>	<b>2020–21</b>	<b>2021–22</b>	<b>% change from previous year</b>	<b>2022–23</b>	<b>% change from previous year</b>
Number of conferences	2,890	3,086	6.8%	2,753	-10.8%
Agreements reached	2,223	2,313	4.0%	2,001	-13.5%
Agreement rate	76.9%	75.0%	-2.5%	72.7%	-3.1%

## Appendix 6 Law reform submissions

In 2022–23, Legal Aid NSW made 84 law reform submissions (40 public and 44 confidential) to a range of government and non-government consultations on issues that affect our clients and our organisation. This is fewer than the previous financial year as a result of staff shortages, and the NSW election.

Public submissions included the below.

- The Attorney-General's Department on Draft National Principles to Address Coercive Control.
- The NSW Department of Communities and Justice on Draft Children and Young Persons (Care and Protection) Regulation 2022 and Regulatory Impact Statement.
- The NSW Department of Communities and Justice on the statutory review of the *Victims Rights and Support Act 2013* (NSW).
- The Legal Services Council on conditional costs agreements.
- The Senate Education and Employment Committees on the Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022.
- The NSW Department of Communities and Justice on the Crimes Legislation (Coercive Control) Bill 2022.
- The NSW Department of Communities and Justice on the review of the *Terrorism (Police Powers) Act 2022* (NSW).
- The NSW Law Reform Commission on the review of show cause offences in the *Bail Act 2013* (NSW).
- The NSW Department of Premier and Cabinet on the development of NSW Alcohol and Other Drug Strategy.
- The Senate inquiry into current and proposed sexual consent laws in Australia.
- The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability on conditions in detention in the criminal justice for people with disability (as part of National Legal Aid).
- The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability on conditions in detention in the criminal justice for people with disability (additional Legal Aid NSW submission).
- The NSW Sentencing Council on the review of fraud and fraud-related offences.
- The Department of Customer Service on the review of the domestic violence provisions in the *Residential Tenancies Act 2010* (NSW).
- The Senate inquiry into the extent and nature of poverty in Australia.
- The Australian Human Rights Commission on youth justice and child wellbeing reform.
- The Department of Employment and Workplace Relations on stronger protection for workers against discrimination.
- The Department of Employment and Workplace Relations on employee like forms of work.
- The Department of Veterans' Affairs on the Veterans' Legislation Reform Consultation Pathway.
- The Joint Statement on the Power to Prevent discrimination and sexual harassment (with National Legal Aid).
- The Senate Select Committee on Australia's disaster resilience (with National Legal Aid).
- The Department of Home Affairs on the Legislative Instrument Migration Regulation 1994 – Specification of Evidentiary Requirements – IMMI 12/116.



- The Department of Social Services on the review of the Disability Support Pension Impairment Tables (with National Legal Aid).
- The Administrative Appeals Tribunal on the revised Migration and Refugee Division Practice Direction.
- The Department of Prime Minister and Cabinet on the NDIS Review.
- Senate Inquiry into barriers to consistent, timely and best practice assessment of attention deficit hyperactivity disorder (ADHD) and support services for people with ADHD (with Your Story Disability Legal Support).
- The Attorney-General's Department on the review into an appropriate cost model for Commonwealth anti-discrimination laws.
- The Treasury on the options paper regulating buy now, pay later in Australia (with National Legal Aid).
- The Australian Parliamentary Joint Committee on Human Rights inquiry into Australia's Human Rights Framework (with National Legal Aid).
- The Attorney-General's Department on Administrative Review Reform (as part of National Legal Aid).
- The Joint Standing Committee on the National Disability Insurance Scheme on the General NDIS Inquiry (with National Legal Aid).
- To the Attorney-General's Department on the Family Law Act Amendment Bill 2023 (with National Legal Aid).
- The NSW Department of Communities and Justice on the Children and Young Persons (Care and Protection) Amendment (Family is Culture) Bill 2022.
- The NSW Ombudsman on the review of the Department of Communities and Justice's system for handling child protection complaints involving Aboriginal people.
- The NSW Parliament Committee on Children and Young People Inquiry into the child protection and social services system, 2022.
- The Department of Social Services on the consultation on a new Act to replace the *Disability Services Act 1986* (with National Legal Aid).
- The NSW Sentencing Council for its review into Firearms, Knives, and other Weapons offences.
- The NSW Law Reform Commission for its review into Serious Road Crime.

