

# LEGAL AID NSW

## ANNUAL REPORT 2006-2007



# LEGAL AID NSW

## ABOUT US

Legal Aid NSW provides legal aid services in New South Wales. We are the largest legal aid agency in Australia.

We provide a range of legal services to socially and economically disadvantaged people through our Sydney Central office and 20 regional offices and private practitioners.

We work in partnership with private practitioners who receive funding from Legal Aid NSW to represent legally aided clients. In 2006–2007, private practitioners represented 45.8% of all legal aid clients in case and duty matters. See page 127.

Many of the services and activities of Legal Aid NSW contribute to the achievement of the priorities and goals expressed in the NSW Government's State Plan. See pages 6, 8, and 30.

We are an independent statutory body that reports to the NSW Attorney General and Minister for Justice, The Hon John Hatzistergos.

Front cover artwork: *Hope amongst despair* by Bronwyn Bancroft.

This artwork was donated by the artist for use in Legal Aid NSW publications. It represents the optimism of change.

In the artist's own words:

*"Many Aboriginal people are caught up in the legal system and this often causes great despair. It is a fervent hope of mine that we will minimise the anxiety caused by these events and create an environment of hope."*

## LETTER OF SUBMISSION

The Hon John Hatzistergos MLC  
NSW Attorney General and Minister for Justice  
Governor Macquarie Tower  
Sydney, New South Wales

Dear Attorney

In accordance with Section 13(1) of the *Legal Aid Commission Act 1979*, and Section 10(1) of the *Annual Reports (Statutory Bodies) Act 1984*, I am pleased to provide you with the 2006–2007 Annual Report for Legal Aid NSW.

The report reviews our performance and illustrates the commitment and achievements of our staff throughout the year.

I commend the report to you for presentation to Parliament.

Yours sincerely



Bill Grant, OAM  
Chief Executive Officer  
Legal Aid NSW

## OUR MISSION

To deliver a range of innovative, high quality legal services to our clients and the community, to assist them to resolve their legal problems.

## OUR VISION

To ensure that people who are economically and socially disadvantaged can understand, protect and enforce their legal rights and interests.

## OUR VALUES

**Integrity** Acting ethically at all times  
**Professionalism** Providing high quality services  
**Efficiency** Using resources responsibly  
**Equity** Ensuring equal access to services  
**Innovation** Finding better ways to do things

## ABOUT THIS REPORT

This annual report reviews and reports our performance against what we set out to do in our 2005–2007 Corporate Plan, based on four key goals.

A special focus this year is the work being done to deliver better legal services in regional areas through effective partnerships with other legal service providers. Identifying priority client groups is another focus.

In this report we refer to ourselves as Legal Aid NSW. Our organisation was established under the *Legal Aid Commission Act 1979*; however this year, with consistency and plain language in mind, the Board has endorsed the use of Legal Aid NSW.

This is our 28th annual report.

### Last year's annual report won:

- Our third consecutive Silver Award from the Australasian Reporting Awards Inc
- The 2007 Premier's Annual Reports Gold Award.

This report and other Legal Aid NSW publications can be downloaded from the Legal Aid NSW website at: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

Hard copies can be obtained by contacting us on 9219 5028 or from any of our 21 offices.



One of 383 dedicated legal aid lawyers, Nicole Dwyer delivers family law services in Legal Aid NSW's Wagga Wagga office.

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# 2006-07 OVERVIEW



**“LEGAL AID NSW HAS A SOUND STRATEGIC PLANNING FRAMEWORK AND IS ABLE TO DELIVER EFFECTIVE AND EFFICIENT LEGAL SERVICES.”**

## CHAIRMAN'S REPORT

This Annual Report on performance in 2006-2007 confirms that Legal Aid NSW has a sound strategic planning framework and is able to deliver effective and efficient legal services that are economic, innovative and meet community needs.

### Innovative service delivery

Legal Aid NSW exceeded many of the targets for 2006-2007 set by our Corporate Plan. Among the service delivery initiatives forecast in last year's Annual Report achievements have included:

- Implementation of the majority of the accepted recommendations of the reviews of the Legal Aid NSW Care and Protection Program, the Mental Health Advocacy Service and the Prisoners Legal Service.
- Evaluation of the Coronial Inquest Unit pilot, which was subsequently made permanent, giving families of the deceased a voice for systemic change.

- Development of relationships and referral arrangements with the new Family Relationship Centres.
- Expansion of the civil law program and civil and family law outreach programs to meet high levels of demand for services in regional areas, particularly among Aboriginal communities, and among culturally diverse communities.
- Review of the Children's Court Assistance Scheme and extension to Cobham and Bidura Children's Courts.
- New partnerships with other service providers for service delivery initiatives, such as providing advice and assistance to vulnerable migrants under the Community Care Program run by the Department of Immigration and Citizenship.

This year Legal Aid NSW has been focusing on priority client groups: Aboriginal people; older people; homeless people; and people with a mental illness. For each, Legal Aid NSW is exploring further initiatives to identify and meet their current and future needs.

There have also been innovative developments in e-Learning with the trialing of web cast sessions in family and civil law reaching 100 participants across the state. A challenge for the year ahead will be the development and implementation of e-Learning as a central training and development tool that allows staff, private practitioners and partner legal service providers to access educational activities from many locations across NSW.

## Gold for Annual Report

Legal Aid NSW was awarded gold in the 2007 Premier's Annual Report Awards for its 2005-2006 Annual Report. The gold award will be officially presented at the Premier's Awards ceremony in November 2007. The annual report was also awarded its third consecutive silver award in the Australasian Reporting Awards.

I would like to acknowledge the work of the Publications Unit in coordinating and producing a report that not only meets Treasury's annual reporting criteria but achieves overall excellence in annual reporting.

## Thank you

I would like to thank Bill Grant and the staff of Legal Aid NSW for their dedication and commitment to the effective and efficient delivery of legal services in NSW, and in particular the innovative ways in which they assist socially and economically disadvantaged people across NSW.



**Phillip Taylor,**  
Chairman, Legal Aid NSW





**“FOR THE FIRST TIME IN 10 YEARS LEGAL AID NSW ADJUSTED THE MEANS TEST TO RESTORE THRESHOLDS TO LEVELS COMPARABLE TO 1995 IN REAL TERMS.”**

## CEO'S REPORT

I am pleased to present the Legal Aid NSW Annual Report for 2006–2007, which has been another year of considerable achievement for Legal Aid NSW and its staff.

Two significant events occurred this year that have impacted on Legal Aid NSW and will continue to do so in the future. They were the *State Plan, A New Direction for NSW* launched by the Premier, Morris Iemma on 14 November 2006, and the Auditor General's Report on *Distributing Legal Aid in NSW* which was tabled in the NSW State Parliament on 13 December 2006.

Legal Aid NSW is included as a partner agency in developing and implementing two key areas identified in the NSW State Plan—*Keeping People Safe* and *Building Harmonious Communities*. We are already working with the lead agencies in order to meet the targets in the Plan.

In assessing Legal Aid NSW, the audit focused on two lines of inquiry: Is information about eligibility for legal aid clear and well communicated? Are decision making processes sound?

The Auditor-General found that Legal Aid NSW was performing well in the delivery of legal services and that it had maintained and expanded services despite funding pressure and increasing demand. Overall, the Auditor-General found that the ways in which Legal Aid NSW makes people aware of legal issues and its services are comprehensive, and its processing of legal aid applications is sound. Legal Aid NSW has accepted many of the 15 recommendations made in the Report and is actively working to implement them in the interests of our clients.

### Better services for clients

This year, Legal Aid NSW has been highly successful in expanding services to our clients, the economically and socially disadvantaged members of our community. Compared to last year, Legal Aid NSW achieved a 17.9% increase in the number of legal services provided. Over the past five years, Legal Aid NSW has increased the number of services provided by 64.2%. Significantly, the increase has occurred across the criminal, family law and civil law programs. Legal Aid NSW staff also delivered 633 community legal education sessions, an increase of 31.3% over 2005–2006.

In two vital areas of Legal Aid NSW's work, care and protection and civil law, we have considerably expanded our services, particularly to regional NSW.

### Skilled and committed people

Legal Aid NSW employed our first Director of Aboriginal Services, a position created to improve and expand the delivery of our services to Aboriginal people. We also commenced our Career Development (Graduate) Program with four recent graduates taking up two-year placements from February 2007.

### Strong systems and processes

Effective from 3 January 2006 and again from 1 August 2006 Legal Aid NSW was able to enhance the means test so that a wider group of financially

disadvantaged members of the community will be eligible for legal aid.

Legal Aid NSW was also able to increase its base hourly rate for all State matters to \$150.

### Shaping the justice system

Legal Aid NSW has made concentrated efforts to build and maintain strong partnerships with our legal service provider colleagues to ensure that services which are needed by our clients are delivered to them. The Civil Law Division also engaged in a number of joint service delivery projects with other service providers including the Predatory Lending Project with the Public Interest Law Clearing House and the Consumer Credit Legal Centre, and the Pilot Insurance Service with the Consumer Credit Legal Centre.

### Future challenges

Some of the challenges facing Legal Aid NSW in 2007–2008 include bedding down our new case management system (CASES) across Legal Aid NSW, finalisation of the ATLAS project, renegotiation of our funding agreement with the Commonwealth, negotiating an increase in resources for Commonwealth matters, and working with the private profession to more effectively deliver legal services to our clients, across the whole state.

I congratulate Legal Aid NSW staff and our private practitioner colleagues for their hard work and commitment to our clients in achieving the increase in services to our clients in 2006–2007 and I look forward to another challenging, and I am sure, successful year ahead.

**Bill Grant, OAM**  
Chief Executive Officer,  
Legal Aid NSW

# 2006-07 OVERVIEW

## FACT FILE

### Budget

Our total income was \$189.573 million and we spent \$163.964 million.

Of our total expenditure, 48.6% was spent in criminal law, 32.2% in family law, 9.4% in civil law and 9.8% in community programs (Community Legal Centres Funding Program and Women's Domestic Violence Court Assistance Program).

See page 59 for details about where our funds come from and how we spend them, and pages 118 and 119 for our community program funding.

### People

We employed 805 staff. Of this number, 354 are based in regional offices and the balance in the Sydney Central office. Of that total, 383 are lawyers and the remainder are employed in administrative roles. Seventy-two lawyers have specialist accreditation (NSW Law Society qualifications for expertise in their field).

## Divisions

Legal Aid NSW comprises four divisions: Legal Services, Grants, Business and Client Services and Strategic Planning and Policy. Within Legal Services there are three legal practices—civil law, family law and criminal law and within these practices are a number of specialist units. See organisation chart on page 52.

## Clients

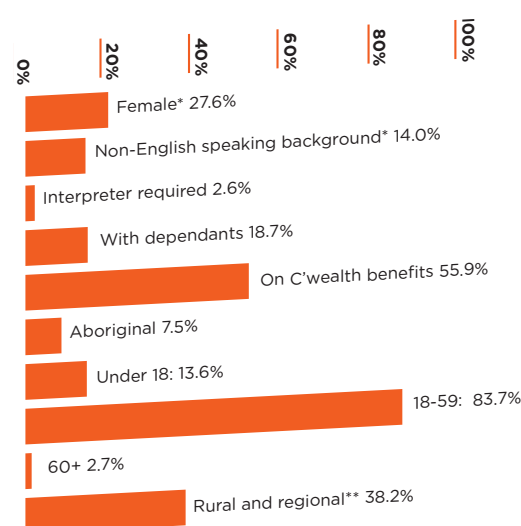
While Legal Aid NSW's client profile has remained relatively stable in most respects, the overall proportion of clients who receive Commonwealth benefits declined from 64.2% in 2005-2006 to 55.9% in 2006-2007. This was due to more people who earn low incomes, but do not receive Commonwealth benefits, becoming eligible for legal aid under our revised means test. See client profile right.

There was also a continued increase in the percentage of Aboriginal clients. See page 15 for more details.

## Performance

The operations of Legal Aid NSW are guided by a number of plans including our corporate plan, results and services plan, and divisional strategic business plans. Legal Aid NSW's key performance indicators measure how well we are performing in accomplishing our corporate goals. See page 57 for our key performance indicators and pages 11, 31, 37, and 47 for corporate goals.

## LEGAL AID NSW CLIENT PROFILE BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



\*See client diversity initiatives on page 25.  
\*\*Includes Newcastle and Wollongong

## Management

An independent board oversees the broad policies and strategic plans at Legal Aid NSW whilst the day-to-day management is overseen by the Chief Executive Officer assisted by an Executive team of seven directors. See pages 53 and 56 for their profiles and achievements.

## HIGHLIGHTS AT A GLANCE

*2006-2007 was another successful year in client service delivery. We exceeded many of the targets set in our 2005-2007 Corporate Plan.*

### Client services

Provided 591,725 client services, a 17.9% increase on last year and a 64.2% increase over five years (p 124)

The biggest service increase (33.4%) was in providing 322,774 information services (p124)

Revised the means test allowing more people to become eligible for legal aid (p 39)

Boosted services to regional areas—introduced a Regional Solicitor Program in 10 country towns; new civil law practices in five additional regional offices; and a state wide care and protection program (p 13, 17, 19)

The proportion of total case and inhouse duty services provided to Aboriginal people continued to increase, from 6.2% in 2005-2006 to 7.5% this year (p 15)

Community legal education sessions increased by 31.3%, which is 19.4% over target (p 24)

Legal Aid NSW's Family Dispute Resolution Service was designated by the Commonwealth Attorney-General as a provider of family dispute resolution services under the *Family Law Act 1975 (Commonwealth)* (p 19, 41)

Introduced priority client group initiatives (p 15, 16)

Held 2,237 family conferences (mediations) and assisted people to reach full or partial agreement in 84.7% of them (p 19, 128)

### Skilled and committed people

First Director, Aboriginal Services appointed to oversee our programs for Aboriginal clients (p 36)

Record participation in training courses—an increase of 85.9% over five years (p 31, 32, 121)

72 lawyers have specialist accreditation (p 33)

Law graduates on two-year placements bring new vigour (p 32)

### Strong systems and processes

A blueprint is in place for a streamlined computerised case management system (p 42)

E-business initiatives—a 25% increase in private law firms registered with us; 33% increase in number of electronically lodged requests for aid (p 38, 43)

67 private practitioners were audited, ensuring they are accountable to Legal Aid NSW for the delivery of quality legal aid services (p 44)

We have six service reviews in the pipeline (p 39, 40)

### Shaping the justice system

41 law reform submissions (p 48)

Participated in 80 inter-agency committees (p 50)

CEO is Chair of National Legal Aid and NSW Legal Assistance Forum (p 49-50)

### • The year ahead

e-Learning and web cam increase opportunities for staff and private practitioners (p 43)

New case management system increases efficiency (p 42)

Stronger partnerships mean better services for regional and rural communities (p 13, 14)

Strategies for client priority groups will increase access to justice for particularly disadvantaged clients (p 15, 16)

Client survey and national legal needs survey inform our future planning (p 12, 51)

Employ 2% Aboriginal staff by 2008 and 4% by 2009 (p 36)

Enhance the means test so more people will be eligible for legal aid (p 41)



We conducted 74 crime prevention workshops that were attended by 2,611 young people (p 22). Here, legal aid children's lawyer Louise Sutherland talks to students from Punchbowl Boys High School joined by Jamie Alford and David Tufuga from Barnardos and Steve Tsaridis (Head Teacher, Welfare).

# 2006-07 OVERVIEW

## WORKING WITHIN THE JUSTICE SYSTEM

*Legal Aid NSW is a major stakeholder in the implementation of the NSW State Plan strategy to provide services that promote social justice and reduce disadvantage.*

We work closely with other legal service providers to achieve these goals. Our role in the justice system is shown in the diagram below.

It illustrates the importance of strong partnerships with other agencies, in providing legal services and shaping policy, to directly benefit our clients.





## KEY PARTNERS

*Although we are the main provider of legal aid services in NSW, we also work closely with other agencies to ensure clients receive the most appropriate services to help resolve their particular legal needs.*

### Partnerships in 2006–2007

People in NSW receive assistance over the phone by calling LawAccess NSW—a free legal information, referral and advice service administered by the NSW Attorney General's Department, and partly funded by Legal Aid NSW. See page 27.

### **LawAccess NSW referred 21,545 enquires to Legal Aid NSW offices.**

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd signed a Memorandum of Understanding, reflecting the joint commitment of both parties to assist Aboriginal people in NSW to promote and protect their legal rights. See page 15.

### **Legal Aid NSW provided 7.5% of its case and inhouse duty services to Aboriginal people.**

The NSW Legal Assistance Forum (NLAF) brings agencies responsible for legal service delivery together to work cooperatively to improve legal services for disadvantaged people in NSW. See page 50.

### **NLAF produced a Guide to Legal Services for Aboriginal People and drafted a conflict of interest policy for public legal services.**

There are 32 Community Legal Centres whose funding is administered by Legal Aid NSW, complementing our own services. See pages 28, 118.

### **Community Legal Centres referred 4,503 clients to Legal Aid NSW.**



CEOs Bill Grant (Legal Aid NSW) and Trevor Christian (Aboriginal Legal Service) seal a partnership.

We work in partnership with private practitioners who receive funding from Legal Aid NSW to represent legally aided clients. See pages 27, 28, and 43.

### **Private practitioners represented 45.8% of all legal aid clients.**

The Cooperative Legal Service Delivery (CLSD) Program is a regionally based approach to legal service delivery, that aims to improve outcomes for socially and economically disadvantaged people in NSW, by building cooperative and strategic networks of key legal services and community organisations. See page 14.

### **The CLSD has facilitated better referrals and service coordination across partner agencies.**

### Other stakeholder groups

Legal Aid NSW works closely with a number of agencies to provide the people of NSW with a fair and equitable and efficient justice system.

These include: Bar Association of NSW, Children's Court Assistance Scheme, Community Justice Centres, Criminal Justice Research Network, Department of Juvenile Justice, Family Relationship Centres, Law and Justice Foundation of NSW, National Legal Aid, NSW Legal Assistance Forum, NSW Attorney General's Department (includes Public Defenders Office, Local Courts), NSW Law Society, NSW Legal Information and Referral Forum, Standing Committee of Criminal Justice System CEOs, Women's Domestic Violence Court Assistance Program.

A full list of Legal Aid NSW membership on inter-agency committees is on pages 50–51.

# 2006-07 OVERVIEW

## NSW STATE PLAN

State Plan Goals	Priorities	How Legal Aid NSW contributes
<b>Rights, Respect and Responsibility</b>		
<b>Keeping People Safe</b>	<p>R1: Reduced rates of crime, particularly violent crime</p> <p>R2: Reduced re-offending</p>	<p>Core legal services assist people to understand their legal rights and responsibilities and to protect their legal rights and interests.</p> <p>Criminal law services ensure that offenders receive appropriate court outcomes through the provision of quality legal information, advice and representation.</p> <p>Presence at courts ensures that they operate efficiently and effectively and that offenders are dealt with as quickly as possible.</p>
<b>Building harmonious Communities</b>	R3: Reduced levels of anti-social behaviour	<p>Works with other organisations to address over-representation of Aboriginal offenders in the courts, and assist victims of domestic violence to gain protection.</p> <p>Contributes to law reform to ensure that the rights of the financially and socially disadvantaged are considered as part of law and order policy development.</p> <p>Community Legal Education program focuses on educating community members about their legal rights and responsibilities.</p>
<b>Delivering Better Services</b>		
<b>Customer Friendly Services</b>	S8: Increased customer satisfaction with Government services	<p>Conducts biannual client satisfaction survey.</p> <p>Performance indicators measure the quality of Legal Aid NSW's legal services and its performance against service delivery targets.</p>
<b>Fairness and Opportunity</b>		
<b>Strengthening Aboriginal Communities</b>	F1: Improved health and education for Aboriginal people	<p>MOU with the Aboriginal Legal Service supports the delivery of legal services to Aboriginal people.</p> <p>Working to persuade the courts to set up sentencing diversionary programs to keep Aboriginal families together.</p> <p>Family Law services assist families in crisis to address issues affecting the family unit and put in place parenting plans to safeguard the children of the family.</p> <p>State wide Children's Care and Protection Legal Service provides representation to children and parents involved in court cases relating to protective orders for children at risk of abuse and neglect.</p>
<b>Opportunity and Support for the Most Vulnerable</b>	F2: Increased employment & community participation for people with disabilities	<p>Meets Government targets for employment of staff with disabilities.</p> <p>Participates in the Justice Disability Advisory Council and consults with peak groups on improving the delivery of its services to people with a disability.</p>
<b>Early Intervention to Tackle Disadvantage</b>	<p>F3: Improved outcomes in mental health</p> <p>F4: Embedding the principle of prevention and early intervention into Government service delivery in NSW</p> <p>F7: Reduced rates of child abuse and neglect</p>	<p>Mental Health Advocacy Service provides advice and representation to people appearing before the Mental Health Review Tribunal and Guardianship Board.</p> <p>Criminal law services protect the rights of mentally ill people appearing before the criminal courts.</p> <p>Works within the justice system to establish and participate in early intervention and court diversionary systems.</p> <p>Community Legal Education Programs assist members of the community to take appropriate action to resolve disputes at the earliest possible stage.</p> <p>Information self help kits assist people facing specific legal problems to resolve them.</p> <p>State wide Children's Care and Protection Legal Service provides representation to children and parents involved in court cases involving children at risk of abuse and neglect.</p> <p>Family Law services assist families in crisis to address issues affecting the family unit and put in place parenting plans to safeguard the children of the family.</p> <p>Children's Legal Service assist children caught up in the criminal justice system to protect their legal rights and achieve appropriate court outcomes.</p> <p>Participates in schemes to divert young offenders from the criminal justice system.</p>
<b>Growing Prosperity across NSW</b>		
<b>Stronger Rural and Regional Economies</b>	P6: Increased business investment in rural and regional NSW	<p>Regional Solicitor Program provides employment for 10 lawyers in rural NSW and aims to ensure retention of legal practitioners in country NSW.</p> <p>Rural Client Services Strategy (December 2006) outlines service delivery priorities.</p> <p>Additional staff placed at several regional offices to expand the level of legal services available to rural communities into the future.</p>
<b>Environment for Living</b>		
<b>Practical Environmental Solutions</b>	E4: Better environmental outcomes	Legal Aid NSW earmarks \$100,000 of its annual budget to fund court actions relating to environmental issues where there is a significant public interest.

## OUR SERVICES

*We provide information, advice, minor assistance, representation and community legal education to our clients.*

These two pages provide an overview of our client services followed by a summary of this year's client service delivery highlights.

Legal Aid NSW has three legal practice areas, with a wide scope of service delivery. These practices are called the Family Law, Civil Law and Criminal Law Divisions.

On pages 17 to 23 you will find a breakdown of information demonstrating how each area met its performance criteria featuring major achievements, case reports and useful statistics.

### Information

Our legal information services are free and can be accessed by the general community. Our staff can help with any initial inquiries about a legal problem and legal processes, and will send written information to help clients understand their situation and the availability of legal aid. Our staff will help clients work out what to do next and the best place to go if they need further assistance.

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***Provided 322,774 information services, an increase of 33.4% on last year. See page 124.***

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### Youth Hotline

Our telephone hotline provides legal advice to young people under 18 who are in trouble with the police. The services operate 9am to midnight on weekdays, with a 24-hour service between Friday and Sunday and on public holidays. See page 22.