## 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 proactively releasing 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 56 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 seven formal access applications (either wholly or partly) because the information requested was information referred to in Schedule 1 of 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	Application withdrawn	Information not held	Refuse to deal with application	Grand total
Member of the public (other)		14		1	2	3	20
Members of the public (by legal representative)	4	2		1	14	6	27
Private sector business			1				1
<b>Total</b>	<b>4</b>	<b>16</b>	<b>1</b>	<b>2</b>	<b>16</b>	<b>9</b>	<b>48</b>

\*Excludes eight invalid records. This also applies to Table B.

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

	Access granted in full	Access granted in part	Access refused in full	Application withdrawn	Information not held	Refuse to deal with application	Grand total
Access application (other than personal information application)		1					1
Partly personal information application and partly other		5				1	6
Personal information application	4	10	1	2	16	8	41
<b>Total</b>	<b>4</b>	<b>16</b>	<b>1</b>	<b>2</b>	<b>16</b>	<b>9</b>	<b>48</b>

**Table C: Invalid applications**

Reason for invalidity	Number of applications
Not comply with formal requirements (s41 GIPA)	7
For excluded information of the agency (s43 GIPA)	0
Application contravenes restraint order (s110 of the Act)	0
Total number of invalid applications received	7
Number of invalid applications that subsequently became valid applications	2

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to the Act**

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	1
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
<b>Total</b>	<b>1</b>

\* More than one public interest consideration may apply in relation to a particular access application and if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table E: Other public interest considerations against disclosure: matters listed in the table to section 14 of the Act** **Number of occasions when the application was not successful**

Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
<b>Total</b>	<b>0</b>

**Table F: Timeliness**

Decided within the statutory timeframe (20 days plus any extensions)	48
Decided after 35 days (by agreement with the applicant)	2
<b>Total</b>	<b>50</b>

**Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)**

	Number received	Decision varied	Decision upheld	Total
Internal review	2	0	2	2
Review by Information Commissioner*	0	0	0	0
Internal review following recommendation under section 93 of the Act	1	1	0	1
Review by NCAT	0	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Table H: Applications for review under Part 5 of the Act (by type of applicant)** **Number of applications for review**

Applications by access applicants	2
Applications by persons to whom information the subject of access application relates (section 54 of the Act)	0
<b>Total</b>	<b>2</b>

**Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)** **Number of applications transferred**

Agency-initiated transfers	0
Application-initiated transfers	0
<b>Total</b>	<b>0</b>

## Appendix 8 Report on multicultural and disability-related inclusion

The reporting below follows requirements under the Multicultural NSW Multicultural Policies and Services Program (MPSP) Multicultural Framework and the NSW Family and Community Services Disability Inclusion Action Plan Guidelines.

The Legal Aid NSW Diversity and Inclusion Plan 2022–23 is an inclusive plan that has two main objectives: to achieve a diverse and inclusive workforce and to 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: Service delivery

#### Key outcome area: Mainstream services deliver for everyone

A total of 9.3% of our casework services were provided to clients born in non-English speaking countries. We spent \$1,375,302.59 (excl. GST) on interpreting and translation services. In addition, 14.5% of our community legal education sessions were presented to culturally and linguistically diverse audiences, and 7.9% were presented to newly arrived migrant audiences.

Our panel member law practices speak 50 languages other than English.

#### Key outcome area: Targeted programs

Legal Aid NSW provides a number of targeted programs working with clients from diverse communities. For example:

- 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.

### Focus area: Planning

This year, the Legal Aid NSW Diversity, Equity and Inclusion Committee, chaired by the CEO, contributed to Project Respect, bringing together the voices of our staff representatives, the Chairs of our staff networks, management representatives and a Public Service Association representative.

### Focus area: Leadership

Legal Aid NSW has established a Culturally and Linguistically Diverse (CALD) employee network that will provide CALD staff with a safe space to meet and discuss cultural safety and career advancement within Legal Aid NSW and contribute to related policy and process design.

### Focus area: Engagement

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.

### Focus area: Employment

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 successful and culturally safe targeted or identified recruitment.

## **Focus area: 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: Liveable communities**

Your Story Disability Legal Support (Your Story) gave free independent legal support to people sharing their stories with the Disability Royal Commission. Your Story also provides legal support to people with disability, their families, carers and supporters about other legal problems they may be experiencing.

Your Story is the first time that legal aid commissions have partnered across Australia to provide a national service. 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.

Throughout the Royal Commission, Your Story received over 11,000 calls, emails and website enquiries from people with disability, their families, friends and supporters. Your Story lawyers provided 15,000 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. These services included providing support to people in prison, juvenile detention, forensic mental health facilities, group homes and immigration detention.

Your Story continues to support people with disability, their families, carers and supporters with the final report, and other legal problems.

### **Key outcome area: Employment**

Legal Aid NSW is committed to promoting an inclusive workplace that fully supports workplace adjustments and ensuring that the design and implementation of human resources and workplace policies, rules, practices and operations do not create barriers or discrimination. We have established a Workplace Adjustments working group to ensure best practice occurs at Legal Aid NSW.

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 9.8% of our staff identify as people with acknowledged disability.

### **Key outcome area: Systems and processes**

Legal Aid NSW has worked towards the automation of our workplace adjustment requests. Our online application form is easy to access and guides the applicant through the process. It also acts as a central record for workplace adjustment requests, allowing us to assign responsibility and measure the time to respond to requests. Further, we have embedded Anti-Discrimination NSW's Workplace Adjustment Series into our manager's toolkit. The series aims to increase awareness and improve access and delivery of workplace adjustments.

### **Key outcome area: Community attitudes and behaviours**

Your Story Disability Legal Support has provided community legal education to raise awareness about the Disability Royal Commission, disability rights and access to legal support.

Your Story travelled extensively across Australia, delivering legal education to communities from Bunbury (WA) to Barcaldine (Qld), Malmesbury (Vic) to Manyallaluk (NT), Port Macquarie (NSW) to Port Augusta (SA), Gawangal (ACT) to Geeveston (Tas), and everywhere in between. Across the Royal Commission, Your Story has delivered 1,303 legal education events to the community. These events have included presentations, panel discussions, information sessions, morning and afternoon teas, expo stalls, webinars and media interviews. Your Story has developed 242 accessible legal information resources, including factsheets, brochures and podcasts in various languages, videos with audio, Auslan and captions, and Easy Read guides.

We worked with our partners to increase awareness about the Disability Royal Commission and the free supports available to diverse communities, including people at risk of or experiencing homelessness, the Deafblind community, First Nations communities, multicultural communities and the LGBTIQ+ community. Your Story continues to provide accessible community legal education about the Final Report of the Disability Royal Commission, to advance the rights of people with disability and change attitudes about disability in the community as envisaged by its recommendations.

**Focus area: Other actions**

These achievements are performance highlights that are not covered in the Legal Aid NSW Strategic Plan outcomes or actions.

**Key outcome area: Systems and processes**

The Community Language Allowance Scheme, known as CLAS, recognises the skills of employees who can provide on-the-spot language assistance in the workplace. CLAS is an allowance payable to employees with a basic level of competency in a language other than English who work in locations and roles where their language skills can be used to assist in client service. Legal Aid NSW reviewed our CLAS processes to ensure better client and staff outcomes.