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***Answered 18,430 calls to the Hotline, advising 7,727 young people about their legal rights.***

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## Legal advice and minor assistance

Legal advice is free and available to all our clients over the phone, face-to-face and through video-conferencing.

Our lawyers will help clients to identify their problem, inform them of their legal rights and obligations and help them to understand what course of action can be taken.

The lawyer may also draft letters or other documents for the client and make telephone calls on their behalf to help resolve their problem.

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***Provided advice and minor assistance in 84,122 matters, an increase of 5.1% on last year. See page 124.***

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## Community legal education and publications

We provide free information, publications and information kits to all people in New South Wales to help them understand their legal rights and responsibilities. We conduct information sessions at venues across New South Wales and for community groups, schools and other organisations on request. The sessions can be tailored to suit

the needs or interests of particular groups. See page 24.

We provide a wide range of brochures and information kits explaining the law and legal processes. Our brochures are available at our offices, most community organisations and on our website. See full list of publications on p 120.

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***Increased our community legal education sessions by 31.3% and distributed 88,222 more publications than last year, exceeding our targets by 19.4% and 27% respectively.***

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## Duty solicitor services

Legal Aid NSW provides a lawyer (called a duty solicitor) to help people at court.

The duty solicitor service is free.

A duty solicitor is available at all sittings of the Local Court, and at some other courts. Duty solicitors act for people who are appearing in a Local Court on a criminal charge for the first time and have no-one to represent them. Usually the duty solicitor will give some initial legal advice and, if necessary, apply for bail and for the case to be



Lawyer Matt Turner uses the new multilingual CD-ROM in a workshop with African communities from the Illawarra.

Photo: Illawarra Mercury

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adjourned so the client can obtain legal advice and representation. The duty solicitor can also help people apply for legal aid.

Legal Aid NSW provides duty solicitor services for people involved in proceedings under the *Family Law Act* and the Child Support Scheme. These services include providing advice and information, completion of simple documentation and representation. These services are provided across the state in the Family and the Federal Magistrates Courts.

Legal Aid NSW provides duty solicitor services for children and adults involved in care and protection matters at every specialist Children's Court in NSW and at many regional courts when they sit as Children's Courts. The duty solicitor acts for either the children or the parents (or other eligible adults) on the first day that the case is heard by the Magistrate and, wherever possible, applies for a grant of legal aid to continue to act as the lawyer for that client in the ongoing matter.

Duty services are provided at the Administrative Appeals Tribunal, as well as at the Administrative Decisions Tribunal.

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***Made a total of 123,622 duty appearances, an increase of 0.5% on last year (61,312 inhouse and 62,310 assigned). See table on page 124.***

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## Legal representation

Legal Aid NSW provides legal representation to people who meet its eligibility tests in criminal law, family law and civil law matters. See Policies in Brief on pages 134-136. Clients need to apply for legal aid using our Legal Aid application form. Only people with income and assets below a certain level can obtain legal aid. Most people granted legal aid are required to pay a small contribution towards the costs of their legal representation.

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***Provided representation in 61,207 matters, an increase of 7.7% on last year (38,828 inhouse and 22,379 assigned). Full table on page 124.***

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## Family dispute resolution

We provide family dispute resolution (FDR) conferences in family law matters to resolve disputes at an early stage. See pages 19 and 128 for details. The parties are given the opportunity to negotiate a settlement that suits them both without the need to go to court. If a settlement is reached, consent orders are drafted and filed in the Family Court. At least one of the parties must have a grant of legal aid before a conference is organised.

This year, Legal Aid NSW's Family Dispute Resolution Service was designated by the Commonwealth Attorney-General as a provider of family dispute resolution services under the *Family Law Act 1975* (Commonwealth).

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***Held 2,237 conferences, an increase of 102 from last year. Demand for FDR in property also increased with 155 property conferences held-60 more than last year.***

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## Specialist services

Our specialist services are provided by experienced lawyers and other staff who are experts in particular areas of law.

*Services include:*

Adult Drug Court  
Children's Legal Service  
Child Support Service  
Child Care and Protection Legal Service  
Client Assessment and Referral Unit  
Coronial Inquest Unit  
Mental Health Advocacy Service  
Prisoners Legal Service  
Veterans' Advocacy Service  
Youth Drug and Alcohol Court

This year, three of our specialist units were significantly expanded, allowing them to provide more services in regional areas whilst others embarked on ambitious community legal education programs.

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***Care and Protection Legal Service expanded to Parramatta, Gosford, Newcastle, Wollongong, Lismore, Coffs Harbour and Wagga Wagga. See page 19.***

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***Children's Legal Service conducted a crime prevention education program that reached 2,611 young people. See page 22.***

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***Child Support Service conducted outreach programs in 40 regional areas. See page 20.***

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# CLIENT SERVICES

## CORPORATE PLAN GOAL 1:

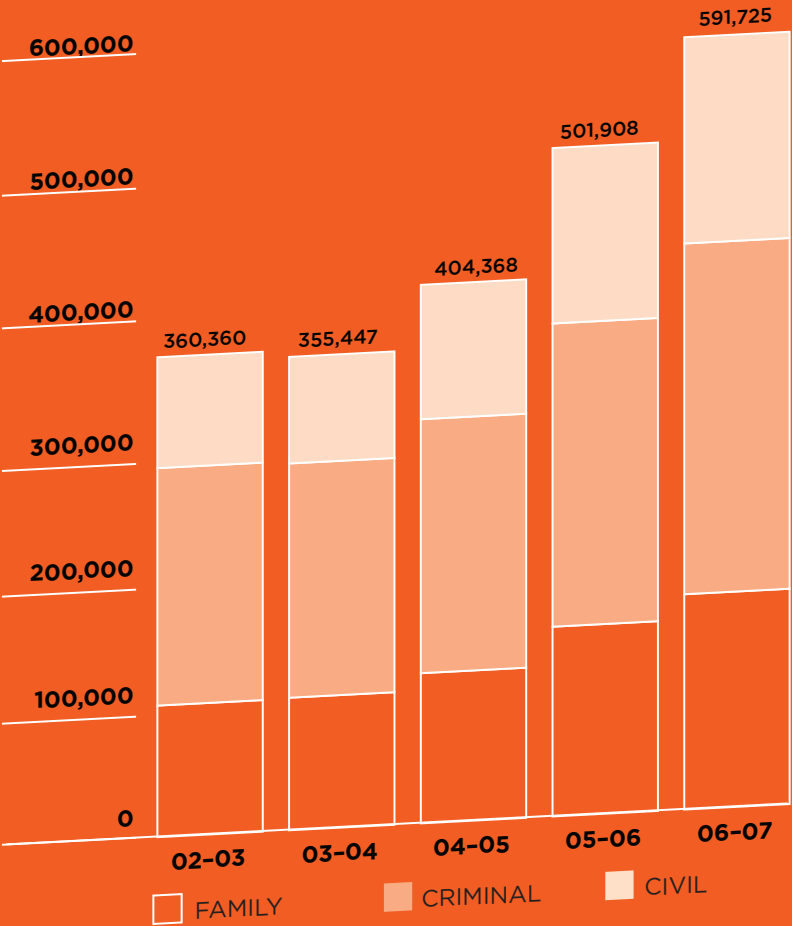
### BETTER SERVICES FOR CLIENTS

The needs of our clients and the community will drive us to improve the quality, range, responsiveness and accessibility of our services.

### KEY STRATEGIES

To meet client and community legal needs effectively, provide high quality consistent state wide services and coordinate legal service delivery through a partnership approach.

TOTAL CLIENT SERVICES—BY LAW TYPE



INCREASED  
OUR SERVICES  
TO CLIENTS BY  
**64.2%** OVER  
FIVE YEARS

## AT A GLANCE

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# CLIENT SERVICES

## HOW WE COMMUNICATE WITH OUR CLIENTS

Legal Aid NSW understands the importance of addressing cultural, linguistic, literacy and other potential barriers to communication with our clients.

### Charter

One of the challenges we face is that people do not know what to expect when using our services, or how to provide feedback or make a complaint.

As part of our Corporate Plan, we developed and implemented a Client Service Charter in 2006 to support our commitment to clients. The charter clearly explains our services, how to get a grant of aid and how to provide feedback or complain. A plain English brochure explaining the principles of the charter is now available through all Legal Aid NSW offices, and has been distributed widely to partnership agencies.

### Client survey

In 2005–2006, Legal Aid NSW commissioned an independent survey of clients using its advice services. The survey demonstrated a very high level of client satisfaction. The NSW Auditor General's Performance

Audit Report of Legal Aid NSW in December 2006 recommended that we expand future client surveys to "assessment of applicants and recipients of representation services".

Next year we will conduct an expanded client survey to cover all civil law services. Two more client surveys in 2008–2010 will focus on criminal and family law respectively.

Next year's survey will measure client satisfaction with our services, including the following clients: Aboriginal clients, culturally and linguistically diverse communities, homeless clients, older people, residents in regional and remote areas, and people with mental health problems.

It will also assist us to develop new online client service delivery initiatives such as Auslan talking fact sheets and access to Do-It-Yourself Divorce classes via webcam.

In addition, we will distribute a new Legal Aid NSW poster to libraries, courts, community centres and other locations, with information about our diverse range of services and how to contact us.

## National survey

Research shows that there is a level of unknown and unmet legal need within the Australian community. Existing research is insufficient to inform national policy for the provision of legal aid. Comprehensive national research into the level of unknown and unmet legal need is necessary to assist in developing a policy for the provision of legal aid that provides national equity and uniform access to justice.

This year, in his capacity as Chair of National Legal Aid (NLA), our CEO Bill Grant proposed that all legal aid commissions participate in a National Legal Needs Survey. Working with the NSW Law and Justice Foundation, NLA will conduct a national telephone survey in November 2007. The results of the survey will assist in identifying gaps in service delivery, particularly in rural and remote areas.

## TOTAL CLIENT SERVICES IN 2006–2007: 591,725

### TOTAL LEGAL REPRESENTATION 61,207

Inhouse (grants of aid) 38,828

Assigned (private lawyers) 22,379

### TOTAL OTHER SERVICES 406,896

Information services 322,774

Legal advice 78,409

Minor assistance 5,713

### TOTAL DUTY APPEARANCES 123,622

Inhouse duty 61,312

Assigned duty 62,310

## REGIONAL SERVICES

Equitable access to justice requires that all members of the community are able to exercise their legal rights without being disadvantaged by cultural, linguistic or geographic barriers. Geographic isolation remains a real obstacle to accessing services, particularly legal services, for people living in regional and rural areas of the State.

In December 2006 we launched our Rural Client Services Strategy which sets out key priorities for improving access to our services for rural clients.

The strategy commits us to more community legal education programs and outreach services, employing additional staff in regional offices, and increasing services to Aboriginal people in rural areas.

### Regional Solicitor Program

Providing legal services to regional and rural communities is a strategic priority for Legal Aid NSW. We work closely with private practitioners to provide legal services in those rural and regional areas of the State which are not serviced by our established offices. However, the number of legal practitioners located in rural NSW available and willing to undertake legal aid work is declining. As a consequence Legal Aid NSW is facing increasing difficulty in providing services to the more remote areas of the State where populations and services are declining, as well as those coastal areas experiencing population growth—particularly the North and Far North Coasts.

This year, we launched a Regional Solicitor Program in 10 country towns. We developed this program to improve access to legal aid services for rural communities by ensuring that there are sufficient legal practitioners in rural areas available and willing to undertake legal aid work.

After comparing demographic and statistical information on all the identified locations with known client demand, these 10 locations were selected: Batemans Bay, Bega, Moree, Tweed Heads/Murwillumbah, Taree, Port Macquarie, Broken Hill, Cowra, Young and Dubbo.

The program provides salary subsidies and other incentives to private law firms in these areas to employ an additional lawyer who undertakes an agreed amount of legal aid work. It is based on similar programs introduced into the United Kingdom in 2001 and Queensland in 2002.

The program has been funded with the assistance of the Public Purpose Fund to operate for two years. The Law Society of NSW has agreed to work with Legal Aid NSW to establish the program. Program evaluations will be conducted at 12 and 24 months.

### More civil and family law services

A review of the Civil Law Division established that there are gaps in the availability of services for people living in rural and regional areas who need legal help with civil law problems. In response we established five new civil practices in regional offices and employed 10 additional civil lawyers—the largest expansion of the civil law program in a decade. See page 17.

The Family Law Division, having examined client need throughout NSW in recent years and identified high levels of demand in regional communities, responded by significantly expanding its outreach program. In recent years, lawyers have travelled widely in their regions to provide free advice clinics. The number of family law outreach services delivered increased by 98.2% between 2002–2003 and 2006–2007.

After a review established that children and parents in some areas were experiencing difficulty obtaining legal assistance in care and protection matters, we expanded our care and protection specialist service to six regional areas. See page 19.

Advice and information about child support was also an area of high demand. Family lawyers met that demand by providing advice sessions in 40 locations around NSW.

This strong emphasis on regional service delivery can be seen in our client profile that shows almost 51% of family law clients are now from regional and rural areas.

# CLIENT SERVICES

## Cooperative Legal Service Delivery Program

*There is an overwhelming need for government, community and private organisations to work together to provide more efficient and effective services to rural and regional communities who are isolated and find it difficult to access free and affordable legal services.*

In 2004 Legal Aid NSW became central coordinator of a partnership called the Cooperative Legal Service Delivery (CLSD) Program. The program is a regionally-based approach to legal service delivery that aims to improve outcomes for economically and socially disadvantaged people in NSW, by building cooperative and strategic networks of key legal services and community organisations. Unique to NSW, the program complements the work of the NSW Legal Assistance Forum (NLAF). See page 50.

The program is overseen by a CLSD Steering Committee, comprising representatives from peak organisations involved in CLSD (Legal Aid NSW, Community Legal Centres, Aboriginal Legal Service (NSW/ACT) Ltd, pro bono legal

services, Family Relationship Centres, Local Courts, tenancy advocates, and the Law and Justice Foundation. Membership is listed on page 132.

Last year, the program operated successfully in four regions: Northern Rivers, Central West, Albury/Wagga Wagga and the Hunter.

In June 2006 the program received \$70,000 from the Commonwealth Attorney General's Department, which is being applied towards regional projects and initiatives including:

- Helping establish a Criminal Justice Support Network for people with disabilities in contact with the justice system in Albury
- Holding a Legal Expo in Newcastle during Law Week
- Producing a Discrimination DVD for remote communities in the Central West, and providing workshops on domestic violence and Centrelink matters for isolated communities in Coonamble, Walgett and Lightning Ridge
- Providing training for partners in the areas of credit/debt matters and mental health issues.

## • The year ahead

The CLSD Program will be rolled out to the Central Coast and Katoomba to Orange. By 2010 there will be 10 CLSD Regions established in NSW.

We will provide client service training to regional CLSD groups.

We will evaluate the Regional Solicitor Program as well as our expanded family and civil law regional services.

The National Legal Needs Survey will help identify gaps in service delivery in rural and remote areas.

## SWIFT DISASTER RESPONSE

**Severe storms during June 2007 caused major property damage in the Central Coast and Newcastle areas. Legal Aid NSW responded quickly by organising a series of public legal information forums in Gosford, Maitland and Newcastle, to provide information to the community about legal assistance for insurance claims.**

**The forums involved other agencies, including LawAccess NSW, the National Insurance Hotline, the Insurance Ombudsman Service, Community Legal Centres, and the Law Society of NSW.**

**Seventy-five people attended the forums which were chaired by Local Mayors, Deputy Mayors and local parliamentarians.**

Legal Aid NSW provided forum participants with a fact sheet about insurance and flood damage, which was also made available at disaster recovery centres. A follow-up comprehensive guide *Turning the Tide—Storms, Floods, Insurance and You* was made available online and in hard copy.

*Turning the Tide* was widely distributed to libraries, community legal centres and a range of other legal service providers.

This map shows the CLSD regions established across NSW and future rollout. CLSD regional coalitions facilitate cooperative relationships between agencies to enhance access to justice.





## CLIENT PRIORITY 1: ABORIGINAL PEOPLE

*Aboriginal people represent 2% of our total population, yet their participation in the legal system far exceeds that. Legal Aid NSW recognises that Aboriginal people are its most disadvantaged client group, and that we need to develop new ways of delivering services if we are to have any impact on addressing the legal needs of Aboriginal people.*

Services to Aboriginal people have increased over the last year in all practice areas. Criminal law remains the largest area accessed, however, increases have also occurred in civil and family law.

### First Director of Aboriginal Services

Carol Thomas was appointed to the position of Director, Aboriginal Services in February 2007 to improve and expand the delivery of Legal Aid NSW services to Aboriginal people. Carol's strategic advice and close links with Aboriginal communities have been invaluable in helping us address Aboriginal client service needs and respond to law reform proposals. See page 36.

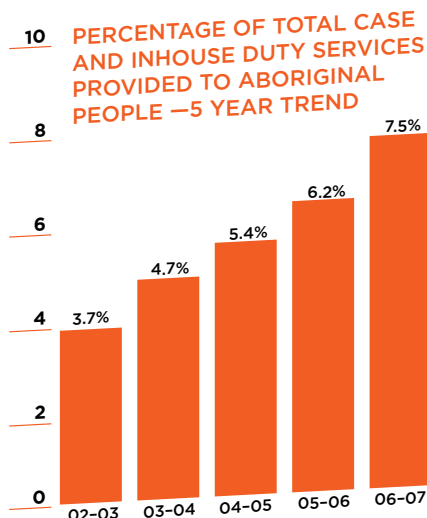
### Memorandum of Understanding

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd (ALS) signed a Memorandum of Understanding on 21 December 2006 outlining both parties' responsibilities in relation to legal services for Aboriginal people, and the ways we will work together.

The MOU will enable more effective planning and better use of resources by both agencies.

### Forward plan

To make sure that Aboriginal issues are addressed in a strategic manner, involving all parts of the organisation, we held an Aboriginal Planning Day to develop an Aboriginal Service Delivery Plan. The new plan identifies the issues faced by Aboriginal people and establishes ways in which Legal



Aid NSW can assist in these areas. It provides direction to all divisions, focusing on the employment of Aboriginal people, cultural awareness training and better service delivery.

The Aboriginal Justice Committee will monitor progress.

### Partnerships

Currently the civil law program conducts outreach in the following ALS offices: Blacktown/Parramatta, Redfern, Lismore, Taree, Wollongong, and Nowra. These arrangements recognise Aboriginal people's desire to have services delivered from Aboriginal organisations.

Our civil lawyers got out and about this year in regional and rural NSW, including two outreach community legal education projects designed specifically for Aboriginal people—the Good Service and Do It Right forums.

Good Service forums focus on consumer law information and services such as credit and debt, and contracts. The Good Service forums this year visited Dubbo, Nowra, Cowra, Condobolin and Bankstown.

The Do It Right project focuses on employment law, social security and the Job Network. During 2006–2007, the project visited Walgett, Bourke, Brewarrina, Bega, Moruya and Gosford.

These forums are an inter-agency initiative of the NSW Anti-Discrimination Board. Other participants include the NSW and Commonwealth Ombudsman, Office of Fair Trading, Australian Taxation Office, NSW Office of Industrial Relations and alternative dispute resolution services including the Telecommunication Industry, Energy and Water and Banking Industry Ombudsman.

Family lawyers developed strong links with Aboriginal communities this year, particularly in Dubbo and Tamworth.

A legal aid care and protection lawyer was seconded to the Aboriginal Legal Service to help establish three new positions funded by Legal Aid NSW in Wagga Wagga, Dubbo and Grafton, ensuring that Aboriginal clients receive effective representation in care proceedings.

### • The year ahead

In our 2007–2008 Corporate Plan there are a number of initiatives that specifically relate to improving the delivery of services to Aboriginal clients. A key goal will be to start implementing the two-year Aboriginal Service Delivery Plan, including:

Increasing the use of our civil law and family law services by Aboriginal people.

Conducting research in order to improve the effectiveness of community outreach services (advice sessions and community legal education) delivered to Aboriginal communities in civil and family law.

Our new Director, Aboriginal Services will facilitate bringing together legal service agencies and other key stakeholders to work collaboratively on identifying and addressing legal service delivery issues for Aboriginal clients.

Aboriginal people from community organisations will be invited to become members of our Aboriginal Justice Committee. See page 133.

# CLIENT SERVICES

## CLIENT PRIORITY 2: OLDER PEOPLE

*Addressing the legal needs of older people is becoming increasingly important in the face of Australia's ageing population.*

While NSW does have more comprehensive civil law guidelines than other States and Territories, the Civil Law Review conducted in November 2003 identified older people as a group with significant levels of unmet legal need.

Research published by the Law and Justice Foundation, *The Legal Needs of Older People in NSW* (December 2004) also found that older people face barriers in accessing legal services for many reasons, including lack of awareness of their legal rights; of available information and legal services; and factors such as their vulnerability, mental and physical incapacity, and unfamiliarity with modern methods of legal service delivery.

In response to this, we established an Older Persons Client Group Committee in November 2006, to identify the current and future legal needs of older people.

### • The year ahead

The Older Persons Client Group will consult with external agencies and service providers before developing a cross-program approach to providing appropriate legal and support services for older people.

All future policy amendments, community legal education and training needs will take into account this client group's particular needs.

## CLIENT PRIORITY 3: HOMELESS PEOPLE

*A report into homelessness by the Law and Justice Foundation (July 2005) found that although homeless people are aware of Legal Aid services, access to legal aid could be very much improved.*

In addition, a NSW Audit Office report titled *Responding to Homelessness* recommended that Legal Aid NSW should work with Local Courts and Area Health Services to review the extent to which homeless people access our services, and develop new ways of delivering services to homeless people.

In November 2006 Legal Aid NSW established the Homeless Persons Coordinating Committee to improve service delivery (and access to such services) to homeless people through stronger partnerships with other agencies. The committee has set up a "homeless" postcode in the corporate database in order to collect data on homeless people.

Legal Aid NSW negotiated with the Public Interest Advocacy Centre (PIAC), which manages the Homeless Persons Legal Service, for Legal Aid NSW to conduct an advice clinic for homeless people at Parramatta, commencing on 1 July 2007.

### • The year ahead

Our new data collection will help us develop new initiatives. We will also consult with other service providers, to find new ways of improving access to the law by this group.

We will investigate whether we can assist in extending the Homeless Persons Legal Service to other regional areas.

We will review the special disadvantage test within our policies with a view to broadening access to legal aid for homeless people.

## CLIENT PRIORITY 4: PEOPLE WITH A MENTAL ILLNESS

*Legal Aid NSW's specialist Mental Health Advocacy Service (MHAS) based in Burwood provides free legal advice and assistance about mental health law.*

The service, provided by inhouse lawyers and private practitioners, ensures that people appearing before a Magistrate or the Mental Health Review Tribunal who may be involuntarily deprived of their liberty under the *Mental Health Act* are legally represented.

This year we provided representation (inhouse and assigned case and duty services) on 22,776 occasions.

Early in 2006, Legal Aid NSW completed a review of the Mental Health Advocacy Service to ascertain how effectively it meets current and projected client service needs. The Review recommendations are currently being implemented.

A training program in *Dual Diagnosis and Substance Dependence for Lawyers* was developed in partnership with the Attorney General's Department. Eighty three lawyers from within and outside Legal Aid participated.

The popular *Demystifying Mental Illness* course was run eight times at various locations, with 93 participants attending from Legal Aid NSW.

### • The year ahead

We will recruit additional positions and make changes to policy guidelines, increasing the range of mental health matters for which legal aid is available.

More training courses in mental health matters will be run, with courses extending to many regional locations and including Cooperative Legal Service Delivery partners.

## HIGHLIGHTS FROM THE CIVIL LAW DIVISION

*The Civil Law Division provides advice and representation in civil law matters in accordance with Legal Aid NSW's policies and guidelines. Legal advice is available to all members of the public.*

The division also undertakes law reform and community legal education activities, with particular relevance to our areas of expertise and practice.

The division comprises 21 lawyers located in the Sydney Central office, and 29 lawyers located in 14 regional offices as well as support staff, students and cadets.

The division also operates a specialist Veterans' Advocacy Service, Mental Health Advocacy Service and Coronial Inquest Unit.

TOTAL EXPENDITURE: \$15,449  
STATE: \$11,450  
COMMONWEALTH: \$3,999

We spent 9.4% of our budget on civil law services.

***This year we increased our civil law services to clients by 14.2%.***



New civil law recruits L to R: Michael Walton, Susan Grey, Paula Novotna, Mary Lovelock and Andrew Langley.

## Major achievements

### Five new practices, 10 additional lawyers

Legal Aid NSW has substantially expanded services to people living in Sydney's outer suburbs, and in regional areas, by establishing civil law practices in five additional regional offices, including Gosford, Penrith, Campbelltown, Nowra and Wagga Wagga. This has included recruiting 10 additional lawyers. The practice at Lismore was also enhanced.

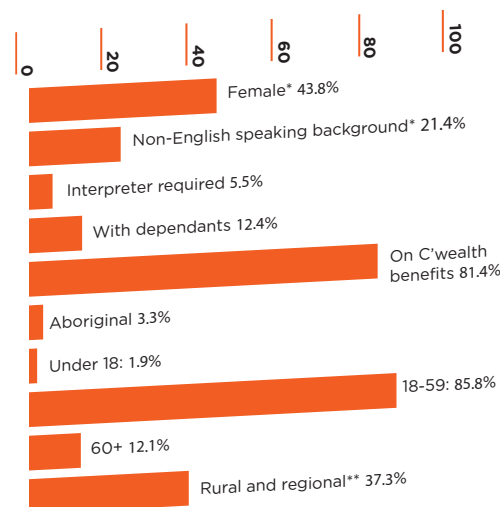
The expansion of the program will greatly assist Legal Aid NSW to provide civil law services across NSW, particularly in regional areas. The newly established practices are consulting with key local stakeholders including legal and

non-legal service providers to determine the needs and priorities of their communities.

### Successful pilot becomes permanent

In early 2006, a Coronial Inquest Unit was established on a 12-month pilot basis to enhance Legal Aid NSW's capacity to represent people in inquest matters, particularly those which raise issues of public interest. Following evaluation where it was judged to be a success, the unit was made permanent. The case study (page 18) highlights the very important work of this practice.

## CIVIL LAW CLIENT PROFILE



\*See client diversity initiatives on page 25.  
\*\*Includes Newcastle and Wollongong

## TOTAL CIVIL LAW CLIENT SERVICES 2006-2007: 162,736

### TOTAL LEGAL REPRESENTATION 1,529

Inhouse (grants of aid) 1,034

Assigned (private lawyers) 495

### TOTAL OTHER SERVICES 134,831

Information services 113,641

Legal advice 19,230

Minor assistance 1,960

### TOTAL DUTY APPEARANCES 26,376

Inhouse duty 12,627

Assigned duty 13,749

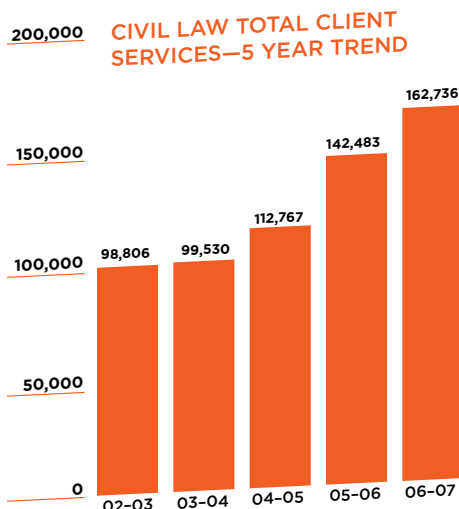
# CLIENT SERVICES

## BALIBO FIVE

During 2006–2007 the Coronial Inquest Unit acted for the sister of one of five journalists killed in East Timor in 1975. The inquest was conducted by Dorelle Pinch, Deputy State Coroner at Glebe over a number of weeks in early 2007. It was the first time that the circumstances of the deaths of the journalists had been investigated in an Australian court.

The families of the dead journalists had sought a transparent and independent review of the circumstances of their relatives' deaths for decades. The unit allocated one solicitor to work in conjunction with a private lawyer who had a long-term involvement in the case and who had been successful in persuading the previous NSW State Coroner to direct that the inquest take place. John Stratton SC, Deputy Senior Public Defender was briefed to appear in the matter on our client's behalf.

Whilst the Coroner is yet to publish her findings, the inquest clearly went much further than any previous inquiry into identifying the reasons why the five young journalists so tragically lost their lives. Amongst the witnesses who gave evidence at the inquest were the Honourable Gough Whitlam, Prime Minister at the time, Bill Morrison, the then Minister of Defence, Alan Renouf, Secretary, Department of Foreign Affairs, and Sir Richard Woolcott, the then Australian Ambassador to Indonesia.



## Achieving good outcomes

Legal Aid NSW provides legal representation in a wide range of civil law matters. The following cases illustrate how the civil law practice provides assistance in areas that particularly affect disadvantaged communities, and works towards achieving systemic change of an unfair practice or policy.

### Case 1: Predatory lending

We successfully defended a legal action by lenders seeking possession of our clients' home. The lender sought to avoid the provisions of the Consumer Credit Code, legislation which aims to protect borrowers who obtain credit for domestic purposes. The lender did this by requiring our client to declare the loan was for business purposes when this was patently not the case and the lender knew or should have known this at the time the declaration was given. The Supreme Court found that the loan was for domestic purposes and the Credit Code therefore applied. The Court found that the lenders failed to serve appropriate notices under the Consumer Credit Code and failed to properly assess the borrowers' capacity to repay the loan. As a result, the Court reduced the amount the borrowers had to pay. This case also illustrates a

widespread problem in the current mortgage market where borrowers are encouraged to borrow beyond their capacity to repay and are put at risk of losing their home.

### Case 2: Appropriateness of disability services

We acted for a disability advocacy group who sought to challenge a decision of the Minister for Disability Services to fund a group home for 20 disabled residents. The advocacy group argued that the Minister's decision to fund the home was unlawful as the home did not conform to the standards required by the *Disability Services Act* NSW. As a result of successful negotiations, the Minister has agreed to relocate the service and relocate residents to more suitable accommodation with appropriate services.

### Case 3: Fraud in migration

We acted for a family seeking asylum based on the mother's activities as a journalist in their home country. Their application to the Refugee Review Tribunal (RRT) failed due to fraudulent advice from their agent, a person who had been deregistered as a migration agent and was struck off as a solicitor. The agent advised our clients not to attend the tribunal hearing as he did not want his conduct in acting as an agent without authorisation to be discovered. We successfully appealed to the Federal Magistrates Court which found that the RRT decision was negated by the fraudulent conduct of the migration agent.

The Minister for Immigration appealed to the Federal Court and was successful. Legal Aid NSW appealed the matter to the High Court, and the appeal was successful. The High Court agreed that the RRT decision could not stand because of the migration agent's fraudulent conduct.



### Case 4: Mental health

We acted for a mentally ill prisoner in a habeas corpus application to the Supreme Court, against the Commissioner of Corrective Services and the Minister for Health. The issue concerned whether our client was entitled to be released at the end of his non-parole period in accordance with an existing parole order. This matter was eventually determined by the Court of Appeal, where it was held that a mentally ill person, sentenced to a term of imprisonment with a non parole period, who is transferred to prison hospital under the *Mental Health Act*, is subject to discretionary release by the Minister for Health on recommendation of the Mental Health Review Tribunal.

#### • The year ahead

A critical challenge for the division in the year ahead is to improve the range and access to civil law services by Aboriginal people, particularly in remote and regional communities. This includes identifying priority areas of unmet legal need and fostering stronger relationships with Aboriginal services and communities in the design and delivery of legal services.

We will develop outreach programs and review civil law policies to enhance access to civil law services by highly disadvantaged communities including homeless people, older people and prisoners.

We will also finish implementing recommendations made in the review of the Mental Health Advocacy Service, and work with our service delivery partners to improve access to justice for people suffering from mental health illnesses.

### HIGHLIGHTS FROM THE FAMILY LAW DIVISION

*The Family Law Division provides advice, minor assistance and representation in family law matters, resolving disputes arising from family breakdown. Legal advice is provided to all members of the public.*

The division also undertakes law reform and community legal education activities, with particular relevance to our areas of expertise and practice.

The division comprises 20 lawyers located in the Sydney Central office, and 79 lawyers located in 20 regional offices as well as support staff, students and cadets.

The division also operates a specialist Child Support Service, Child Care and Protection Legal Service and the Alternative Dispute Resolution Unit.

TOTAL EXPENDITURE: \$52,745  
STATE: \$14,480  
COMMONWEALTH: \$38,265

We spent 32.2% of our budget on family law services.

**We increased our family law services to clients by 24%.**

### Major achievements

#### Care and protection expanded

Care and protection services were expanded following a review of the care and protection program. A separate inhouse state wide Care and Protection Legal Service was established, with management of the service now based at Parramatta where the new Children's Court opened at the end of 2006. Greater state wide coverage in care and protection matters has been achieved with the creation of new legal officer positions at Gosford, Newcastle, Wollongong, Lismore, Coffs Harbour and Wagga Wagga.

### Dispute resolution

Legal Aid NSW's Family Dispute Resolution Service (FDR) helps clients solve family disputes without going to court. This year FDR held 2,237 conferences, an increase of 97 from last year. See page 128. Demand for FDR in property also increased with 155 property conferences held—60 more than last year.

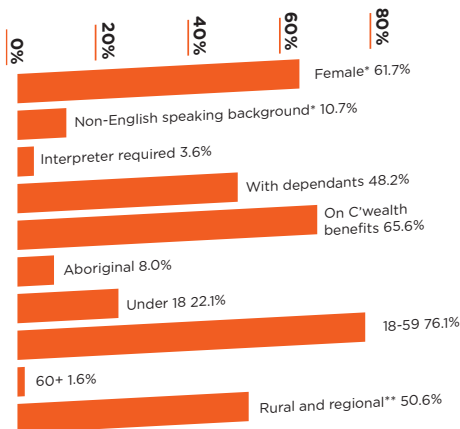
The recently launched Court FDR Pilot for matters in court lists awaiting hearing, also proved popular with around 25 conferences held to date.

### Key provider

Changes to the *Family Law Act* which commenced on 1 July 2007 mean that unless the exceptions set out in the Act apply, the Court must not hear an application in a parenting matter unless the applicant files a certificate relating to dispute resolution. Legal Aid NSW has been designated by the Commonwealth Attorney-General as an organisation fulfilling the criteria for inclusion on the Commonwealth Family Dispute Resolution Register.

Legal Aid NSW's panel of FDR practitioners are now all authorised to issue certificates on behalf of the organisation at family law conferences.

### FAMILY LAW CLIENT PROFILE



\*See client diversity initiatives on page 25.  
\*\*Includes Newcastle and Wollongong

# CLIENT SERVICES

## Child support

The Child Support Service provided outreach services to 40 locations in NSW, building on a five-year program of growth. Following the new jurisdiction given to the Social Securities Tribunal in child support matters, a hotline was introduced with Legal Aid NSW child support lawyers rostered to take Social Security Appeals Tribunal (SSAT) enquiries.

## Regional services

After examining client need throughout NSW in recent years this division has responded by significantly expanding its outreach program. The number of family law outreach services delivered to regional communities increased by 98.2% between 2002–2003 and 2006–2007.

## Changing laws and amendments

Changing laws this year had a major impact on our clients and the way we deliver family law services.

Major amendments to the *Family Law Act* commenced in July 2006. These amendments introduced new terminology in parenting orders and introduced the concepts of a presumption of equal shared parental responsibility and the consideration of whether children should spend equal or substantial and significant time with parents.

The reforms provided for less adversarial trials in children's matters and a staged introduction to compulsory family dispute resolution unless particular exceptions applied. Accompanying the legislative changes was the opening of the first four Family Relationship Centres in NSW in July 2006, with new Family Relationship Centres to be established in 2007 and 2008.

Amendments to the *Child Support (Assessment) Act* in January 2007 which, for the first time, allow appeals to the Social Security Appeals Tribunal (SSAT) in child support matters have ushered in a new phase for the Child Support Service.

Amendments to the *Care and Protection Act* have affected our clients, particularly the introduction of the reversal of the onus of proof in certain circumstances, has required significant additional preparation and assistance on our part and involvement in novel and interesting legal argument as to the effects, meaning and application of the legislation.

## Case 1: Client's trauma ends

A young Australian woman fled Europe with her six-month old baby without the consent of the father or the courts, returning to her family in Australia. She had been subjected to extreme abuse and life-threatening behaviour. When she came to our advice clinic, she was suffering post-traumatic stress disorder.

Our client's distress was compounded after she received an application for the immediate return of the child to the European country, under the Hague Convention (International Child Abduction) Regulations.

Our client relied on a defence available under the Convention Regulations (Reg 16 (3) (b)), which provides that a Court may refuse to make an order for the return of a child if... *"there is a grave risk that the return of the child under the Convention would expose the child to psychological or physical harm or otherwise place the child in an intolerable situation."*

At trial, the defence of "grave risk" was established, however discretion was exercised to order the return of the child to Europe. The return was subject to strict conditions. These conditions if met, were meant to alleviate the "grave risk" and allow the safe return of the mother and child to Europe. The conditions included that the mother be provided with a visa, income, suitable housing, legal aid and health care assistance sufficient to maintain the child.

The Court varied the conditions of return so substantially that the safety of the mother and child would have been seriously compromised if they were forced to return.

Our appeal was heard near the end of 2006.

## TOTAL FAMILY LAW CLIENT SERVICES 2006–2007: 163,329

### TOTAL LEGAL REPRESENTATION 13,840

Inhouse (grants of aid) 3,195

Assigned (private lawyers) 10,645

### TOTAL OTHER SERVICES 143,524

Information services 113,038

Legal advice 27,540

Minor assistance 2,946

### TOTAL DUTY APPEARANCES 5,965

Inhouse duty 3,434

Assigned duty 2,531

The finding of “grave risk” remained untouched by the Court. The Court found that if conditions are to be imposed, they must be clearly defined and capable of being objectively measured as to compliance, and, in this case, the conditions needed to neutralise the risk to the child of return. These matters were not met in our case.

The Full Court upheld the appeal and dismissed the application for return of the child. Our client was wholly successful.

**Case 2: Young child in care**

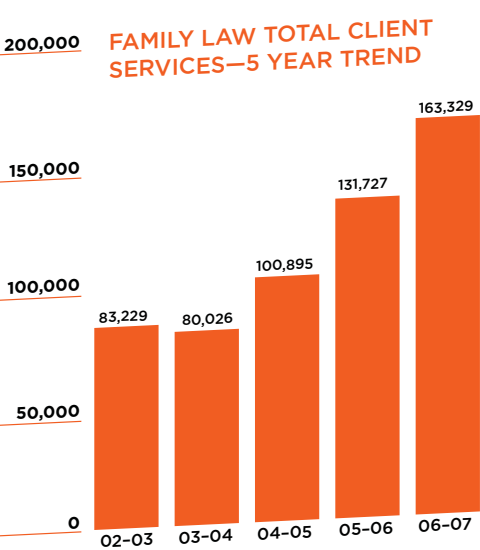
In a care matter, which was appealed to the District Court, the role of an inhouse legal aid lawyer who acted as the independent legal representative for a young child was crucial in the final determination.

“David” was born in August 2005. His mother had tried to kill herself and three other children in 2001 by placing them in her car and poisoning them with carbon monoxide. One child died but the mother and the two other children remained conscious. The mother then doused the car and set it alight. This attempt also failed and she and the children survived.

The mother was gaoled for almost 15 months until mid 2002, and then was subsequently on a good behaviour bond for five years until mid 2007.

The independent legal representative for David took steps to ensure he was protected.

Following an 18-day hearing in the Children’s Court, the mother appealed to the District Court.



At the District Court hearing, two psychiatrists gave evidence supportive of the mother. However the independent legal representative for David argued that the proper test—whether the possibility of restoration was or was not realistic—depended upon the totality of the evidence and not simply the experts’ opinions. Based on this test, the independent legal representation argued that the risks facing David, including the risk of physical harm, the risk of emotional harm, and the potential for exposure to episodes of domestic violence and drug abuse (all issues in the case), operated against any realistic possibility of restoration.

The District Court agreed and made orders placing David in the parental responsibility of the Minister until 18, but with regular ongoing contact with his mother and father.

**• The year ahead**

The Family Law Division will work closely with other legal service providers to improve outcomes for its clients, focusing on:

- Establishing effective services for clients in child support matters in the Social Security Appeals Tribunal.
- Developing good referral arrangements with the new group of Family Relationship Centres established in July 2007.
- Consolidating partnerships with the Aboriginal Legal Service, courts and the Department of Community Services as part of an expanded regional care and protection program.
- Monitoring our role as a registered family dispute resolution provider.
- Extending services to clients in regional areas.

We face the critical challenge of working creatively with our partners and other key stakeholders to ensure clients can access the services most relevant to their needs.

# CLIENT SERVICES

## HIGHLIGHTS FROM THE CRIMINAL LAW DIVISION

### Profile

The Criminal Law Division provides a full range of legal services in all criminal courts from its Sydney Central office and 19 regional offices.

These services include representation in all jurisdictions from the Local Court to the High Court. The division also provides information, advice, minor assistance, community legal education and input into law reform initiatives.

This division includes the Indictable Section, Inner City Local Courts, Committals Unit, Indictable Appeals, Advocacy Unit, Children's Legal Service, Prisoners Legal Service and the Drug Court Unit. Most of the services covered by these units are also provided by our lawyers in the 19 regional offices located in the Sydney metropolitan area and regional NSW.

Total expenditure: \$79,649

State: \$73,976

Commonwealth: \$5,673

We spent 48.6% of our budget on criminal law services.

***This year, we increased our criminal law services to clients by 16.7%.***

### Major achievements

The division launched two crime prevention strategies which target young people and are delivered in high schools throughout NSW. These initiatives are linked to the NSW State Plan strategy of "continuing to divert young people from the criminal justice system in line with the *Young Offenders Act*".

### Crime prevention

In partnership with youth workers, our Children's Legal Service conducted 74 workshops at 23 high schools, youth centres and refuges around Sydney. Targeting 'high risk' schools in particular, the workshops educated young people about their role and responsibility in relation to group offences.

The project is an excellent example of how Legal Aid NSW can play a valuable role in crime prevention as well as the more traditional role of representing people who come before the courts.

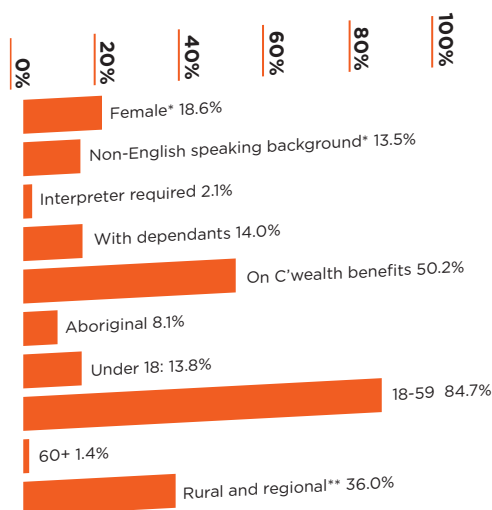
So far 2,611 young people have taken part. It is estimated that 3,500 students will attend workshops over the project's duration.

### Traffic law

The division developed a legal education kit about traffic law targeting high school students in years 9 to 11.

The kit contains a multi media presentation about licensing, traffic

### CRIMINAL LAW CLIENT PROFILE



\*See client diversity initiatives on page 25  
\*\*Includes Newcastle and Wollongong

regulations, penalties and car accidents. Workshops commenced in June 2007 and will continue throughout 2007-2008.

### Other achievements

#### Youth Hotline

The Children's Legal Service Youth Hotline staff answered 18,430 calls compared with 17,102 last year—advising 7,727 young people (6,895 last year) about their legal rights.

The Hotline has received nearly 100,000 calls since 2001, and there has been a 34% increase in the number of calls taken this year, compared with five years ago.

### TOTAL CRIMINAL LAW CLIENT SERVICES 2006-2007: 265,660





### Upskilling private lawyers

We provided extensive training to inhouse staff and private practitioners on case conferencing, an initiative to reduce late pleas of guilty in the District Court introduced on 1 January 1996.

After last year's successful training on the far north and south coasts, training was rolled out in 2006-2007 to Wagga Wagga and Armidale.

### Alternatives to court

Legal aid lawyers offer their clients an alternative to court through the Magistrates Early Referral Into Treatment Program (MERIT).

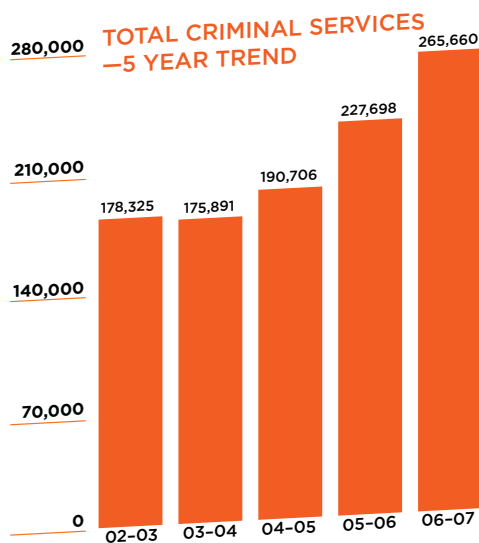
MERIT provides medical treatment rather than custody for people accused of non-violent drug-related crimes at local court level. This year our lawyers participated in two more courts where the program was launched: Waverley and Newtown.

### Case 1: Client extradited

An extradition matter that Legal Aid NSW had funded for over three years ended when the client was finally extradited to the US for breaching US copyright law. Our client was held in Australian custody for almost three years and had never set foot in the US. This was the first time that the US has sought the extradition of an individual based solely on online violations of US copyright laws committed outside the US.

### Case 2: Assisting mentally ill clients

Many clients of the Criminal Law Division suffer from mental illness, which is reflected in the large number of prisoners requiring psychiatric treatment.



Lawyers from the Orange regional office received an application for legal aid from a client who was charged with Assault Occasioning Actual Bodily Harm upon one of the nurses at the local psychiatric hospital. The defendant was an involuntary patient at the time of the alleged assault.

Representations were sent to the police, requesting the withdrawal of the charge on the basis that our client had little or no capacity to form an intent to commit the offence. The police rejected them. The matter went to hearing and the Magistrate dismissed the charge and awarded costs against the police.

Since this case was decided, the Orange office has received no applications for legal aid from forensic patients charged with committing criminal offences at that hospital.