On 30 August 2022, the Board of Legal Aid NSW approved the establishment of a Racism and Inclusion Special Consultative Committee to be chaired by the Chair of the Board.

Project Respect was a concentrated program of work to support a fair, inclusive and diverse workplace. Bringing together different voices, the project has engaged staff to discuss what a fair, respectful and inclusive workplace means, with the ultimate goal of strengthening our workplace culture. The Project Respect program of work will be implemented through a staged approach over several years.

## Appendix 9 Private law firm expenditure

Based on payments made for case and duty services during 2022–23.

### Top 20 earning firms

<b>Firm name</b>	<b>Case payments (\$)</b>	<b>Number of case files on which payments made</b>	<b>Duty payments (\$)</b>	<b>Number of duty services provided</b>	<b>Total amount paid (\$)</b>
Ross Hill & Associate Solicitors	\$1,886,782	251			\$1,886,782
Ryan Payten Le	\$1,470,787	226	\$192,640	904	\$1,663,427
Karim and Nicol Lawyers	\$920,207	263	\$207,125	1,238	\$1,127,332
Inner West Solicitors Pty Ltd	\$924,831	311	\$162,699	808	\$1,087,530
A A Criminal Lawyer	\$894,359	144	\$165,190	898	\$1,059,549
George Sten & Co	\$962,499	153			\$962,499
Phillip A Wilkins & Associates	\$921,383	313	\$2,970	20	\$924,353
Tony Cox Lawyers & Conveyancers	\$845,829	169	\$75,307	399	\$921,136
Scott Mackenzie Lawyers	\$824,144	263	\$87,343	649	\$911,487
Ramsland Laidler Solicitors Pty Ltd	\$833,220	146	\$78,260	350	\$911,480
Abbas Jacobs Lawyers	\$904,292	117			\$904,292
M G O'Callaghan & Associates	\$877,304	12			\$877,304
Ark Law	\$821,669	179	\$16,545	47	\$838,214
Rice More & Gibson	\$774,926	279	\$51,071	306	\$825,997
Jamieson Criminal Law	\$811,331	117			\$811,331
Hugo Law Group	\$758,263	89	\$4,725	23	\$762,988
Just Defence Lawyers	\$743,668	94			\$743,668
Blaxland Criminal Law	\$734,145	260			\$734,145
Sans Law Pty Ltd	\$711,155	120			\$711,155
Bannisters Lawyers	\$710,928	104			\$710,928



## 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 the decisions made by Legal Aid NSW to ensure procedural fairness. The Legal Aid Review Committee Secretariat facilitates their work 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 2022–23, and their work builds confidence in the integrity of our decision-making.

### Legal Aid Review Committee members 2022–23

#### Legal Aid Review Committee One

- Lucy Pinnock
- Helen Maamary (from January 2023)
- Anna Johnson (from January 2023)
- Brett Thomson (until December 2022)
- Claudia Pendlebury (until December 2022)
- Jane Sanders
- Imogen Hogan (until December 2022)
- Kellie Stares (from January 2023)
- Paul Blacket SC
- Angela Stewart
- Anna Buduls

#### Legal Aid Review Committee Two

- Marina Rizzo (until December 2022)
- Brett Thomson (from January 2023)
- Kathleen Hainsworth
- Stephanie Koch
- Sharyn Hall (until December 2022)
- Anne Healey
- Andrew Boog
- Pauline Mueller (until December 2022)
- Donald Sword (from January 2023)
- Anna Buduls (from January 2023)