For those with a mental illness who face the criminal justice system, Legal Aid NSW protects their interests and tries to ensure that they are treated in a hospital rather than in the prison system.

### Important legislation

New legislation impacts on the workload and budget of the division. A significant legislative change affecting people charged with serious sexual assault offences was the *Crimes (Serious Sex Offenders) Act 2006*. It allows the Attorney General to apply to the Supreme Court to extend the detention of a serious sex offender after they have finished their sentence of imprisonment. Legal Aid NSW has acted for the respondent in the majority of these matters in which proceedings were commenced in 2006 and 2007.

Legal Aid NSW also began preparing for the introduction of legislation which will abolish the requirement to serve a brief of evidence in certain kinds of summary matters and which will require a reduced brief to be served in all other summary matters.

### • The year ahead

Priorities will include:

Implementing the recommendations of the Prisoners Legal Service and Children's Legal Service reviews.

Maintaining appropriate services to clients as the service of briefs in defended hearings is either abolished or reduced.

Maintaining appropriate services in committal matters after the case conferencing pilot ends on 31 December 2007.

Implementing the protocol between Legal Aid NSW and the Aboriginal Legal Service for the transfer of work for reasons of conflict between the two organisations.

Using new technology to increase representation to clients in remote areas.

# CLIENT SERVICES

## COMMUNITY LEGAL EDUCATION

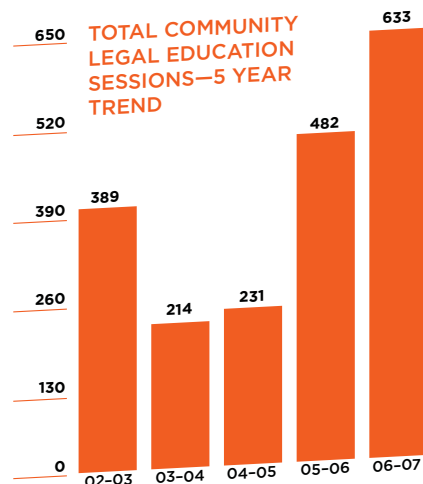
*Legal Aid NSW has a strong history of providing legal information and education as part of its core services to the public, and specifically those people not eligible for legal aid—including self represented litigants. Community legal education is integral to Legal Aid NSW's strategy of informing the community of its services. It is also a means by which the community is informed of legal issues and possible options to resolve them.*

***The NSW Audit Office report, "Distributing legal aid in NSW 2006", found the Legal Aid NSW process of making people aware of legal issues and its services, to be comprehensive.***

### Major achievements

This year, we provided 31.3% more community legal education sessions, which is 19.4% over target, due to more structured and strategic programs.

We also distributed 368,888 publications about our services and legal issues to individuals, community and government organisations across the state compared to 289,778 last year, exceeding our target by 27%. A full list of publications is on page 120.



The Prisoner Community Legal Education Working Group developed an action plan for prisons.

***Our community legal education sessions increased by 31.3%, surpassing our target by 19.4%.***

A review of the Prisoners Legal Service (September 2006) recommended Legal Aid NSW develop a statewide community legal education program in prisons. In January 2007, Legal Aid NSW hosted the inaugural inter-agency meeting of legal service providers to establish a working plan.

Our community legal education program targeted:

- Young people and group offences
- Newly arrived migrants and Australia's legal system
- Women, including those affected by changes to family law and the child support system
- Victims and defendants in domestic violence matters
- Traffic law for high school students
- Storm and flood victims and property damage
- Grandparents raising grandchildren
- Consumer and employment law for Aboriginal people

During Law Week 2007, Legal Aid NSW collaborated with the Law Society of NSW and a number of other key justice agencies to produce a multi media resource to complement the school curricula.

### • The year ahead

Priority groups for legal information and education in the year ahead include:

- Aboriginal people
- Prisoners
- Newly arrived migrants
- Women, particularly those affected by mental illness
- Self represented litigants
- Victims and defendants in domestic violence matters
- Older people
- Homeless people

Major initiatives will include:

- A pilot bilingual worker program for new migrants about Australia's legal system.
- More CD-ROMs- *Welcome to Legal Aid* featuring additional languages (Arabic and Juba Arabic) and using them in the growing numbers of community legal education sessions.
- Delivering a comprehensive legal education program for prisoners across NSW.
- Delivering legal education to regional and remote communities via video conferencing and web cam technology.

## CLIENT DIVERSITY

*Legal Aid NSW has action plans in place to ensure that its services, policies and operations are accessible to people from diverse communities across NSW. Each year, we report our achievements against these plans to the State Government.*

### Diversity profile

27.6% of our inhouse case and duty clients are women (27.2% in 2005–2006)

14.0% of our inhouse case and duty clients are from culturally diverse communities (14.4% in 2005–06)

Statistics are not available on the number of clients with disabilities.

23% of women who were assisted by the Women's Domestic Violence Court Assistance Program were recorded as being from a CALD background. See page 30.

### Clients from other cultures

Our Ethnic Affairs Priority Statement Forward Plan 2005–2008 highlights our commitment to addressing the needs of culturally and linguistically diverse communities.

## Major achievements

### African and Middle Eastern communities

We produced Legal Aid NSW's first audio-visual CD-ROM—*Welcome to Legal Aid* for people with low literacy skills in newly emerging communities speaking Amharic, Dari, Dinka, Pushto, Somali, Swahili and Tigrinya. Not only does it introduce listeners to our range of services, it also introduces them to the Australian legal system and provides links to other services. The CD-ROM was launched in partnership with Auburn City Council and Auburn Multicultural Resource Centre during Refugee Week in October 2006. Keynote speaker, local MP Barbara Perry described it as “a fantastic resource especially as it's in an accessible

format”. Almost 2000 copies were distributed and a second CD-ROM with additional languages is already in production.

The CD-ROM provided the basis for a series of workshops for emerging communities from Africa and the Middle East. Workshops were run by Legal Aid NSW lawyers, using interpreters. Over 1,000 people from emerging communities in NSW attended the seminars in Auburn, Parramatta, Liverpool, Bankstown, Campsie, Blacktown, Hornsby, Lakemba, Newcastle and Wollongong.

The Department of Immigration and Citizenship has indicated it will use the CDs in African refugee camps for people coming to Australia.

The CD will also feature in *A Long Way to Equal* (to be launched by Women's Legal Services NSW in August 2007) as a best practice example of services to migrant and refugee women in NSW. The report is an update of *Quarter Way to Equal* published in 1994, a report on barriers to access to legal services for migrant women.

## Changes to family law

Legal Aid NSW made it a priority to inform culturally diverse communities of the major reforms taking place in family law since 1 July 2006.

Workshops were held for people from Arabic, Chinese, Sudanese, and Vietnamese backgrounds on a range of topics including parenting issues, domestic violence, and how Family Relationship Centres work.

### Interpreters

Extensive use was made of interpreters for phone and face-to-face professional interviews, community legal education sessions and court hearings. A total of \$686,461 was spent on interpreters and translators (up from \$654,935 in 2005–2006).

The NSW Legal Assistance Forum identified the need to formalise how interpreters are used by community legal centres across NSW to be renegotiated with the Community Relations Commission (CRC) and Translating and Interpreting Service (TIS). Negotiations for a Memorandum of Understanding have commenced and will be finalised in 2007–2008.



Key speakers at the CD launch L to R: Rahat Chowdhury (Auburn Migrant Resource Centre), Barbara Perry (Member for Auburn, Minister for Juvenile Justice), Hassan Omar (representing the Horn of Africa), CEO Bill Grant, Salem Naja (Auburn MRC).



# CLIENT SERVICES



Discrimination Toolkit Launch: authors and supporters L to R: Teena Balgi, The Hon Elizabeth Evatt, Meredith Osborne, The Hon Justice Margaret Beazley, Fiona Pace, CEO Bill Grant.

## Community Care Program (Civil Law)

Legal Aid NSW participated in a six month pilot of a Community Care Program (CCP) run by the Department of Immigration and Citizenship from January 2007 to June 2007. The aim of the program is to provide case management services to certain vulnerable migration clients including children and people with a mental illness. The Department refers CCP clients to Legal Aid NSW for legal advice and assistance regarding migration claims or finalisation of their migration status. The Department has extended the pilot for a further 12 months and Legal Aid NSW will continue to be involved.

The department referred 11 clients to Legal Aid NSW in 2006–2007.

## Clients with disabilities

Our Disability Action Plan 2006–2009 highlights our commitment to providing better services to people with disabilities.

## Major achievements

### Mental health needs of CALD communities

In early 2006, Legal Aid NSW completed a review of the Mental Health Advocacy Service to ascertain how effectively it meets current and projected client service needs. The Review recommendations were referred to an Implementation Committee for consideration and action. The Recommendations are currently being implemented including appointment of additional staff, expansion of mental health policies and development of new policies and procedures acknowledging the specific needs of persons from CALD communities.

### *Discrimination Toolkit—your guide to making a discrimination complaint*

A collaborative project with the Elizabeth Evatt Community Legal Centre, Kingsford Legal Centre, and the Australian Institute of Administrative Law, this practical

hands-on toolkit will assist people who wish to make a discrimination complaint, especially persons from “diversity” communities. It deals with both the State and Federal discrimination jurisdictions.

The toolkit was officially launched in Law Week (March 2007) by The Hon Elizabeth Evatt AC at Legal Aid NSW’s Sydney Central office.

***“This is a brave new book—a valuable resource to everyone affected by discrimination”***

**THE HON ELIZABETH EVATT**

## Centralised web resource

Legal Aid NSW is the lead agency for a new project called Links for Lawyers. This year we began work on coordinating a new web-based tool for legal professionals with information and referral resources for clients with a mental illness. The need for the web resource was identified by legal practitioners attending a Criminal Justice Research Network (CJRN) forum in July 2006.

## Programs for women

Our initiatives for women are aligned with the NSW Government Action Plan for Women.

## Major achievements

### Women in Prison

Legal Aid NSW continued its efforts to improve the availability of civil and family law services to female prisoners, with 57 family law and 40 civil law advice services provided to women in five NSW prisons during 2006–2007.

### Domestic violence

Our Women’s Domestic Violence Court Assistance Program delivered 40,066 services to women. 68% of clients in finalised matters who were assisted by the program obtained final Apprehended Domestic Violence Orders. See page 30.



## • The year ahead

Our Access and Equity Committee (see page 133) will identify barriers that hinder access to legal aid services by persons from “diversity” groups, especially persons from CALD, and disability communities. It will examine how Legal Aid NSW can work effectively with carers and advocates to inform and service ‘diversity’ clients and communities. Dynamic partnerships will be developed to ensure that diversity issues are continually improved and addressed across NSW communities.

We will review the use of interpreters and translators in NSW and the justice system in order to establish a best practice model to address the needs of existing and emerging CALD communities across NSW.

The NSW Legal Assistance Forum began negotiations with the Community Relations Commission (CRC) about the areas of law for which the CRC will provide interpreters to community legal centres. NLAF is also assisting the CRC to progress legal training for interpreters.

The unmet legal needs of CALD communities will be addressed in a National Legal Needs Survey. Page 51.

We will produce more CD-ROMs—*Welcome to Legal Aid* with additional languages (Arabic and Juba Arabic) and pilot a panel of bilingual African and Middle Eastern community workers to facilitate community legal education in partnership with Legal Aid NSW lawyers.

Links for Lawyers, the central online information source for lawyers, listing statewide mental health services will be launched in October 2007 during Mental Health Week.

Facing us is the critical challenge of gathering information on cultural and linguistic diversity, and disability about our clients and the community, mindful of privacy and professional and statutory requirements that impact on the way we do business.

## CLIENT SERVICE PARTNERSHIPS

*Legal Aid NSW works closely with private lawyers, other legal service providers and community agencies to ensure real equity of access to the law, particularly for the disadvantaged people of NSW.*

### Telephone advice— LawAccess NSW

People in NSW can receive assistance over the phone by calling LawAccess NSW—a free legal information, referral and advice service administered by the NSW Attorney General’s Department, and partly funded by Legal Aid NSW. This year, LawAccess NSW made 21,545 referrals to Legal Aid NSW offices. The main areas people sought help with were child support, shared parenting, debt, and Apprehended Domestic Violence Orders followed by traffic offences and property settlement.

### Private lawyers

Legal Aid NSW’s Grants Division works in partnership with private practitioners to provide representation to legally aided clients.

The division makes decisions on the granting of legal aid and allocates matters to inhouse and private practitioners. Matters conducted by private practitioners are referred to as “assigned matters” throughout this report.

In 2006–2007, private practitioners represented 45.8% of all legally aided clients.

This year the division received 31,068 applications for legal aid, comprising:

- 12,283 applications for legal aid in criminal law
- 17,614 applications for legal aid in family law
- 1,171 applications for legal aid in civil law.

Grants Division staff also administered 62,310 duty appearances conducted by private practitioners at courts in NSW.

In recognition of the assistance private practitioners provide to legal aid clients and to Legal Aid NSW, this year the Grants Division placed a greater focus on making it easier for private practitioners to do business with us and on providing practitioners with information and tools to assist our clients.

Staff attended regional Law Society meetings to address members on new initiatives being introduced and to receive feedback from lawyers on the services we provide to them.

This division also contributed to training private practitioners undertaking legal aid work in the criminal jurisdiction, about criminal law policies and our service standards.

## Major achievements

### Online communiqués

We developed a Legal Aid Information Service for private practitioners. Practitioners can subscribe to the service through Legal Aid NSW’s website and receive regular information by email about changes to legal aid policies and procedures and fee scales and upcoming conferences and training courses.

### Pro bono services

We met with major pro bono service providers to establish consistent referral procedures for applicants who are not eligible for legal aid for civil law matters. As a result, a single referral protocol was settled with the Law Society Pro Bono Scheme; three major private pro bono firms and with the Public Interest Advocacy Centre (PIAC) and the Public Interest Law Clearing House (PILCH).

### Regional Solicitor Program

We implemented the Regional Solicitor Program in 10 country towns to improve access to legal aid services for rural communities by ensuring that there are sufficient legal practitioners in rural areas available and willing to undertake legal aid work. See page 13.

# CLIENT SERVICES

## Environmental concerns

Legal aid is available for public interest environment matters where the activity or proposed undertaking raises a matter of substantial public concern about the environment. The following two cases in 2006–2007 demonstrate the effectiveness of legal aid in ensuring that strong, meritorious public interest cases are heard in the Land and Environment Court.

### Case 1: Historic site

A residents' group in the Blue Mountains objected to development of a residential subdivision on a historic estate and the approval of an onsite sewage treatment plant. In addition to historic and cultural significance, the site is located next to a nature reserve with a creek flowing into a river and wilderness area. The proceedings were an appeal to the Court of Appeal. The residents' group was successful on the issue that an onsite sewage treatment plant was classed as designated development and that an environmental impact statement was required.

### Case 2: Coal mine

An individual objected to a proposed open-cut coal mine in the Hunter Valley and took legal proceedings against the developer and the Minister for Planning and the Director-General of the Department of Planning. The development was classed as a major infrastructure development of State significance and subject to development approval by the Minister. The legal proceedings required the Director-General to take into consideration in his environmental assessment report to the Minister, the impact of indirect greenhouse gas emissions from the burning of the coal from the proposed mine over its expected life of 21 years.

In a landmark decision, the Land and Environment Court found that consideration of the downstream greenhouse gas effects was part of the required environmental assessment report from the developer and that the Director-General was required to take this into consideration.

### Unfair dismissal claim

Legal Aid NSW funded its first application under the Commonwealth *Workplace Relations Act*. Legal aid was sought by a worker dismissed from his job following a work accident and his return to work on lighter duties. The action was for unfair dismissal and was heard in the Federal Magistrates Court. Legal aid was granted for mediation and this was successful in bringing about a satisfactory settlement of the worker's claim.

#### • The year ahead

Our new Practitioner Communication Plan will strengthen Legal Aid NSW's relationship with private practitioners. It includes better dissemination of information and new guides on conducting business with us in specific areas of law.

We will seek regular feedback from private practitioners and their representative bodies to identify and address issues of concern.

Through file reviews and audits also, we will continue to identify training needs of private practitioners.

## COMMUNITY PROGRAMS

*Legal Aid NSW administers two community programs—the Community Legal Centres Funding Program and the Women's Domestic Violence Court Assistance Program (WDVCAP). Their services complement those provided by Legal Aid NSW. By bringing valuable links to the community into our partnership, they place us in a stronger position to provide quality legal services to far more people across the state.*

### Community Legal Centres Funding Program

Legal Aid NSW administers State and Commonwealth funding for the Community Legal Centres Funding Program (CLC Program) which funds 32 community legal centres throughout NSW.

Community Legal Centres (CLCs) are independent, non-profit organisations with most being managed by an independent board or committee. They provide a range of legal services to address the specific needs of disadvantaged sectors of the community.

Five centres also manage a sub-program called the Children's Court Assistance Schemes (CCAS). The schemes provide a roster of trained youth workers in the children's criminal courts, to assist young people and their families going to court. This year Macquarie Legal Centre received funding to employ an Aboriginal worker whose role is to work with schemes so they can provide effective assistance to Aboriginal children in the criminal court system.

A Community Legal Centres Funding Sub-Committee advises the Board on funding for community legal centres. See page 131 for details.

This year, the Program received \$5,263,082 from the Commonwealth Government, \$4,293,564 from the State Government and \$2,023,610 from the Public Purpose Fund. For details see page 118.

## Major achievements

### More services

Despite the Program operating on an effective reduction in funding, community legal centres still increased their services in casework, community legal education and law reform as well as establishing a number of new service delivery initiatives.

In 2006–2007, community legal centres in NSW provided legal services to a total of 35,577 clients.

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***From 2003 to 2006, there has been an overall increase of 123% in court representation, and 272% in community legal education.***

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Community legal centres developed a number of service initiatives in response to identified legal needs, including:

### *The Discrimination Toolkit*

This self-help guide contains practical information for potential clients on how to make a discrimination complaint. See page 26.

It is an example of the growing number of collaborative projects between Legal Aid NSW and community legal centres, aimed at developing cost-effective new resources for large client groups with unmet legal needs.

### Pilot Insurance Project

In 2007, the Consumer Credit Legal Centre (CCLC) commenced an 18-month pilot insurance advice and casework service focusing on general insurance such as motor vehicle, home and contents. The project will form an integral part of a national project, currently named the National Insurance Information and Advice Project (NIIAP).

### 30 years of service

Redfern Legal Centre celebrated its 30th anniversary in 2007. Established in 1977, Redfern was the first community legal centre in NSW, and the second in Australia. The centre was founded by lawyers, law students, academics, social workers and community activists who felt strongly about the injustice created by the lack of affordable legal services for disadvantaged and marginalised people. The centre opened with one paid staff member, and many volunteers with expertise, enthusiasm, passion, commitment and vision. Nowadays the Centre has 15 paid staff and around 120 volunteers (mainly solicitors and law students), who come in every week to help people with their legal needs.

## • The year ahead

We will begin to implement the 62 recommendations for improvement made by the Commonwealth and State Attorneys General in their report of the Review of the NSW Community Legal Centres Funding Program released on 15 February 2007.

The review found that NSW has a well-established and effective network of centres providing strategic and cost-efficient legal services to socially and economically disadvantaged people in NSW, and that it is operating to the general satisfaction of funders and other stakeholders.

We will also develop more cooperative legal projects (such as the *Discrimination Toolkit*), between Legal Aid NSW and community legal centres.

Next year, seven centres will need to find new premises. Wyong, Richmond and Newcastle have inadequate premises with major occupational health and safety and client access issues, including:

- Poor access for people with disabilities
- Poor locations for evening legal clinics
- A lack of adequate protection for staff from violent or threatening clients

Broken Hill, Inner City Legal Centre and Liverpool will need to move because their leases are expiring or because they face significant rental increases which they cannot afford.

The Inner City Legal Centre will be moved by the Sydney City Council from Oxford Street Darlinghurst to the basement of the Library in Kings Cross. This move will have a significant effect on the centre's client base.

# CLIENT SERVICES

## WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE PROGRAM

The Women's Domestic Violence Court Assistance Program (WDVCAP) is funded by the NSW Government and administered by Legal Aid NSW. The program's aim is to assist women and children who are experiencing domestic violence to obtain effective legal protection, primarily through an Apprehended Domestic Violence Order (ADVO). Women can obtain an ADVO either through the police who can apply on the victim's behalf, or by the victim applying themselves.

The program, which has been operating for 10 years, consists of a statewide network of 33 Women's Domestic Violence Court Assistance Schemes (WDVCASs) servicing 59 local courts throughout NSW. It engages community-based organisations under a contractual agreement to employ staff to provide WDVCAS services using WDVCAP funding.

Schemes assist women and children in need of legal protection before, during and after ADVO proceedings in the Local Court, by ensuring their access to effective legal representation, and providing them with specialised and professional assistance. Specialist Workers (Aboriginal and Culturally and Linguistically Diverse (CALD)) assist Aboriginal and CALD women to access legal protection and WDVCAS services.

The WDVCAP is a major stakeholder in the implementation of the State Plan strategy to reduce domestic and family violence. The program has commenced a number of initiatives in line with the plan, including working together with the NSW Police Force and Local Courts to develop a more coordinated approach to domestic violence. A review of our policies and procedures will look closely at how court assistance services to victims of domestic violence can be improved.

Throughout the year, the Program's advisory committee provided advice to the CEO on its work. See page 133.

This year, the program received \$4,000,753 from the NSW Government, an increase of \$173,936 on 2005–2006. For details see page 119.

### Major achievements

#### More women gaining assistance

Since the program started 10 years ago, the number of schemes has increased from 26 to 33. The number of services provided to women has also increased from 19,000 in 1997 to 33,915 last year. This year, the Schemes provided 40,066 services to women in NSW\*.

**68% of clients in finalised matters who were assisted by a Scheme obtained final ADVOs.**

#### Better record management

The program's new database went live on 1 July 2006, greatly improving the ability of schemes to record and manage client data and assess their performance against specified outcomes. It has also enabled Legal Aid NSW to extract reports on the performance of specific schemes and the program generally, and to identify systemic justice system issues impacting on client outcomes.

Data from 1 July 2006 to 30 June 2007 shows:

- Schemes undertook 19,877 new matters
- 12% of new matters involved Aboriginal women
- 23% of clients assisted were recorded as being women from a culturally and linguistically diverse background
- Over two thirds of the other parties involved in ADVO proceedings were the client's current or ex-partner.
- 68% of clients in finalised matters who were assisted by a scheme obtained final ADVOs.

### Annual conference

The annual WDVCAP conference, *Creating a Seamless Justice System* focused on producing better outcomes for women experiencing domestic violence through the establishment of an integrated, appropriate and more effective justice system response strategy to domestic violence. As a result of the conference, a number of systemic legislative, policy and procedural issues have been raised with Legal Aid NSW's justice system partners, the NSW Police Force and Local Courts, and strategies are being implemented to address them.

### 10 years of service

The program celebrated 10 years of service to women and their children experiencing domestic violence. The milestone was marked by an International Women's Day event at NSW Parliament House.

### • The year ahead

Legal Aid NSW recognises that whilst this program is an effective response to the needs of women seeking an ADVO, as an organisation, we can do more to ensure that individuals affected by domestic violence have their broader and interrelated family, civil and criminal law needs met. To achieve this, Legal Aid NSW will develop a state wide legal service delivery strategy in response to domestic violence.

A key challenge for the program, which relies heavily on the support of its justice system partners especially Local Courts and the NSW Police Force, is on clarifying and strengthening our working relationships and on promoting a greater understanding of the critical role of schemes. A Memorandum of Understanding is being developed with each agency.

*\*Note: Our new data collection system means that direct comparisons cannot be made with last year's statistics.*



# PEOPLE

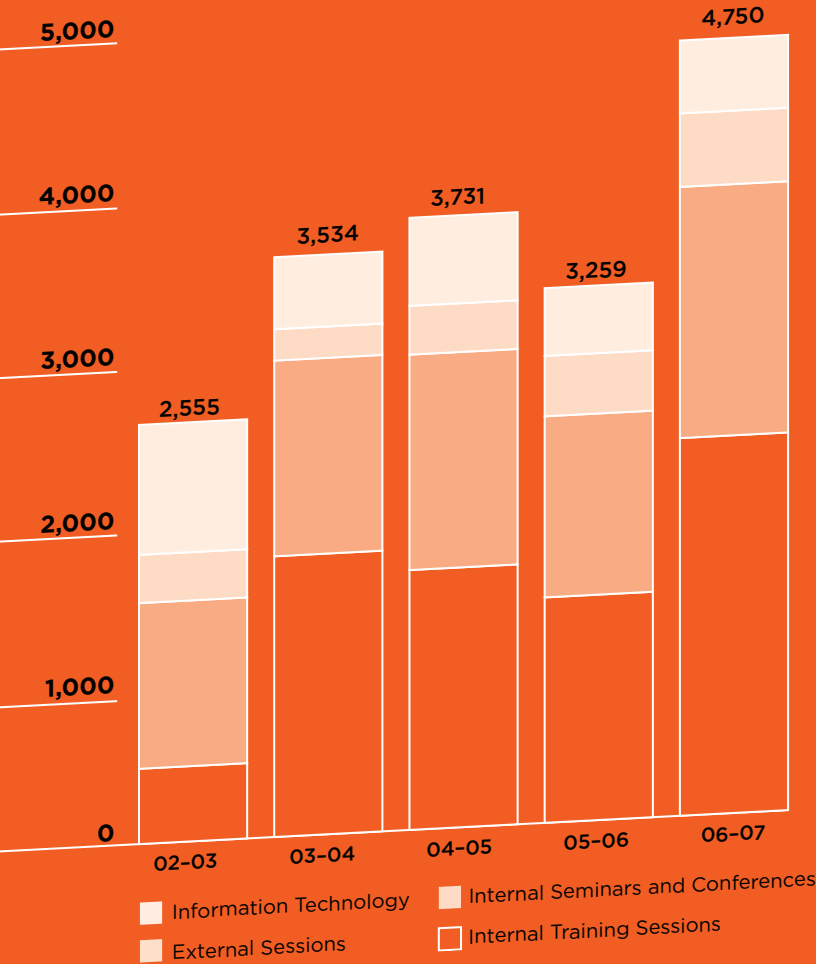
## CORPORATE PLAN GOAL 2 SKILLED AND COMMITTED PEOPLE

Legal Aid NSW will be a professionally and personally rewarding place to work. We will support our staff to be highly skilled, responsive, innovative and flexible team members.

### KEY STRATEGIES

To strengthen our position as a leading legal firm by attracting skilled people to rewarding jobs; and provide a learning environment that further develops their skills and talent.

PARTICIPATION IN TRAINING & DEVELOPMENT ACTIVITIES—5 YEAR TREND



THERE  
WERE 4,750  
ATTENDANCES  
AT TRAINING  
SESSIONS — AN  
**85.9%**  
INCREASE OVER  
FIVE YEARS

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# PEOPLE

## SUPPORTING OUR PEOPLE

*Legal Aid NSW depends strongly upon the skills and commitment of its people in its efforts to achieve results for the community. Legal Aid NSW worked towards providing a stimulating, challenging and rewarding workplace in which our people learn and develop in a team environment and are valued for their contribution.*

Legal Aid NSW is a statutory body established under the *Legal Aid Commission Act 1979*.

The Office of the Legal Aid Commission and the Legal Aid Commission Temporary Staff Division are Divisions of the NSW public sector established under the *Public Sector Employment and Management Act 2002* to provide personnel services to Legal Aid NSW.

### Staff numbers

As at June 2007, Legal Aid NSW employed 805 staff in the equivalent of 742 full-time positions with 311 positions located in regional offices and the balance in the Sydney Central office. No staff were employed by the Legal Aid NSW Temporary Staff Division.

Of 57 new appointments, 31 were at regional offices—a 5% increase.

**805 staff were employed in 2007, an increase of 17.9% over five years.**

### STAFF NUMBERS—5 YEAR TREND

Year	FTE* figures** financial year end	Actual staff number financial year end
<b>2007</b>	<b>742.31</b>	<b>805</b>
2006	709.54	767
2005	675.86	730
2004	669.94	721
2003	634.15	683

### Staff movements 2006–2007

New permanent staff	57
Staff departures	59

\*FTE: full time equivalent \*\* See page 123 for more details.



Our first graduates L to R: Brigid O'Connor, Eloise Schnierer, Hannah Jekki and Josh Brock.

## Major achievements

### Staff health

We developed a Stay Healthy Program for staff and rolled out two key initiatives; staff were offered free flu vaccinations and online information about work-life balance. Training sessions were piloted to improve staff lifestyle, work-life balance and career prospects, including a women's development program, *Organising for Simplicity and Results*, self defence, stress management and First Aid.

After reviewing our Employee Assistance Program contract, we engaged a new provider, IPS International, to provide more comprehensive services than the previous provider.

### Graduate Program

Four recent graduates took up two-year placements on our inaugural Career Development (Graduate) Program, beginning in February 2007.

The program offers graduates rotations across two practices, involvement in the Legal Aid Mentoring Program and a host of development opportunities.

### Learning and development

Legal Aid NSW aims to be a professionally and personally rewarding place to work for its people. This year, we supported our staff to be highly skilled, responsive, innovative and flexible team members through a range of new training and self-development initiatives.

The strategic approach to learning and development at Legal Aid NSW, developed in 2003, is guided by a comprehensive model and our vision for a learning organisation. Our Training and Development Unit ensures activities reflect corporate goals and strategies.

Learning and development opportunities are provided across several focus areas: Management, Advocacy, Client Service, Legal and Workplace, Workskills, Professional Development, Stay Healthy and Induction.

In the last five years training and development participation has increased by 85.9% with 4,750 attendances at inhouse and external training sessions, conferences and seminars in 2006–2007.

Accounting for this increase are the planned strategic approach introduced in 2003, the introduction of performance planning and development across the organisation, new induction programs in all practice areas, and trialing of e-Learning web cast sessions permitting greater participation from regional locations.

### **Advocacy skills**

Building on the success of sessions run in 2005–2006, a comprehensive three-stage advocacy stream offered staff the opportunity to develop and extend their skills to accredited specialist level and post-graduate level, improving their career prospects.

### **Specialist Accreditation Program**

Legal Aid NSW has 72 lawyers with specialist accreditation: 40 in criminal law, 23 in family law; six in children's law; two in advocacy and one in personal injury. This year, there were eight new applications for criminal law accreditation supported by our organisation.

### **Dual diagnosis**

In partnership with the Attorney General's Department and the Hunter Institute of Mental Health (University of Newcastle), two sessions of *Dual Diagnosis and Substance Dependence—A Guide for Lawyers*, were conducted for Legal Aid NSW lawyers, Community Legal Centre and Aboriginal Legal Service staff and private lawyers. This new initiative assists lawyers representing clients with both a drug/alcohol problem and mental illness. Sessions will also be rolled out to selected regional locations.

### **Specialist Induction Course**

The Criminal Division introduced a two-day specialist induction course for all new lawyers to the Criminal Law Division. The program includes file maintenance, hypothetical problems on the application of Legal Aid policies and working through legal and ethical problems commonly encountered by duty solicitors.

### **Performance planning**

We finished implementing our Performance Planning and Development (PP&D) system across the state. To date, 166 managers and supervisors and 448 other staff attended training in the new system.

### **Trialing e-Learning**

This year saw innovative developments in e-Learning with the trialing of web cast sessions for family and civil law seminars. Four head office training sessions were web cast, reaching 100 participants across the state. The sessions relieve staff of the need to travel to head office for short training sessions, making better use of public money.

### **Conferences, seminars and legal training days**

Our conferences and seminars were once again well attended with 1,531 people attending 36 functions this year, including 501 external people. See page 122 for details.

The Family Law Division held 12 sessions attended by 525 people. The Criminal Law Division hosted its annual conference for over 300 attendees—150 of them from private firms—in addition to the Children's Legal Service Conference for 94 external participants and 26 Legal Aid NSW employees, and a record number of legal seminars. The Civil Law Division held six seminars attended by 140 people, including 30 external lawyers.

In March 2006, in partnership with the Family Law Section of the Law Council of Australia, the Family Law Division conducted training under the national Training Program for Independent Children's Lawyers.

The Criminal Law Division began joint training programs with the Office of the Director of Public Prosecutions.

### **Study achievements**

Legal Aid NSW is in its fourth year of partnership with the University of Technology, Sydney offering the Diploma of Business in Frontline Management course. A further 16 people joined the course and a further 14 graduated during 2006–2007, bringing the number of staff who have obtained this qualification now to 85.

In addition to the 4,302 internal session attendances during the year, 448 employees attended some form of external training in 2006–2007. Thirty-three staff participated in the study time leave scheme to undertake tertiary study with 23 receiving fees assistance. Legal Aid NSW secured Premier's Department sponsored places for four applicants for the Graduate Diploma of Public Administration and ANZSOG Executive Master in Public Administration.

This year, community legal centres and the Aboriginal Legal Service had improved access to many of Legal Aid NSW's training programs including selected sponsorship for the Diploma of Business.

Dora Dimos from the Grants Division received her Executive Masters in Public Administration from the Australian and New Zealand School of Government (ANZSOG). Her work-based project was researching youth-reoffending in Aurukun on North West Cape York. Fairfield civil lawyer Sarah Burke completed the Graduate Diploma in Public Administration and is continuing on to the Masters in 2007–2008.

# PEOPLE

## Equal Employment Opportunity (EEO) achievements

Legal Aid NSW is committed to promoting equal opportunity in employment.

Key initiatives were:

- Recruiting an Aboriginal law graduate in civil law as part of the inaugural Graduate Recruitment Program
- Aboriginal Awareness training sessions for staff members who deal with Aboriginal people
- *Demystifying Mental Illness* courses (in eight locations).
- *Working with Muslim Clients* sessions to provide staff members with a better understanding of Islamic culture and family issues
- *Dual Diagnosis and Substance Dependence—A Guide for Lawyers*
- Induction programs for new staff members to ensure they are aware of our policies and procedures including a component on HR issues
- Selection Techniques and Selection Techniques refresher courses to ensure that all selection panel convenors are able to undertake a merit selection process.

## Occupational health and safety (OH&S)

Human Resources Management staff delivered information sessions to staff explaining new risk management guidelines, ensuring that all staff are aware of their OH&S responsibilities.

An audit of OH&S related practices and compliance with legislative/public sector policy requirements was undertaken and recommendations incorporated into our policies and procedures.



CEO Bill Grant was awarded the Medal of the Order of Australia in the Queens Birthday Honours List of 12 June 2006. Bill was presented his medal by the Governor of NSW, Her Excellency, Marie Bashir, AC, at Government House on 6 September, 2006.

Safety Leadership Courses aimed at developing the OH&S skills of supervisors and managers surpassed a target set by the Working Together Strategy by ensuring that more than 90 % of managers attended the safety leadership courses throughout the year.

Our OH&S Committee met regularly ensuring representation and active review of OH&S issues in Legal Aid NSW. Details are on page 133.

## Worker's compensation

The cost incurred to 30 June 2007 of new claims reported in 2006-2007 was \$66,719 compared to \$139,026 in 2005-2006, a decrease of \$72,307.

The number of accepted claims (includes claims accepted under provisional liability) has decreased from 26 in 2005-2006 to 16 in 2006-2007.

There were three psychological stress claims in this reporting period. One was ultimately declined after a period of provisional liability. The declined claim amounted to approximately \$11,119 or 16.67% of the total cost of claims for this year. The other two psychological stress claims were

lodged more recently and have been accepted under provisional liability whilst under investigation. The total costs for three psychological stress claims in 2006-2007 was \$11,413 or 17% of the total cost of claims for 2006-2007.

The number of psychological stress claims lodged this year has increased to three claims from two claims lodged last year (however both of these claims were subsequently declined).

There were seven fall/slip and seven body stress claims amounting to \$55,308 in 2006-2007 or 83% of the total cost of claims.

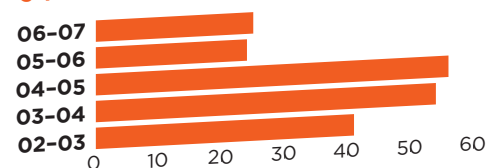
The number of full time equivalent (FTE) staff (on average) for this year was 742.31, an increase of 32.77 from 709.54 in 2005-2006. This equates to an average claim cost of \$89.88 per staff member compared to \$195.94 per staff member in 2005-2006.

The decrease in claims and associated costs during the period does not exhibit any identifiable pattern. Legal Aid NSW will continue to pursue the established risk management approach to health and safety within Legal Aid NSW with a view to identifying any issues of concern before they can result in injuries/incidents and claims.

## Work related incidents

The total number of reported 'Incident Only' has increased slightly from 24 in 2005-2006 to 25 in 2006-2007.

## TOTAL STAFF INJURIES/ACCIDENTS—5 YEAR TREND





## WORKER'S COMPENSATION CLAIMS

Type of Claims	No of Claims for 2005-2006	No of Claims for 2006-2007
Workplace	13*	8**†
On Duty not at Office	10	1
Journey	4	6
Recesses—lunchtime & authorised breaks	1	2
<b>Total Claims Accepted</b>	<b>26</b>	<b>16</b>
Claims Declined	2*	1**

\*Of the 13 work-related injury claims, two were declined.

\*\*Of the 8 work-related injury claims, one was declined.

## WORK RELATED INCIDENTS

Type of Injury/Incident	No of Reports for 2005-2006	No of Reports for 2006-2007
Workplace	11	10
On Duty not at Office	5	1
Journey	7	8
Recesses—lunchtime & authorised breaks	1	6
<b>Total Injuries/Incidents</b>	<b>24</b>	<b>25</b>

†Two claims were lodged in the 2006-2007 reporting period, however their injuries occurred in the 2005-2006 reporting period. Figures and costs incurred by these two claims have been included in the 2006-2007 figures.

## Employee-related policies

Human Resources reviewed and updated policies and procedures throughout the year in relation to filling vacancies, health assessment, worker's compensation and injury management, risk management guidelines and hazard management system, resolving grievances and disputes, work experience, practical legal training for graduating law students, and volunteer placements.

## Recognising staff loyalty

Legal Aid NSW acknowledges long-serving employees with 20 years of service by awarding them certificates of appreciation (see below). In November 2006 five more staff were publicly recognised at a formal presentation. Awards will again be presented at the annual Legal Services Conference in the second half of 2007 and also on an ad-hoc basis for staff who are unable to attend the conference. Certificates will continue to be awarded to all staff who reach the 20-year milestone.

## Employee relations

Human Resources staff helped facilitate the review and restructuring of Finance, Operational Support and IT Branches.

We finalised a review of position descriptions of senior legal manager roles across Legal Aid NSW, including Solicitor In Charge roles in regional offices and Branch Heads in our Sydney Central office.

Staff served on various committees such as the Peak Consultative Committee, the Human Resources Sub-Committee, the Occupational Health and Safety Committee, the Access and Equity Committee, the Training & Development Steering Committee and the Social Committee. See page 133.



Long serving members of staff with 100 years of outstanding service between them  
L to R: Pat Lee (Sydney Central), June Woolcott (Sydney Central), Helen Martin (Parramatta),  
Liz McAndrew (Wollongong) and Michelle Kyle (Penrith).

# PEOPLE

## Personal achievements

This year our criminal lawyers excelled in personal achievement and overseas service in disadvantaged countries.

Richard Kozanecki and Ikbal Khan were appointed to senior positions in the Public Defenders Office in the Solomon Islands.

Aaron Tang worked on a schools education program in Cambodia as Australian Youth Ambassador for Development—an AusAid program which sends young professionals to volunteer for three to six months in Asian-Pacific developing countries.

Rasha Shammass travelled to Palestine to take a position as an International Advocacy Officer in light of the UN Convention on the Rights of the Child.

Prisoner advocate Will Hutchins was nominated for the 2006 Justice Medal in the Law And Justice Foundation's annual awards.

Children's lawyer Louise Jardim was a member of a young lawyers team whose work providing assistance to refugees was recognised by the conferring of an award in the community issues category of the 2006 Australian Young Lawyers Awards sponsored by the Law Council of Australia.

Julia Grix was awarded a prestigious Fulbright Professional Award, supporting a six-month program of working with children's legal services in New York.

## First Director, Aboriginal Services

Carol Thomas was appointed to the position of Director, Aboriginal Services in the Strategic Planning and Policy Division. This position was created to improve and expand the delivery of Legal Aid NSW services to Aboriginal people. Carol will be responsible for developing effective



Carol Thomas: building trust with Aboriginal communities.

communication between Legal Aid NSW and Aboriginal communities across NSW while building trust and confidence among Aboriginal clients using Legal Aid services.

## • The year ahead

Legal Aid NSW will strengthen its organisational capacity by further developing the skills and talents of its staff. We will achieve this through:

- An external review of the training unit including coordinating training/ learning initiatives across the organisation
- More e-Learning opportunities and new courses
- A centralised website for "new starters"
- An expanded staff recognition program
- An expanded Stay Healthy Program
- More training opportunities in regional areas
- More inter-agency training
- Greater management training opportunities

EEO initiatives will include:

- Employing 2% Aboriginal staff by 30 June 2008 and 4% by 30 June 2009 and providing cultural awareness training in partnership with other legal agencies. Our challenge is to ensure we are regarded as an employer of choice, offering a wealth of learning and development programs to inhouse staff and private practitioners.
- Introducing the Aboriginal Employment and Career Development Program that offers scholarships, cadetships, professional legal placements and career development opportunities.
- Improving systems to ensure a better quality, range and accessibility of our services to clients of CALD background and ensuring staff members are supported to be highly skilled, responsive, innovative and flexible.

- Regular monitoring to ensure our services are accessible to clients with a disability, and providing policies and practices which actively encourage employment, career opportunities and career progression for people with disabilities.

EEO training initiatives will include:

- Developing and conducting training for managers and supervisors of Aboriginal staff as well as expanding our Aboriginal Awareness training program.
- Establishing a mentoring program for Aboriginal staff commencing work with Legal Aid NSW.
- Reviewing our implementation of the Performance Planning and Development System to ensure all staff have equitable access to the scheme and consequent training and development opportunities.

# SYSTEMS & PROCESSES

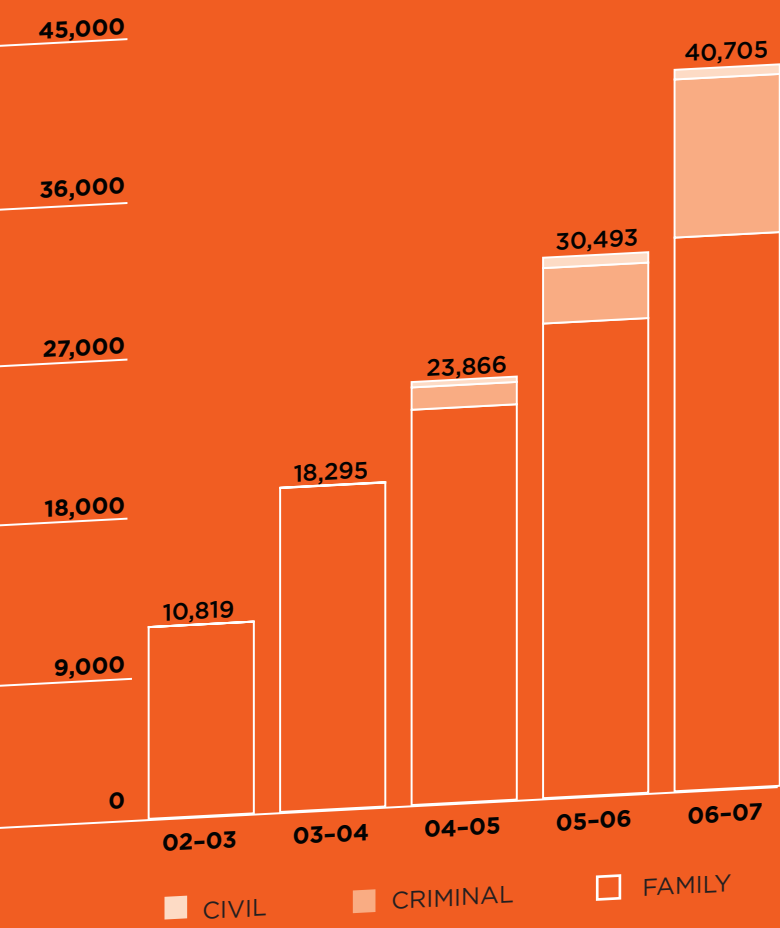
## CORPORATE PLAN GOAL 3: STRONG SYSTEMS AND PROCESSES

Improve our systems and processes to help us work more effectively and make sound business decisions.

### KEY STRATEGIES

To ensure that our policies and procedures are equitably and consistently applied, and to introduce effective systems and processes that help us provide clients with high quality services.

### ELECTRONICALLY LODGED REQUESTS FOR LEGAL AID—5 YEAR TREND



IMPROVEMENTS  
TO THE MEANS  
TEST ALLOWED  
MORE PEOPLE TO  
QUALIFY FOR  
LEGAL AID.

### AT A GLANCE

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# SYSTEMS & PROCESSES

## Major achievements

### Doing e-business

The Grants Division determines the majority of applications for aid received by Legal Aid NSW. Throughout this year, we dedicated our energy and resources towards designing a new computer system (ATLAS) that will meet the needs of our organisation and clients into the future. See page 42. When the new system is installed in the second half of 2008, it will usher in a new way of doing business with private practitioners.

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### **Online requests increased by 33%**

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Our ability to process applications both quickly and in strict adherence to our policies will be greatly enhanced. The new system will improve the division's decision making on applications and ensure a more efficient and consistent service delivery to practitioners and to clients.

The system will assist the division to allocate aid to practitioners in a fair and reasonable manner and quickly find private practitioners to assist unrepresented clients, particularly in rural and remote areas.

So that we can communicate better about our new system, we launched a new online information service for private practitioners. Practitioners subscribe through Legal Aid NSW's website and receive regular information by email about changes to legal aid policies and procedures, fee scales and upcoming conferences and training courses.

### File review and audits

File reviews and audit systems were conducted across all our legal program areas and for private practitioners as a means of ensuring that our policies and procedures are equitably and consistently applied and that legal aid clients are receiving a high standard of service.

Reviews undertaken throughout the year on work conducted by Legal Aid NSW lawyers revealed very high levels of compliance with our policies and procedures.

At this year's National Legal Aid Best Practice Conference in Freemantle, the Legal Practice Working Group developed a model for delivering consistent high quality legal and support services, recommending regular reviews, internal audit and analysis, and client surveys. It is hoped that all commissions will adopt the model within their inhouse legal practices. Legal Aid NSW will uniformly comply with this model in its operational and planning processes.