#### Legal Aid Review Committee Three

- Alexandra Brown (until December 2022)
- Ellyse McGee

- Tracey Howe (until December 2022)
- Tram Nguyen (from January 2023)
- Pauline David (until September 2022)
- Richard Pontello SC
- Jonathan Prowse
- Nicholas Broadbent (from January 2023)
- Elena Berrocal Capdevila (until December 2022)
- Philip O’Keefe (from January 2023)
- Anna Buduls (from January 2023)
- Brian Dalton (until September 2022)

**Family Law Legal Aid Review Committee One**

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- Anthea Tomlin (until December 2022)
- Emma Moss (from January 2023)
- Kushlani Sitsabesan (until August 2022)
- Greta Bromwich (from January 2023)
- Lorelle Longbottom
- Benjamin Bryant (until December 2022)
- Michelle Hayward (from January 2023)
- Paul Sansom SC (until December 2022)
- Gregory Kenny (from January 2023)
- Donald Sword (until December 2022)
- Elena Berrocal Capdevila (from January 2023)
- Lina Rapone

**Family Law Legal Aid Review Committee Two**

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- Hannah Fordham (from January 2023)
- David Nguyen (until December 2022)
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- Joplin Higgins
- Christopher Othen
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- David Nguyen (from January 2023)
- Nicole Hailstone
- Claire Cantrall
- Martha Barnett
- Kayte Lewis

- Stephen van der Mye
- Helen Rogers (until September 2022)
- Lina Rapone (from January 2023)

### Decrease in family law appeals received by Legal Aid Review Committees

We recorded a significant decrease in relation to family law appeals this year compared to last year. The decrease can be attributed to several 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 (including family, civil and crime matter types) and the introduction of the ERA service type for early intervention mediation in family law matters.

### Appeals allowed by Legal Aid Review Committees

There was an increase in appeals allowed for criminal law matters this year compared with last year. This is attributable to an increase in the number of applications for aid in criminal law and civil law matters this year and our new streamlined client service delivery model which includes reforms to our triage and pathways to a grant of aid.

### 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 in 2022–23

Law type	Allowed	Disallowed	Deferred	Not Appellable	Withdrawn	Total appeals	Appeals allowed
Civil	1	78	11	0	0	90	1.11%
Criminal	19	127	15	104	3	268	7.09%
Family	7	162	11	1	18	199	3.52%
<b>Total</b>	<b>27</b>	<b>367</b>	<b>37</b>	<b>105</b>	<b>21</b>	<b>557</b>	<b>4.85%</b>

### Appeals and outcomes over five years

Review Outcome	2018–19	2019–20	2020–21	2021–22	2022–23
Appeal allowed	46	45	34	18	27
Appeal disallowed	882	786	681	461	367
Deferred	51	37	32	28	37
Not appellable	72	96	92	96	105
Withdrawn	12	31	21	11	21
<b>Total</b>	<b>1063</b>	<b>995</b>	<b>860</b>	<b>614</b>	<b>557</b>

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Note: Entries in bold are reported in accordance with the *Annual Reports (Departments) Regulation 2010* (NSW), *Annual Reports (Statutory Bodies) Regulation 2010* (NSW) and the Commonwealth, State, and Territory Disability Agreement.

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**Office hours**

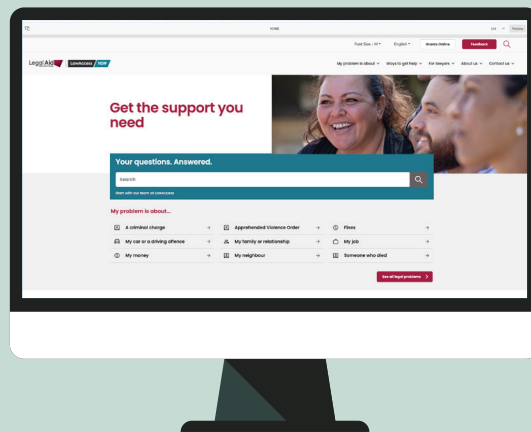
Central Sydney: 8.30am to 5.00pm

All other offices: 9.00am to 5.00pm

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