Under our audit strategy for private practitioners who are members of Legal Aid NSW's various practitioner panels, 67 selected practitioners on the Children's Criminal Law, Care and Protection, Court of Criminal Appeal, Veterans' Law and Independent Children's Lawyers panels were audited. A total of 110 practitioners have been audited since the strategy was introduced in 2005.

### Social work audit

Many of the positive outcomes for our clients were achieved through lawyers working in close partnership with social workers in our Client Assessment and Referral Unit (CARS). This year, the unit assisted 504 clients by providing socio-legal assessments, telephone advice and advocacy, including securing discharges for clients with intellectual disabilities and assisting them to avoid custodial sentences.

As part of ongoing quality assurance systems introduced by CARS, Independent Children's Lawyers from the Family Law Division were surveyed. Reports provided by CARS make a substantial contribution to the timely resolution of matters and provide a vehicle for the views of children to be placed before the Court.

Ninety percent of respondents indicated the reports provided by CARS were 'extremely helpful'. Almost two thirds thought the reports made a 'substantial contribution' to the outcome of the matter.

Further surveys of customer satisfaction will be undertaken over the next 12 months to evaluate satisfaction levels with other services provided by CARS.



## Policies

We enhanced the means test in August 2006 to make legal aid more accessible to disadvantaged members of our community. Fees paid to private practitioners were also increased. Our online means test indicator was updated to reflect these changes.

Our client policies were rewritten in plain English and launched on our website in June 2007. Staff and key partners were trained in how to make the best use of Policy Online.

Conflict of Interest Guidelines were introduced for Legal Aid NSW, providing staff with a consistent strategy to identify and manage conflict of interest situations. The guidelines will help ensure that clients are only referred to other service providers in cases of genuine conflict and that appropriate conflict checks are carried out.

Guidelines were reviewed, placing us in a strong position to deliver mediation services alongside the Family Relationship Centres that have been established by the Commonwealth Government. See page 41.

For an overview of all our policies, see pages 134–136.

## Procedural guidance

Consultation took place with major pro bono service providers to establish consistent referral procedures for applicants who are not eligible for legal aid for civil law matters. A single referral protocol was settled with the Law Society Pro Bono Schemes, three major private pro bono firms and the Public Interest Advocacy Centre (PIAC) and the Public Interest Law Clearing House (PILCH).

It is important that our staff and partners are briefed and supported in any new policy changes. We developed a protocol for referral between Legal Aid NSW and LawAccess NSW *Making Appointments for Advice* and developed a script for frontline staff regarding our new Conflict of Interest Guidelines.

Protocols and partnerships were established with the Department of Community Services, the Children's Court and the Aboriginal Legal Service (ALS) to ensure that children and parents in care matters in the Albury/Wagga Wagga, Dubbo, Northern Rivers and Far North Coast regions are provided with appropriate legal representation by Legal Aid NSW and ALS lawyers.

We also entered into a new service agreement with the Public Defenders Office and signed an MOU with the Aboriginal Legal Service. See page 15.

## Ensuring policy and procedural compliance

The Civil Law Division updated its civil procedures manual and upgraded its online intranet site, which contains precedents and other useful information, as well as providing e-networking opportunities for civil lawyers.

Consistent application of policies and adherence to best practice and standard procedures were reinforced in the Criminal Division by the introduction of a crime-specific induction package, ongoing training in particular areas such as conflict and CASES, file reviews and monitoring of client and external agencies' feedback.

In preparation for significant legislative changes introduced on 1 July 2006 and 1 July 2007, the Family Law Division examined the needs of the family law practice, updated precedents and prepared a resource package for its lawyers. See page 41.

## Best practice service reviews

Legal Aid NSW continues to work towards improving the quality, range, responsiveness and accessibility of its services. This year, a number of reviews were commenced with a view towards better aligning our services to new and emerging needs within particular client groups.

## Reviews completed

### *Mental health*

Completed in 2006, this review examined how effectively the Mental Health Advocacy Service meets current and projected client service needs. Its recommendations were referred to an Implementation Committee for action and as a result, more staff will be appointed and fresh policies introduced.

# SYSTEMS & PROCESSES

## **Prisoners**

The Chief Executive Officer commissioned a review of the Prisoners Legal Service (PLS) in March 2006. The review was completed in September 2006, and a committee was established to implement accepted recommendations.

The review recommended a number of initiatives aimed at improving access to legal services for prisoners. Some of these initiatives involve addressing barriers preventing prisoners from accessing core legal advice and representation services. Recommendations are also made to improve the co-ordination of legal services to prisoners and maximise the effectiveness of existing resources (including government and community agencies) that target prisoners.

## **Community legal education and publications**

Legal Aid NSW has a strong history of providing legal information and education as part of its core service to the public. In 2006, the NSW Audit Office report *Distributing Legal Aid in NSW* found Legal Aid NSW's process of making people aware of legal issues and its services to be 'comprehensive'. The review identified key strategies to further improve these services and these are being implemented.

A list of our publications can be found on page 120.

## **Appealing decisions**

The Legal Aid Review Committee (LARC) determines appeals from clients about their applications and grants of legal aid. See page 45.

Acting on the recommendations of a review, LARC have already made the process more accessible for clients and simplified the administration of the committees. More work will be done to improve the review process for clients.

## **Reviews commenced (for completion in 2007-2008)**

### **Children**

One of the strategies set out in the Corporate Plan for 2007-2008 is that Legal Aid NSW will regularly review service delivery and strategies to ensure they meet client needs. A review of the Children's Legal Service commenced in mid June 2007, and will identify best practice models for the management and delivery of legal services to children in NSW. The review, which is well under way, is due for completion before the Corporate Plan target date of December 2007.

### **Social workers**

A review of the Client Assessment and Referral Unit (CARS) that works closely with Legal Aid NSW lawyers to achieve positive outcomes for clients, will be completed by December 2007.

## **Legal practices: Change management**

The Criminal Law Division worked with clients and other agencies to ensure the effectiveness of case conferencing in reducing late pleas of guilty in the District Court.

A case management system was implemented across the Sydney Central office criminal law practices and selected regional practices, developing new procedures and more clearly defined work processes.

A new committals position was established at Gosford to improve access and representation for clients charged with more serious indictable offences.

A number of new courts were established and older courts refurbished, requiring a reallocation of services to ensure effective client service. In November 2006 the Parramatta Children's Court complex opened as a fully functioning six-court complex. Our Children's Legal Service staff from Sydney Central office and Penrith were rostered to assist at the new complex.

A separate inhouse state wide Care and Protection Legal Service was established with management of the service now based at Parramatta where the new Children's Court opened at the end of 2006.

The Civil Law Division expanded civil law services to six additional regional offices including Gosford, Penrith, Campbelltown, Nowra and Wagga Wagga. The practice at Lismore was also enhanced.

### • The year ahead

There will be further increases to our means test enhancements with effect from September 2007 taking into account increases in costs of living and in residential house values. The greatest increase will be in the housing equity allowance. Further review of our policies will include expanding the special disadvantage policy so that homeless people are eligible for legal aid in a broader range of matters within the legal aid policy guidelines.

The Grants Division will refine its new e-business system and train staff in readiness for the increasing traffic in online lodgement as practitioners use the new system.

The General Family Law Practitioners panel will be finalised by December 2007 and the new Criminal Law Practitioners Panel by June 2008. We will undertake further audits and establish a network of audit and panels staff across legal aid commissions and relevant bodies involved in professional conduct issues.

Business rules and guidelines will be established for private practitioners on conducting business with Legal Aid NSW including guides for specific areas of law such as care and protection. We will seek regular feedback from private practitioners and their representative bodies to identify and address issues of concern and training needs.

We will assist the Aboriginal Legal Service to implement a Conflict of Interest policy.

By standardising fees and making them more simple and transparent, we hope to attract more private practitioners to undertake legal aid work.

More training will be provided in criminal law and practice standards for private practitioners in regional areas where there is no legal aid office.



Legal Aid senior lawyers L to R: Julie Fellowes, Susan Davitt, Nicole Dwyer and Alan Scally with Jenny Brown (centre) from Penrith Family Relationship Centre in a joint workshop where they developed a referrals relationship model for the new partnership.

## MAJOR CHANGES IN FAMILY LAW

The Family Law Division positioned itself to work with the major changes to the family law system introduced on 1 July 2006.

The changes introduced new legal concepts and less adversarial procedures for the hearing of children's matters. The first group of Family Relationship Centres also commenced operation on 1 July 2006. Extensive training was held for all family lawyers so that they are well prepared to assist clients faced with the changes.

This division played a major role on the national steering committee set up to develop national accreditation standards and training benchmarks for family dispute resolution practitioners and other professionals working in the expanded family services program.

The Family Dispute Resolution Service trained family dispute resolution practitioners (FDRPs) and

conference organisers to understand and work with the new concepts and language of section 601 (8) of the *Family Law Act 1975 (Cth)*. Processes were set up in preparation for the second phase of the changes to the Act which commenced on 1 July 2007, ensuring all FDRPs are authorised to issue certificates under section 601 (8) of the Act.

All brochures, letters and systems were revised. A more formal intake and screening protocol was developed, work commenced on a procedures manual and a project officer position was created to assist with the changes. Extra purpose-built dispute resolution rooms were completed including a capacity to conduct multi party dispute resolution and provide supervision and training with the installation of a one-way mirror with audio/visual equipment.

The division also focused its energies on educating the public, community workers and partners about changes to the Act, including holding statewide seminars on the new child support system.

# SYSTEMS & PROCESSES

## STRONG FINANCIAL MANAGEMENT

*Legal Aid NSW continued to maintain a strong financial control environment to ensure our financial responsibilities were met.*

Annual budgets were negotiated with each business centre manager to ensure that each manager is fully aware of the financial resources that they have been allocated to achieve their business objectives. Monthly reports were provided comparing actuals to budget plus associated revenue and expenditure trends. Detailed monthly financial reports were also provided to the Audit and Finance Committee and the Board. Legal Aid NSW maintains a small funding reserve each year to provide for unexpected expenditure or revenue reductions that may occur during the course of the year. See pages 59–60.

### Internal reviews

We commenced a review of core business and support services (Operational Support and Information Management and Technology) to improve their capacity to support best practice legal service delivery.

The Training and Development Unit conducted an internal review in 2006. The review concluded all major training needs were either currently available or planned for the coming year. The review particularly commented on the diversity of quality programs available and the responsiveness of the unit to staff needs.

## IMPROVING OUR USE OF TECHNOLOGY

### Better management information

*Considerable work was undertaken during the year on the design of a new grants management system, titled ATLAS.*

The system is being developed jointly for Legal Aid NSW and Victoria Legal Aid by an external software development company. By the end of June, the final design documents had been received from the software developers. Construction of the system will occur during 2007–2008.

The ATLAS system will allow Legal Aid NSW to automate processing of applications and invoices for practitioners' fees and will provide Legal Aid NSW with better management information about grants of aid. See page 38.

### Case management

Legal Aid NSW began implementing a computerised case management system to help staff better manage inhouse legal files.

Called CASES, the new system performs two major roles:

1. Comprehensive practice management, using features such as electronic diary scheduling, task deadline-setting, progress monitoring and tracking of important events and tasks; and
2. Case tracking, with functions that perform registration and tracking of matters, allocation of responsibility for matters and linking of related matters.

CASES also enables the delivery of a range of operational and management reports.

The rollout of CASES to our inhouse legal practices commenced in 2006–2007 and will continue in 2007–2008. A training program together with a support structure for staff is linked to the rollout. The system will also undergo further development during 2007–2008.

The introduction of a case management system is a performance indicator under the goal of improving systems and processes in Legal Aid NSW's 2005–2007 Corporate Plan.

### Audio-visual facilities

Legal Aid NSW has incorporated audio-visual conferencing as a means of expanding client access to our services in 15 offices. This year, staff used audio-visual facilities on 5,813 occasions across all areas of law, allowing clients in remote areas or gaols quick and easy access to our lawyers.

This year, the Criminal Law Division participated in an inter-agency initiative to use AVL technology for weekend bail hearings for children in regional areas who may otherwise not have received legal representation. This pilot saves significant travel and custodial risk for children, particularly in remote locations. The pilot was so successful that it will be extended to other regional areas of NSW in 2007–2008. An agreed protocol has been developed to extend the pilot to the adult weekend bail court.

### HR information system

The HR Branch undertook a major upgrade of its corporate HR Information System (CHRIS) from CHRIS 5 to CHRIS 21. The new system was introduced effectively and with minimal disruption to corporate operations. Legal Aid NSW now has the most up-to-date HR Information System to implement its HR/Payroll functions. Benefits include an easier interface for HR and payroll staff to use and the ease of supplying reports on demand.



## Other IT initiatives this year

We established an off-site IT disaster recovery facility that will enable Legal Aid NSW to recover all IT-based services in case of a partial or full disaster. System recovery time would be one day or less.

Systems were centralised giving staff quicker and easier access to several applications.

We improved wireless access to the Legal Aid NSW network from sites where traditional dial-up modem access had not been possible such as court houses and “on the road” situations, with a performance increase of 200%. This performance improvement and security gives Legal Aid staff members connectivity on a par with a normal fixed workstation.

Four million individual email items were archived, allowing us to reclaim 218 gigabytes of disk space from the server.

## ACCOMMODATION

This year, we moved our Bankstown, Coffs Harbour and Manly offices to new premises. We also refurbished Campbelltown, Fairfield, Parramatta, Wagga Wagga and Sydney Central offices to improve client services and staff amenities and security and meet our accommodation standards.

During the year Legal Aid NSW also finalised its accommodation standards for workplaces outside the organisation. These are places where staff work and include police stations, prisons, detention centres and court houses. These standards provide guidance for the design of new facilities and major refurbishments of existing facilities.

## • The year ahead

A large amount of staff time and resources will be dedicated to implementing the new grants management system in 2008.

In addition, we will further improve our systems and processes by:

- Implementing the results of the best practice service reviews
- Rolling out e-Lodgement in criminal law matters
- Evaluating the efficiency of e-Lodgement
- Implementing an online Practitioner Communication Plan
- Making more use of e-Learning and web cam to develop online client service delivery initiatives.

One of our logistical challenges will be to move staff from Sydney Central, Burwood, Parramatta and Penrith offices to the new Parramatta Justice Precinct. Our Blacktown office will move to new premises whilst Lismore and Sydney Central offices will be refurbished

The Criminal Law Division will continue to focus on new technology to achieve efficiencies and improve service delivery. A major challenge is to ensure that the increased use of audio visual facilities is balanced against the requirements of a fair and open justice system where accused persons and witnesses can effectively engage in the justice process and the needs of clients to be able to adequately communicate with their lawyer and the court are met.

## PARTNERSHIPS

### Major achievements

*Since 2002, private practitioners have been lodging applications for legal aid online administered by our Grants Division.*

By 30 June 2007, 1,050 private legal firms were registered to use Legal Aid NSW's e-Lodgement system. Grants Online, an increase of 25% on the previous year. Numbers of electronically lodged applications continued to increase. Over 40,000 electronically lodged requests were received during the year, an increase of 33% on the previous year.

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***In October 2006, the Grants Division received the 100,000th electronically lodged request, five years after Grants Online was first introduced. On average, electronically lodged requests were processed within five and half days.***

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By the end of June, over 75% of invoices from private practitioners in duty lawyer matters were being lodged electronically and these invoices were processed, on average, in less than a day.

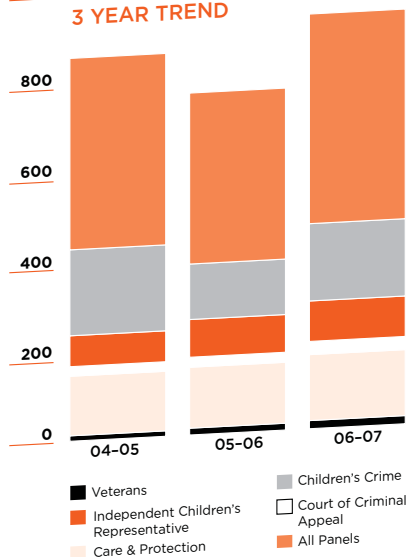
A small pilot was conducted of an enhancement to Grants Online which allows barristers who have been briefed in legal aid matters to submit their claims for fees electronically to Legal Aid NSW. This facility will be further rolled out in the coming year.

### Practitioners panels

Many private practitioners doing legal aid work are members of panels. Legal Aid NSW's panels are an important initiative aimed at improving both the delivery of legal aid services to the community and our relationship with private lawyers. Panels are being progressively implemented across practice areas. On appointment to a panel, practitioners sign a service agreement and agree to practice

# SYSTEMS & PROCESSES

**1,000 PRACTITIONERS ON PANELS—  
3 YEAR TREND**



standards and audit arrangements. Legal aid work is then assigned to panel practitioners in accordance with published Grants Allocation Guidelines.

Panels strengthen our relationship with the private profession by ensuring transparency in the assignment process and agreement on the terms on which our relationship is conducted. Panels practice standards support the delivery of quality legal aid services to our clients.

In 2006–2007, panels operated in Children's Criminal Law, Care and Protection, Court of Criminal Appeal, Veterans' Law and Independent Children's Lawyers. The last four of these panels were renewed this year.

In May 2007, applications opened for Legal Aid NSW's new General Family Law practitioners panel. This will be the largest panel process undertaken to date. It is estimated that between May and August 2007 over 500 applications will be received from lawyers in metropolitan and regional NSW for inclusion in the panel. The creation of this new panel is a business strategy in our Corporate Plan.

Audits of panel practitioners, which commenced in 2005, provide valuable opportunities for Legal Aid NSW to help practitioners to better understand its policies and guidelines. This year, 67 panel practitioners were audited across all panels, including 10 duty solicitor audits. A total of 110 practitioners have been audited since 2005.

## Audit response

Private practitioners responded favourably to the audit.

*"This is the first time Legal Aid policies and guidelines have been properly explained to me."*

*"The audit feedback provided guidance on how to better manage my legal aid files."*

*"Audit is great. It's the first time practitioners will be made accountable for legal aid clients and it will raise standards within the profession."*



Of the 110 practitioner audits undertaken across 5 panels, no non compliances were found in 33 practitioner audits. Twenty-three practitioner audits had major non compliances issues. These included failing to comply with Legal Aid NSW policies, practice standards, and service agreements. A number of these practitioners have been scheduled for a follow up audit.

Fifty four practitioner audits had minor non compliance issues relating mainly to retaining verification of means documents on file and client signatures on applications.

## Regional solicitors program

A Regional Solicitor Program was implemented in 10 country towns to attract private practitioners to undertake more legal aid work. See page 13 for details.

### • The year ahead

With our new case management system in place in 2007–2008, Legal Aid NSW will be in a stronger position to process applications for aid more quickly and efficiently. Plain language letters will be sent to our clients to help them understand how their grant of aid works and their obligation under that grant.

Future initiatives include:

- Developing the criminal law practitioner panels.
- Undertaking further audits and reviewing our audit strategy. We will establish a network of audit and panels staff across legal aid commissions, with members from relevant bodies involved in professional conduct issues.
- Further rollout of e-Lodgement in criminal law matters and an evaluation of its efficiency in preparation for the new grants management system due for installation in late 2008.
- Implementing the pilot scheme to pay private practitioners a \$200 fee for preparing civil law applications for vulnerable applicants (eg prisoners).
- Extending the referral protocol to pro bono service providers in family and criminal law matters.

## APPEALING DECISIONS

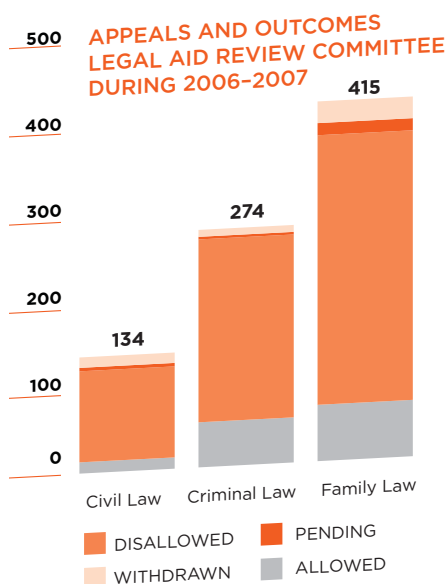
*Five Legal Aid Review Committees determine appeals that relate to legal aid applications and grants of legal aid.*

This year, our review committees allowed appeals in 130 of 823 submitted matters. See table below. Membership of our five committees can be found on page 131.

We completed a review to improve and simplify the appeals process for our clients.

### Appeals allowed over five years

There has been a slight decrease in the number of appeals over the last five years (from 925 in 2002–2003 to 823 in 2006–2007), matched by a similar decrease in the number of appeals allowed (from 154 to 130 over the same period). As a result, the percentage of appeals allowed is little changed over this time (from 16.6% in 2002–2003 to 15.8% in 2006–2007). A more noticeable decrease has been in the number of appeals withdrawn (from 84 in 2002–2003 to 45 in 2006–2007). This fall reflects improved administrative processes over the last five years, and better communication of our eligibility criteria to clients and private practitioners.



## LEGISLATIVE COMPLIANCE

### Freedom of Information

*Legal Aid NSW is an “agency” under the Freedom of Information Act 1989 (the FOI Act) and is required to publish certain information and to determine requests for access to, or amendment of, information held by Legal Aid NSW.*

In accordance with its obligations under the *FOI Act*, Legal Aid NSW published its Summary of Affairs for the period ending December 2006 and June 2007, and its Statement of Affairs for the period ending June 2007.

This year we completed 21 FOI requests, granting 10 and refusing 11. For details see pages 129–130.

The number of applications received by Legal Aid NSW still remains low and steady compared to the previous year. The administration of the *FOI Act* did not cause any major diversion of Legal Aid NSW’s resources and had no impact on Legal Aid NSW’s activities.

During 2006–2007, Legal Aid NSW continued to make information about legal aid and other matters available to the public, where possible, free of charge. Legal Aid NSW also provided specific information without requiring a formal application and application fee.

### THE GRAPH LEFT SHOWS THE TOTAL APPEALS FOR THE YEAR 2006–2007

	Total
Appeals Allowed.....	130
Appeals Disallowed .....	627
Appeals Pending .....	21
Appeals Withdrawn .....	45
<b>Total Appeals .....</b>	<b>823</b>

## Protected disclosures

Legal Aid NSW has a Protected Disclosures Policy in place to enable employees to make appropriate disclosures about any instances of corruption, fraud, maladministration or serious and substantial waste of public money without fearing that this will lead to reprisals.

In 2006–2007, Legal Aid NSW did not receive any notifications under the Protected Disclosures Policy.

## PUBLIC ACCOUNTABILITY

### Complaints handling

*Receiving and responding to complaints in an open, willing and professional manner is an essential component of Legal Aid NSW’s mission to provide high quality services.*

Complaints, suggestions and feedback provide us with an opportunity to improve our services.

### Complaints guidelines

This year Legal Aid NSW developed a new centralised system for complaints management.

It includes new guidelines that will assist staff to identify and handle complaints in a professional, fair and timely manner.

Also developed was a new brochure and form for our clients and a complaints register and centralised database to allow us to better track, report on and respond to complaints.

# SYSTEMS & PROCESSES

## Complaints received

The new complaints register and centralised database system has allowed us to capture new data on complaints this year.

In total there were 301 complaints received by Legal Aid NSW in 2006–2007. Over half of these (58.5%) were about eligibility for legal aid. This included complaints about the conditions of a grant, or being refused a grant of aid. See table below for details of complaints.

## Legislative amendments

There were no significant cases relating to the provision of legal aid this year. No amendments to the *Legal Aid Commission Act 1979* were passed or introduced during 2006–2007.

## Privacy and personal information protection

The *Privacy and Personal Information Protection Act 1998 (PPIP Act)* sets out privacy standards for New South Wales public sector agencies.

Legal Aid NSW has drafted a privacy management plan including policies and practices to ensure compliance with the Information Protection Principles contained in the *PPIP Act*. It has been modified by the Privacy Code of Practice for Legal Aid NSW approved by the Attorney General. We are currently reviewing and updating this plan to reflect changes in its practices and developments in the law relating to privacy which will be released in 2007–2008.

Part 5 of the *PPIP Act* provides that a person who is aggrieved by the conduct of a public sector agency is entitled to a review of that conduct. Legal Aid NSW has received no applications for internal review under Part 5, and no internal reviews were conducted in 2006–2007.

TOTAL COMPLAINTS 2006–2007	% of Complaints	Type of Complaints
Allocation of funds	1	0.3%
Breach of the Act	2	0.7%
Eligibility	176	58.5%
Fees issue/wrongful claim for fees/overcharging	8	2.7%
Legal Aid NSW staff or administration issue	27	9.0%
Legal officer issues (advice or legal service provided)	44	14.6%
Not enough detail to classify	17	5.6%
Private practitioners	25	8.3%
Systems or processes	1	0.3%
Total	301	100%

## The year ahead

Next year will see the release by the NSW Department of Premier and Cabinet and the NSW Ombudsman of a new FOI Manual. The Manual will introduce new reporting requirements for NSW government agencies. Legal Aid NSW will be changing its data collection and recording systems to ensure compliance with the new requirements.

In 2007–2008 Legal Aid NSW will be reviewing and simplifying Legal Aid Review Committee administrative procedures and processes, including the development of an electronic register to record and track appeals.

Over the next year Legal Aid NSW will be reviewing the new complaints guidelines and complaints register system to ensure that we are effectively responding to and recording complaints.



# JUSTICE SYSTEM

## CORPORATE PLAN GOAL 4 SHAPING THE JUSTICE SYSTEM

To be at the forefront of policy development and innovation in the justice system, ensuring that the interests of our clients are identified and acknowledged by a fair and responsive justice system.

### KEY STRATEGIES

Maximise our contribution to procedural reform, broaden our relationship with stakeholders and alert policy makers on the impact of proposed legislation and policy.



Postcard promoting the Legal Aid Human Rights Committee

41

LAW  
REFORM  
SUBMISSIONS,  
ENSURING  
DISADVANTAGED  
PEOPLE HAVE  
A VOICE IN THE  
JUSTICE SYSTEM

### AT A GLANCE

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# JUSTICE SYSTEM

## ACHIEVING SYSTEMIC CHANGE

### Predatory Lending Project

The Civil Law Division participated in the Predatory Lending Project. This is a joint initiative with the Public Interest Law Clearing House (PILCH) and the Consumer Credit Legal Centre, to address problems for consumers arising from inappropriate lending practices, primarily in the mortgage market. This year project members organised a forum involving the Australian Bankers Association and other peak industry bodies to explore options for reform.

### Children in Detention Advocacy (CIDnAP) Project

The Civil Law Division participated in the Children in Detention (CIDnAP) Project. This is a joint initiative with the Public Interest Advocacy Centre and PILCH, to address concerns about children who have been unlawfully detained by state authorities. This year three District Court cases were successfully settled at mediation. A number of publications were produced to inform young people of their rights. The CIDnAP project partners also met with policy officers from the Attorney General's Department to discuss proposed administrative and technological improvements which will reduce the number of children unlawfully detained on the basis of incorrect data about their bail conditions.

### Low Income Persons and Insurance Project

The Civil Law Division is participating in a project initiated by the Brotherhood of St Laurence to address the issue of lack of insurance and underinsurance by people with low incomes. Legal Aid NSW is involved in a number of committees dealing with issues such as raising awareness of consumer rights and debts arising from uninsured third party motorists being sued by insurers.

## Human rights

A Legal Aid Human Rights Committee was established early in 2006 to help identify and assist in cases that help protect human rights. The committee is made up of experts in human rights law from the University of NSW, the NSW Bar Association and the NSW Law Society. It is assisted in its work by staff at Legal Aid NSW.

This year, the committee held meetings with private lawyers and community legal centres to encourage them to contact Legal Aid NSW about cases that have wider human rights implications.

One of the most important cases referred to the committee this year concerned a young man who had been brought to Australia by a foreign diplomat and employed here in the diplomat's embassy as a domestic servant without payment.

In February 2007 Legal Aid NSW commenced proceedings in the Federal Court on behalf of the young man. Without having to formally prove the case, we were able to obtain a result that was very satisfactory to our client.

## Inquiries

Governments throughout Australia have acknowledged the need to develop strategies to address the legal needs of older people in the community. Federally, the House Standing Committee on Legal and Constitutional Affairs is currently conducting an inquiry into older people and the law.

Given that the only legal aid commission with a significant civil law program is Legal Aid NSW, the written submission National Legal Aid made to the Federal Inquiry recommended, among other things, that governments fund legal aid commissions to restore the civil legal aid programs which will enable the civil law needs of older people to be addressed. The written submission of Legal Aid NSW focused on older

persons as offenders, and specifically that the current legislative regimes do not adequately address the legal needs of older Australians who in particular are charged with Commonwealth offences and sentenced to imprisonment.

## Law reform

Legal Aid NSW's law reform work places it at the forefront of policy development and innovation in the justice system, ensuring that the interests of clients are identified and acknowledged by the justice system.

### Law reform submissions completed in 2006–2007

1. *Crimes and Courts Legislation Amendment Bill 2006 (NSW)* to NSW Attorney General's Department
2. Review of s61AA of the *Crimes Act 1900 (NSW)*: Defence of Lawful Correction to NSW Attorney General's Department
3. Review of the Policy on Access to Court Information to NSW Attorney General's Department
4. *Children with Intellectual Disabilities (Regulation of Sterilisation) Draft Model Bill 2006 (NSW)* to NSW Attorney General's Department
5. Legislative proposal to alter the procedure for entering good behaviour bonds to Attorney General for New South Wales
6. Litigation Funding to Standing Committee of Attorneys General
7. Review of the *Police Powers (Drug Premises) Act 2001 (NSW)* to NSW Attorney General's Department
8. Review of Privacy Issues Paper 31 to Australian Law Reform Commission
9. Review of Credit Reporting Provisions of the *Privacy Act 1988 (Cth)* Issues Paper 32 to Australian Law Reform Commission
10. Regulatory Impact Statement (RIS)—proposed Drug Misuse and Trafficking Regulation 2006 (NSW) to NSW Attorney General's Department

11. Statutory Review of the *Proceeds of Crime Act 2002* (Cth)—Attorney General's Department
12. Inquiry into the *Crimes Amendment (Bail & Sentencing) Bill 2006* (Cth) to Department of the Senate
13. Inquiry into the impact of the *Family Law Amendment (Shared Parental Responsibility) Act 2006* (Cth) to Standing Committee on Law and Justice, Legislative Council, NSW
14. Inquiry into unfair terms in consumer contracts to Standing Committee on Law and Justice, Legislative Council
15. Discussion Paper: Review Strict and Absolute Liability to Legislative Review Committee
16. Review of the *Mental Health Act 1990* (NSW) to NSW Health
17. *Guardianship Act 1987* (NSW) to Guardianship Tribunal
18. Sentencing & Juries Issues Paper 27 to NSW Law Reform Commission
19. Jury Service Issues Paper 28 to NSW Law Reform Commission
20. Preliminary Submission—*Jury Act 1977* (NSW) to NSW Law Reform Commission
21. *Law Enforcement Legislation Amendment (Public Safety) Act 2005* (NSW) to NSW Ombudsman
22. Inquiry into unfair terms in consumer contracts to Legislative Council
23. Administrative Review Council draft Report on use of coercive investigation powers to Administrative Review Council
24. Intellectual disability and the law of sexual assault to NSW Attorney General's Department
25. Review of *Crimes (Appeal and Review) Act 2001* (NSW) to NSW Attorney General's Department
26. NSW Ombudsman's Report—DNA Sampling and Other Forensic Procedures Conducted on Suspects and Volunteers under the *Crimes (Forensic Procedures)*

- Act 2000* (NSW) to NSW Attorney General's Department
27. AVO and Domestic Violence Proposals to NSW Attorney General's Department
28. *Drug and Alcohol Treatment Bill 2007* (NSW) to NSW Attorney General's Department
29. *Statutory Review of the Terrorism (Police Powers) Act 2002* (NSW) to NSW Attorney General's Department
30. Youth Conduct Orders to NSW Attorney General's Department
31. Five-yearly review of the *Consumer Credit (New South Wales) Special Provisions Regulation 2002* (NSW) to NSW Office of Fair Trading
32. Draft response to the Legislative Council Standing Committee on Law and Justice *Family Law Amendment (Shared Parental Responsibility) Act 2006* (NSW) to NSW Attorney General's Department
33. Review of the forensic provisions of the *Mental Health Act 1990* (NSW) and the *Mental Health (Criminal Procedure) Act 1990* (NSW) to the Mental Health Review Tribunal
34. Review of Parts 2A & 3 of the *Terrorism (Police Powers) Act 2002* (NSW) to NSW Ombudsman
35. Provisional Sentencing for Young Offenders to NSW Sentencing Council
36. Review of the law relating to directions and warnings given by a judge to a jury in a criminal trial to NSW Law Reform Commission
37. Jury Selection Issues Paper 28 to NSW Law Reform Commission
38. Review of s32 of the *Mental Health (Criminal Procedure) Act 1990* (NSW) to NSW Law Reform Commission
39. *Migration Amendment (Review Provisions) Bill 2006* (Cth) to Senate Standing Committee on Legal & Constitutional Affairs

40. Review of Court Attendance Notices to Attorney General for New South Wales
41. Discussion Paper Statutory Child Protection in NSW: Issues and options for reform to Department of Community Services.

## EXTERNAL FORUMS

### National Legal Aid

There are eight independent legal aid commissions, one in each of the State and Territories.

The directors of Legal Aid NSW combine at a national level to form National Legal Aid (NLA). On an annual rotation basis, one of their number is elected as Chair. The current Chair of NLA is Bill Grant, CEO of Legal Aid NSW.

NLA's main goals are to ensure people, regardless of means, can access free and affordable legal services as well as information about the law.

Under the NLA Strategic Plan 2006–2007, NLA set up working groups for community legal education, dispute resolution, national statistics, family law, legal practice, criminal law and grants.

NLA met three times last year and also held its annual Best Practice conference in Fremantle on 31 May to 1 June 2007. Workshops identified the challenges ahead for all commissions and for NLA, particularly the need for:

- A national legal needs survey to establish the level of unknown and unmet legal need within the Australian community. This will help to develop policy at both the Commonwealth and State/Territory level for the provision of legal aid that provides national equity and uniform access to justice.
- A national means test which acknowledges a general level of disadvantage for access to vitally needed legal aid services.

# JUSTICE SYSTEM

## NSW Legal Assistance Forum

The NSW Legal Assistance Forum (NLAFF) brings agencies responsible for legal service delivery together to work cooperatively to improve legal services for socially and economically disadvantaged people in NSW. This year NLAFF has focused on the three main areas: meeting client needs, policy and law reform, and coordination and communication. Achievements included:

- Producing the *Guide to Legal Services for Aboriginal people*, launched by the previous Attorney General, Bob Debus on 8 November 2006. The guide assists Aboriginal people to locate the service which is most suitable for their needs.
- Developing a better understanding of the limitations faced by public legal services in gaining access to interpreter services for clients who do not speak English, including identifying systemic issues, such as a lack of interpreters for emerging languages.
- Working with the Legal Services Training Reference Group to enhance the capacity of public legal services to assist their clients by providing shared training opportunities, and identifying training needs.
- Working with the Legal Information and Referral Forum on measures to improve referrals from general medical practitioners to public legal services.
- Making a submission to the Law Society's Ethics Committee seeking support for a change to the Professional Conduct Rules consistent with a proposal for management of conflict of interest which is designed to enable public legal services to assist a greater number of clients with 'advice-only' services.

- Maximising the knowledge of issues and initiatives being carried out across the public legal service sector in areas such as meeting the needs of people in rural areas, the structure and operations of the new Aboriginal Legal Service, the impact on frontline services of changes to industrial relations law and family law, and the introduction of Family Relationship Centres.

NLAFF will continue to build on its early successes to ensure that all people in NSW can obtain the assistance they need to understand, protect and enforce their legal rights and interests.

## Standing Committee of Criminal Justice System CEOs

Our CEO, Bill Grant is a member of the Standing Committee of Criminal Justice System Chief Executive Officers (CJCEOs), a forum to promote a joint and complementary "whole of government" approach within the criminal justice system. The CJCEOs is one of five main groupings of CEOs of key agencies commonly referred to as "clusters". The 2003-2007 Government commitments place a high priority on cluster specific approaches to service delivery and community development.

The three main focus areas are:

- Improving the effectiveness of justice sector responses
- Enhancing justice sector capabilities
- Effective management of assets and information

This year the CJCEOs approved a number of mental health projects of the Criminal Justice Research Network (CJRN) including *Links for Lawyers: Making mental health web resources available for legal professionals*, for which Legal Aid NSW is the lead agency.

The committee also approved and provided justice cluster funding for the *Evaluation of the Court Liaison Service* and *Identifying emerging mental illness in young people in contact with the justice system*.

## NSW Legal Information and Referral Forum

Key service providers in NSW find new ways of improving the quality of referral services to clients with legal problems. This year, the forum focused on improving referrals from non-legal to legal agencies and identifying initiatives in the area of plain language legal information.

## Inter-agency committees

Legal Aid NSW staff were members of 80 external inter-agency committees, highlighting the legal needs of disadvantaged communities.

## National Legal Aid committees

Child Support Liaison Group  
Community Legal Education Working Group  
Criminal Law Working Group  
Dispute Resolution Working Group  
Family Law Working Group  
Grants Working Group  
Human Resources Working Group  
Legal Practice Working Group

## Law Society committees

Criminal Law Committee  
Government Law Committee  
Family Issues Committee  
Law Week Board  
Law Week Planning Committee

## Aboriginal forums

Do It Right Project (Aboriginal employment/ social security) Planning Committee  
Good Service Forum (Aboriginal consumer law) Planning Committee  
Justice Cluster  
Two Ways Together  
National Legal Aid Forum, Aboriginal Working Group



## Civil law committees

Administrative Appeals Tribunal  
Users Group for Social Security  
Matters  
Asylum Seekers Interagency  
Australian Securities and Investments  
Commission Advisory Panel  
Boarders and Lodgers Action Group  
Children in Detention Project  
Consumer Trader and Tenancy  
Tribunal Commercial Division  
Consultative Forum  
Consumer Trader and Tenancy  
Tribunal Tenancy Division  
Consultative Forum  
Department of Housing Anti Social  
Behaviour Consultation Forum  
Insurance Council of Australia  
Consumer Consultative Committee  
Insurance Ombudsman Service  
Forum  
Mental Illness in NSW Prisons Network  
Migration Review Tribunal/Refugee  
Review Tribunal Liaison Group  
NSW Asylum Seekers and Refugees  
Forum (Department of Immigration  
and Citizenship)  
NSW Client Reference Group  
(Department of Immigration and  
Citizenship)  
Office of Fair Trading Consumer  
Credit Code Working Party  
Predatory Lending Project  
Public Housing Issues Working Party  
Refugee Advice and Casework  
Service Management Committee  
Refugee Council Board and Legal  
Sub-committee  
Residential Parks Forum  
Retirement Villages Advisory Council  
Supreme Court Possession List Users  
Group  
Tenancy Legal Working Party  
Welfare Rights Centre Board

## Criminal law committees

Audio Visual Steering Committee  
Case Conferencing for Young Adults  
Working Party  
Children's Court Advisory Committee  
Children's Court Assistance Scheme  
Advisory Committee  
Community Conferencing Program  
for Adult Offenders

Criminal Justice CEOs Senior Officers  
Group  
Criminal Justice Research Network  
Domestic Violence Court Intervention  
Model  
Local Court Users Forum  
Sexual Assault Taskforce  
Implementation Committee  
Standing Interagency Advisory  
Committee on Court Security  
(Justice Safety Task Force)  
Supreme Court Users Group  
Working Party on amendments to  
*Mental Health (Criminal Procedure Act)*  
Working party on Drug Move-On  
Powers  
Working party on the *Children's  
(Care and Protection) Act*  
Youth Action and Policy Association  
Youth Justice Advisory Committee  
Youth Justice Coalition

## Family law committees

Child Support Network  
Child Support National Stakeholder  
Engagement Group (Child Support  
Agency and Department of Families  
Community Services and Indigenous  
Affairs)  
Children's Court Advisory Committee  
Children's Court Working Group  
Family Court Steering Committee for  
the Magellan Program NSW  
Greater Sydney Families in Transition  
Network Group

## Other committees

CEO Network  
LawAccess NSW Board  
Legal Information Access Centre  
Privacy Advisory Committee  
(CEO Bill Grant is Chair)  
Public Interest Advocacy Centre  
Public Interest Law Clearing House  
(CEO Bill Grant is Director)  
Victims Advisory Board  
(CEO Bill Grant is Chair)

## Training committees

Learning and Development Managers  
Forum (cross Public Sector)  
National Legal Aid Forum Training  
Committee  
Legal Services Training Reference  
Group

## • The year ahead

National Legal Aid will conduct a National Legal Needs Survey in November 2007 that will assist us to identify service delivery gaps and address systemic inequity.

The NSW Legal Assistance Forum will renew its focus on improving access to civil law services for Aboriginal people in NSW. It will also implement a developmental model to:

- improve support to people with a mental illness in the justice system
- increase the capacity of the sector to work with people with a mental illness
- undertake law and policy reform work on issues affecting people with a mental illness.

More liaison will take place with the private profession and government on the need to increase the numbers and capacity of public assistance lawyers in rural and regional areas.

The NSW Legal Information and Referral Forum will develop collaborative strategies to more effectively reach recently arrived migrants, and work together to improve the availability and quality of referral databases.

The Human Rights Committee has identified a number of priority human rights issues including the rights of homeless people, people facing deportation, workers on temporary visas, medical treatment for mentally ill prisoners, and access to justice for Aboriginal clients.

Legal Aid civil lawyers are currently litigating a number of cases in these priority areas, following recommendations by the committee.

In association with Redfern Community Legal Centre, Legal Aid NSW lawyers will also develop an innovative community legal education program to target Aboriginal youth. The program will involve a number of radio scripts highlighting legal problems faced by young people.

# GOVERNANCE

## LEGAL AID NSW BOARD

*A Board with 10 Members establishes Legal Aid NSW's broad policies and determines its strategic priorities.*

There are nine part-time Board Members including the Chair, and one full-time Member, who is the Chief Executive Officer of Legal Aid NSW. The part-time Board Members are appointed by the NSW Attorney General for a maximum of three years.

### Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings in 2006-2007.

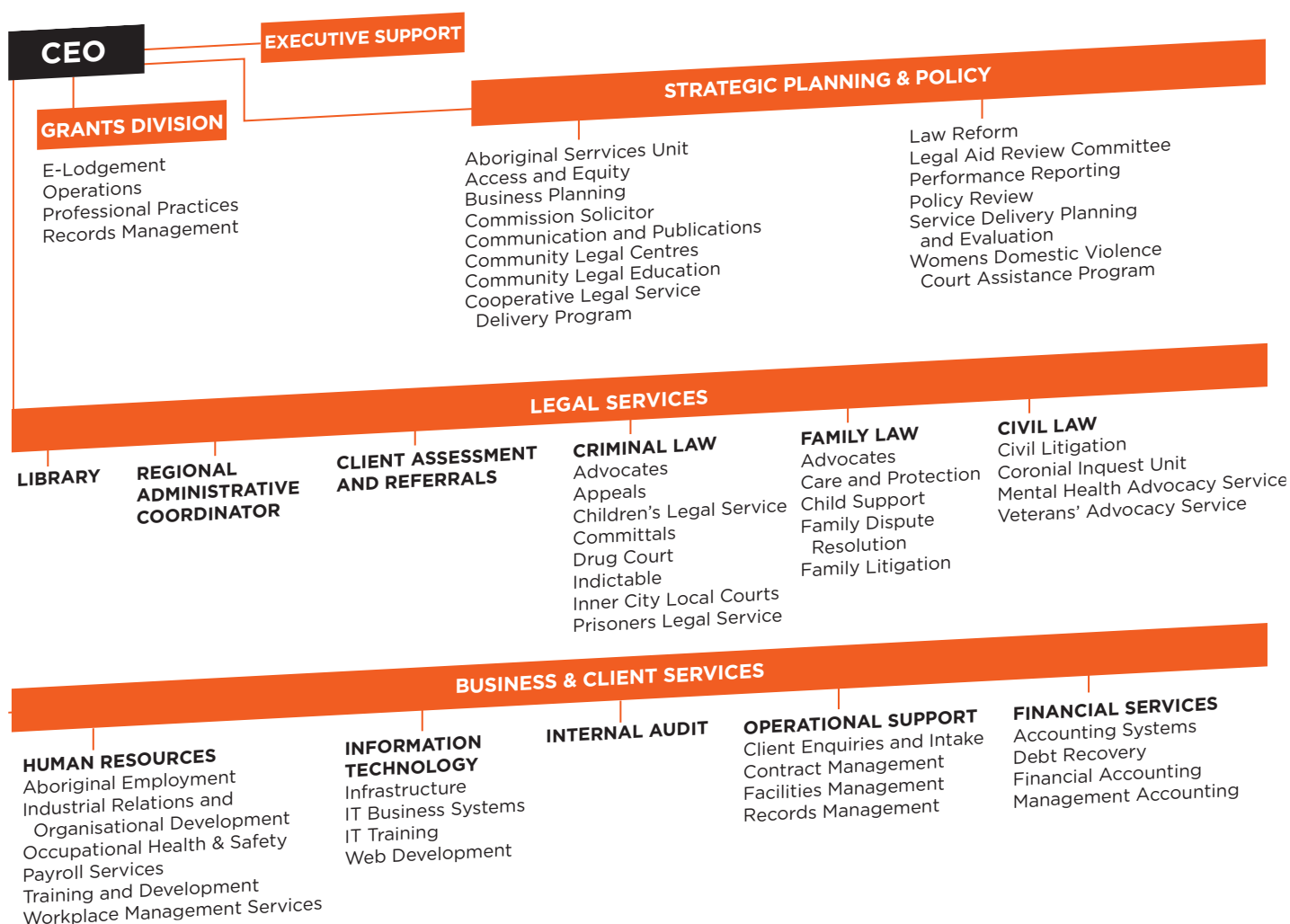
## Board Members' fees

Part-time Board Members are entitled to be paid fees for their work in attending meetings, reading background papers, sitting on committees and representing Legal Aid NSW at meetings with other organisations. The rates of remuneration are \$3,370 per annum for Members and \$28,080 per annum for the Chair. The Chair of the Audit and Finance Committee is also paid an additional \$2,527 p.a. for chairing this Committee. No fees are paid to Members who are salaried government employees or who elect to forego payment.

## Committees

The Board is advised on specific matters by a number of committees. These include the Audit and Finance Committee, which advises on budgetary and internal audit matters. Details of these committees are included on pages 131-132.

## ORGANISATIONAL STRUCTURE





## BOARD MEMBERSHIP

**1 Mr Phillip Taylor BA LLB Solicitor**  
Appointed by the Attorney General as Chair. Phillip practises in the area of banking and finance as a consultant at Freehills, where he was a partner for many years as well as Chair of the Freehills pro bono committee. [10]

**2 Mr Bill Grant OAM LLB** Appointed by the Attorney General as Chief Executive Officer in 2001. Bill was awarded the Medal of the Order of Australia for services to the community and to the law in 2006. [10 including one as Chair]

**3 Rev Harry Herbert BA BD STM Dip. Legal Studies** Harry is Executive Director of UnitingCare NSW,ACT, representing consumer and community interests. Harry also chairs the Responsible Gaming Fund and the NSW Social Justice Reference Group. He is the longest serving member of the Board. [9]

**4 Ms Linda Webb OAM, BA, FAIM, MAICD** Linda is a consultant and serves on several government boards. Her areas of expertise are governance, community services and procurement. In 2001, Linda was awarded a medal as a Member of the Order of Australia for services to public administration and social policy. [8]

**5 Ms Pauline Wright BA LLB,** Solicitor Nominated by the Law Society of NSW. In private practice as a solicitor since 1985, Pauline is a partner at P J Donnellan & Co in Gosford. She was a Councillor of the Law Society of NSW for nine years, chairing its Criminal Law and Environmental, Planning and Development Law Committees for several years. She currently also sits on the Board of Governors of the Law and Justice Foundation and has been a Vice President of the NSW Council for Civil Liberties since 1996. [4]

Alternate: Mr Hugh Macken

**6 Mr Geoff Lindsay BEc, LLB (ANU) SC,** Barrister Nominated by the NSW Bar Association, Geoff practises principally in the equity and commercial jurisdictions. He is involved in legal publishing and is Secretary of the Francis Forbes Society for Australian Legal History. [10]

Alternate: Phillip Boulten SC

**7 Mr Jack Grahame BA** Solicitor, Legal Aid NSW Nominated by Unions NSW. A solicitor for over 40 years, Jack was in private practice before joining the Legal Aid NSW's Prisoners Legal Service in 1991. Board Member from July-October 2006. Reappointed on 28 May 2007. [3]

**8 Mr Philip Bickerstaff MCom**  
Phil retired from the NSW Public Sector in 2005 after 37 years, 29 of those with the NSW Treasury, and almost 16 years as Branch Director. Phil was appointed to the Board in 2005 and chairs the Board's Audit and Finance Sub-Committee. He is also a member of the Board of the Festival Development Corporation, Ryde Family Support Service and Fairfield Community Resource Centre. [9]

**9 Ms Sara Blazey BA (Hons) Law**  
Nominee for the Combined Community Legal Centres Group (NSW). (appointed in November 2006). A solicitor with the Elizabeth Evatt Community Legal Centre, Sara has been a solicitor for 25 years specialising in family law and domestic violence. She first practised in England and after being admitted as a solicitor in NSW in 1997, has worked in Community Legal Centres including four years at Womens Legal Service NSW. [6]

Alternate: Ms Maria Girdler [1]

**10 Associate Professor Andrea Durbach** Faculty of Law, University of NSW and Director Australian Human Rights Centre (appointed in February 2007). Before that she was Director of the Public Interest Advocacy Centre and Coordinator of the Public Interest Law Clearing House. She is also Chair of Legal Aid NSW's Human Rights Committee. [4]

*Note: Numbers in [ ] indicate meetings attended in 2006-2007.*

# CORPORATE FRAMEWORK

## CORPORATE GOVERNANCE FRAMEWORK

*Legal Aid NSW is established under the Legal Aid Commission Act 1979 to improve access to justice to socially and disadvantaged members of our community by providing a range of legal services.*

Legal Aid NSW is an independent statutory body representing the Crown.

Legal Aid NSW has a Board of Members that is responsible for establishing broad policies and strategic plans for Legal Aid NSW. The Chief Executive Officer is a member of the Board. Board Members are on page 53.

The Chief Executive Officer is responsible for the day-to-day management of Legal Aid NSW (including financial and human resources, the provision of legal aid and other legal services) subject to, and in accordance with, the broad policies and strategic plans established by the Board. The Chief Executive Officer has a performance agreement with the Attorney General. See page 58.

Legal Aid NSW has a number of legal practice areas, strategic policy and planning unit, grants division and corporate services support. All senior staff have performance agreements with the Chief Executive Officer. Senior staff appear on page 56.

The work of Legal Aid NSW is guided by a range of plans and policies to establish procedural requirements, standards, priorities and coordinate activities. These include our corporate plan, results and services plan, code of conduct, legal aid guidelines and means tests, fraud and corruption plan, information technology strategic plan, business continuity plan and branch business plans. The preparation and implementation of these plans is monitored by the Executive.

## Corporate planning

In 2006–2007 Legal Aid NSW developed a Corporate Plan for 2007–2008. The plan is very focused on service delivery initiatives and will guide the majority of our work and the results we want to achieve with our staff, clients and partners for the community. The plan's emphasis is on initiatives that promote access to justice, such as community legal education and service delivery strategies. There are a number of initiatives that specifically relate to improving the delivery of services to Aboriginal clients. The delivery of legal services to regional and remote areas is also a priority.

## Ethical behaviour

In providing legal services to our clients we are placed in a position of trust. Accordingly we have established our corporate values as being:

**Integrity**—acting ethically at all times;

**Professionalism**—providing high quality services;

**Efficiency**—using resources responsibly;

**Equity**—ensuring equal access to services;

**Innovation**—finding better ways to do things.

These values are emphasised in our Corporate Plan, Code of Conduct, Induction training, policies and procedures. Our Code of Conduct sets out the standards and guidelines for our staff to follow in relation to ethical decision-making, protecting confidential information and dealing professionally and fairly with clients. The code was not amended in this reporting period.

In addition, all of our practitioners are bound by professional practice standards, comply with continuing legal education development requirements and have available a range of skills development and personal attribute training courses.

## Performance monitoring

Legal Aid NSW operates a Performance Planning and Development Scheme that provides a structured process for managing and developing staff performance. The Scheme provides for regular feedback to staff from managers, acknowledgement of achievements, clarity of expectations and the identification of learning and development opportunities in an environment of open discussion. To encourage acceptance of the Scheme all discussions remain confidential between staff and their manager.

## Financial performance

Legal Aid NSW maintains a strong financial control environment to ensure its financial responsibilities are met. Annual budgets are negotiated with each business centre manager to ensure that each manager is fully aware of the financial resources that they have been allocated to achieve their business objectives. Monthly reports are provided comparing actuals to budget, plus associated revenue and expenditure trends. Detailed monthly financial reports are provided to the Audit and Finance Committee and the Board. Legal Aid NSW maintains a small funding reserve each year to provide for unexpected expenditure or revenue reductions that may occur during the course of the year.

## Risk management and internal controls

The Board, Chief Executive Officer, senior management and staff have established a control environment that provides reasonable assurance that the objectives of Legal Aid NSW will be achieved. The system of internal control operated satisfactorily during the course of the year.

Legal Aid NSW regularly conducts a risk assessment of its activities covering both strategic and operational risks. The current risk assessment was prepared in 2005.



A new risk assessment will be prepared during 2007–2008. It is used to prepare the three-year internal audit plan and each year an annual internal audit plan is prepared based upon the three-year plan. Each annual audit plan also includes provision for additional audits should circumstances change during the course of the year and further audits are required. The preparation of the risk assessment is based upon a methodology recognising inherent risk and control effectiveness.

Legal Aid NSW's internal auditors are Deloitte Touche Tohmatsu. Each audit has a stated objective and scope of activity. All recommendations to improve controls require a management response on what action will be taken and a date by when action will be complete. The internal audit function is overseen by the Audit and Finance Committee of the Board. See page 131 for membership.

Primary responsibility for managing risk rests with line managers who are required to ensure that an effective control environment operates within their area of responsibility.

## Sustainability

As a government agency Legal Aid NSW is required to meet a range of targets to reduce our waste levels. As a corporate objective we have decided not only to meet these objectives but to meet them at least one year earlier than required. To support this objective, we have established a small fund that is available for the implementation of selected initiatives nominated by staff that will help to achieve our sustainability objectives.

A report on progress will be provided to the Board in December 2007 and a final report provided in July of each year.

## REDUCING OUR ENVIRONMENTAL FOOTPRINT

This year Legal Aid NSW achieved benchmarks in increasing environmental sustainability levels within the State Government's four main "green" targets.

### Managing energy

We met the Government target that all government agencies are to use a minimum of 6% green power from the government contract supplier for electricity and took further steps to increase the amount of green power we purchase.

By upgrading the lighting at our city office, we reduced energy consumption levels with carbon reductions of 223 CO<sup>2</sup> tonnes yearly.

All our computers and copiers have automatic power savers, lights were turned off an hour earlier at night this year and we purchased star rated equipment.

### Greenhouse rating

Under government policy any premises over 1000m<sup>2</sup> are required to meet the industry practice of three stars or more. Our city office received a four-star rating. By installing waterless urinals and hand activated taps, we reduced our water consumption by 50% and improved our rating.

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***We reduced our water consumption by 50%.***

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### Less waste

In accordance with the Government's Waste Reduction and Purchasing Policy (WRAPP), we reduced paper waste and only used suppliers with a high recycling rate. Only 100% "green" paper was used. Recyclable carpets were installed to raise our environmental sustainability level.

### Cleaner cars

The Astra was selected as Legal Aid NSW's corporate car because of its high environmental rating with 13 out of a possible rating of 15. We also purchased a Toyota Pirius car (the green car) to meet the Government Environmental Policy, which stipulates 1 green car for every 40 cars. During 2006–2007, we managed to decrease our petrol consumption by 6%.

The use of bicycles was encouraged by providing space for them in the basement and showers for bike riders.

### • The year ahead

Increase the amount of green power we purchase by 1% each year for at least the next four years

Install time switches for the hot water heaters

Introduce measures to turn off computers at night

Purchase a second green car

Reduce paper consumption by 10% per staff member each year for at least the next four years.

# DIRECTORS

## EXECUTIVE

*The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from seven senior directors.*

### **BILL GRANT OAM, LLB**

**Chief Executive Officer (SES Level 6)**

**Budget Total: \$170.368m**

**Staff: (EFT) 742.31 Total Actual: 805**

Bill was appointed as Chief Executive Officer on 26 November 2001. He was previously Deputy Director General of the NSW Attorney General's Department for 10 years. Bill's key achievement this year was increasing the means test so more people can get legal aid. For the first time in 10 years Legal Aid NSW adjusted the means test to restore thresholds to levels comparable to 1995 in real terms.

### **STEVE O'CONNOR**

**Dip. Law (BAB) Dip. Crim,  
Deputy CEO Legal (SES Level 4)**

**Budget Total: \$71.800m**

**Staff: (EFT) 123.98 Total Actual: 135**

Steve was appointed in September 2003. Previously, he was the Solicitor for Public Prosecutions in the NSW Office of the Director of Public Prosecutions (DPP). Steve is responsible for the statewide practices of the Criminal, Family and Civil Law Divisions. This year Steve introduced priority client group initiatives and consolidated our relationship with the new Aboriginal Legal Service.

### **RUSSELL COX BComm**

**Deputy CEO Business and Client Services (SES Level 4)**

**Budget Total: \$13.103m**

**Staff: (EFT) 80.14 Total Actual: 85**

Russell has responsibility for providing Corporate Services to Legal Aid NSW. He was appointed to his position on 1 September 2003. Russell's prior experience includes senior corporate service appointments in both the public and private sectors.

Russell's initiatives this year helped to improve our services, reduce costs and increase productivity.

### **JUDITH WALKER BA, Dip Ed.**

**MA (Hons), LLB Accredited Family Law  
Specialist Director, Family Law (SES Level 2)**

**Budget Total: \$19.057m**

**Staff: (EFT) 118.54 Total Actual: 135**

Judith's vast experience includes working in the Department of Government and Public Administration at the University of



Top row from left: Bill Grant, Steve O'Connor, Russell Cox, Judith Walker.  
Bottom row from left: Brian Sandland, Anita Anderson, Richard Funston, Stella Sykiotis

Sydney, as a lawyer in private practice, then with the NSW Law Reform Commission and from 1987 with Legal Aid NSW. Judith was Senior Solicitor in the Family Litigation Section and Acting Director, Family Law before being permanently appointed in July 2004. Judith's main achievement this year was establishing a statewide care and protection legal service and overseeing changes in family dispute resolution.

**BRIAN SANDLAND BComm, LLB  
Director, Criminal Law (SES Level 2)**

**Budget Total: \$38.256m**

**Staff: (EFT) 232.21 Total Actual: 250**

Brian has 25 years of experience with Legal Aid NSW. He held senior management roles in Burwood and head office before being appointed to head this division in August 2003. In 2006 Brian was awarded the Public Service Medal for his contribution to the community through his work for Legal Aid. This year Brian focussed on improvements to service delivery through reviews of specialist services and the rollout of community legal education in the area of crime prevention to young people.

### **ANITA ANDERSON**

**Director, Grants (Senior Officer Grade 2)**

**Budget Total: \$67.081m**

**Staff (EFT): 86.1 Total Actual: 92**

Anita commenced with the Grants Division in February 2007 after three years with Legal Aid's Strategic Planning and Policy Division. Since her appointment Anita has been working to streamline procedures within the division and to improve the level of communication between the division and private practitioners who undertake legal aid work.

**RICHARD FUNSTON BComm, LLB EMPA,  
Accredited Criminal Law Specialist,  
Director Strategic Planning & Policy (SES Level 2)**

**Budget Total: \$17.684m**

**Staff: (EFT) 25.7 Total Actual: 28**

Richard's earlier experience includes eight years with Legal Aid in Victoria and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 10 years with Legal Aid NSW, Richard held leadership roles in the Children's Legal Service and the Family and Civil Law Divisions before being appointed Director Grants in October 2002. Richard commenced with the Strategic Planning and Policy Division in February 2007. Since appointment Richard has taken a lead role in positioning the division as a major contributor to Legal Aid NSW.

### **STELLA SYKIOTIS BComm, LLB**

**Director Civil Law  
(Senior Officer Grade 1)**

**Budget Total: \$11.931m**

**Staff: (EFT) 75.64 Total Actual: 80**

Stella has worked as a community lawyer since 1988 with a particular focus on consumer protection law. She began work at Legal Aid NSW in 1996. Stella was appointed to her current position of Director, Civil Law in November 2003. This year she expanded civil law services across the State and established the Coronial Inquest Unit as a permanent service.

## MEASURING PERFORMANCE

*Legal Aid NSW works with other justice agencies to provide the people of New South Wales with a fair, equitable and efficient justice system where people are able to protect their legal rights, and where socially and economically disadvantaged members of the community enjoy equality before the courts.*

Our services, including advice, representation, information services and community legal education, all contribute to these outcomes.

Legal Aid NSW's key performance indicators (KPIs) measure our overall performance in meeting these objectives and achieving results for the community. These indicators are designed to demonstrate our effectiveness in fulfilling our corporate charter, while the

corporate plan (goals are on pages 11, 31, 37, 47) sets out our organisation's specific strategies for a given time period and the indicators used to measure these.

In 2006–2007 Legal Aid NSW exceeded the majority of its Key Performance Indicator (KPI) targets, increasing the volume, timeliness and quality of its services to the community.

## KPI MEASURES

### FOCUS AREA

Community awareness of legal rights and responsibilities	05-06 RESULT	06-07 TARGET	06-07 RESULT
Advice provided is accurate, timely and helpful Community has access to information and advice			N/A (not conducted during 2006–2007)
% of clients satisfied with quality of advice provided by Legal Aid NSW staff (bi-annual survey)	86–92%	N/A	0.86
Average waiting time for advice appointment (weeks)	1.1	1.1	322,774
No. of community accessing information services	242,011	259,000	4,666
Rate per 100,000 people accessing information services	3,534		84,122
No. of community accessing advice services	80,052	82,300	1,216
Rate per 100,000 people accessing advice services	1,169		15,132
No. of community accessing community legal education sessions	9,328	6,000	219
Rate per 100,000 people accessing community legal education sessions	136		368,888
No. of community accessing publications	289,778	290,000	5,320
Rate per 100,000 people accessing publications	4,230		2,551,534
No. of internet pages accessed by the community	2,259,901	2,300,000	
<b>Accessibility to Legal Aid</b>			
Socially and economically disadvantaged people receive appropriate legal representation			
Means test income limit as a % of national minimum weekly wage (1995 base)	44.6%	44.6%	52.6%
% of the number of local court sittings serviced by duty solicitor schemes	100%	100%	100%
<b>Representation service standards</b>			
Representation services are conducted according to law and best practice			
% of satisfactory comprehensive inhouse file reviews	99.3%	90%	97%
No. of Legal Aid NSW lawyers with specialist accreditation	106	110	72*
No. of Legal Aid NSW lawyers attendances at inhouse and MCLE training sessions	1,652	1,700	2,327
No. of private practitioners attending Legal Aid NSW training sessions	488	500	820

\*The apparent decline in this indicator arose from an error in the 2005–2006 figure being overstated; it was reported as 106 when the actual number was 72. The figure remains at 72 for 2006–2007.



# CEO'S PERFORMANCE STATEMENT



NEW SOUTH WALES

ATTORNEY GENERAL

## PERFORMANCE STATEMENT

### CHIEF EXECUTIVE OFFICER, LEGAL AID COMMISSION OF NSW

**NAME:** Bill Grant  
**POSITION:** Chief Executive Officer, Legal Aid Commission of NSW (SES 6)  
**PERIOD:** 1 July 2006 to 30 June 2007

During the period 1 July 2006 to 30 June 2007 the Commission, under the direction of Chief Executive Officer, Mr Bill Grant, has continued to expand its services to the economically and socially disadvantaged members of our community.

Subsequent to the review of its care and protection program, Legal Aid NSW has established a Care and Protection Legal Service based at Parramatta with state wide coverage. Care and protection services have also been expanded to regional areas with care and protection legal officer positions created at Legal Aid NSW offices to service regional courts. From the beginning of 2007, Legal Aid NSW has also funded 3 Care and Protection positions at the Aboriginal Legal Service (ALS) and a senior Commission Care and Protection solicitor has been seconded to the ALS to ensure that the ALS Care and Protection practice is properly established and functioning.

Further addressing the increasing need for services, Legal Aid NSW has expanded its civil law program by the deployment of an additional 10 legal officer positions in six Commission offices. This expansion is intended to address identified service gaps in civil law service across the state and particularly in regional New South Wales and Sydney fringe areas. The locations identified included Lismore, Gosford, Campbelltown, Penrith, Nowra and Wagga Wagga. It is anticipated that this expansion will substantially expand the capacity of the Commission to provide a state wide service in civil law and to meet service gaps.

This year two additional regions, Central Coast and from Katoomba to Orange have been included in the Cooperative Legal Service Delivery Program (CLSD Program), a regionally based approach to legal service delivery that aims to improve outcomes for economically and socially disadvantaged people in NSW by building cooperative and strategic networks of key legal services and community organisations. The CLSD Program has been operating successfully in the Northern Rivers, Central West, Albury/Wagga and Hunter regions. The CLSD Program brings together key services such as Legal Aid NSW, the Aboriginal Legal Service (NSW/ACT), Community Legal Centres, Local Courts, Regional Law Society representatives and others to improve the range and access to legal services in these areas.

Legal Aid NSW has commenced initiatives to increase the means test thresholds in recent times in order to update the means test and to better meet the legal needs of the economically and socially disadvantaged members of our community. A substantial increase to the means test thresholds took effect from 1 August 2006 with the support of the Public Purpose Fund. These new thresholds do not change the arrangements in place for applicants who are receiving Centrelink income support payments at a maximum rate. Such applicants will continue to automatically satisfy the income component of the means test. These increases apply to both Commonwealth and State matters. During the year, the Commission also increased its fees for private practitioners undertaking State work to \$140.

This year, Legal Aid NSW undertook to rewrite its policies in plain language. In addition to the policy rewrite, Policy Online, a policy website, was developed for Legal Aid NSW's internet site, which was launched on 20 June 2007. One of the significant features of the website is the external search facility which makes our policies easily accessed by legal practitioners and our clients. Policy Online also has useful links to external resources including case law, legislation and referral information.

A handwritten signature in black ink, appearing to read 'John Hatzistergos'.

**JOHN HATZISTERGOS**



# FINANCIAL MANAGEMENT

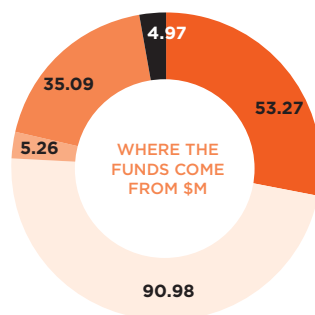
## FUNDING

*Legal Aid NSW receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions. Combined income for 2006–2007 was \$189.573 million, and expenditure was \$163.964 million.*

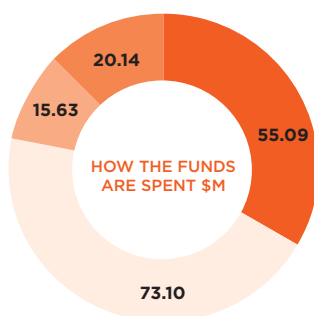
Legal Aid NSW undertakes work for the Commonwealth Government on the basis of a four-and-a-half year agency agreement, which ends on 31 December 2008.

### Financial Highlights

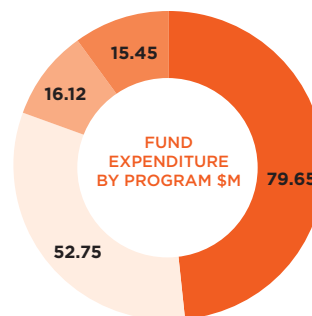
- Operating **SURPLUS OF \$16.125 MILLION** (before capital and individually significant items)
- Funding from the State government **INCREASED** by **\$7.414 MILLION** (8.9%), and from the Commonwealth government by **\$0.780 million** (1.5%)
- The Trustees of the Public Purpose Fund **INCREASED** their funding by **\$10.634 MILLION** (43.5%)
- Payments of **\$73.104 MILLION** were made to private legal practitioners who provide legal aid services to our clients in partnership with Legal Aid NSW
- Net assets **INCREASED** from \$33.809 million to **\$60.437 MILLION**
- Expenditure on Community Legal Services **INCREASED TO \$16.121 MILLION**



- Commonwealth Government
- State Government
- Contribution and Cost Recovery
- Public Purpose Fund
- Other



- Salaries
- External Legal Services
- Community Programs
- Other



- Criminal Law
- Family Law
- Civil Law
- Community Legal Services

# FINANCIAL MANAGEMENT

## OVERVIEW

*Legal Aid NSW's financial result was a surplus of \$26.628 million compared to a budgeted surplus of \$5.559 million.*

Two significant items contributed to the size of the surplus, being:

- A positive movement of \$7.211 million in Legal Aid NSW's defined benefit superannuation schemes, which has the effect of reducing employee related expenses; and
- A capital allocation from NSW Treasury of \$3.292 million. This results in a higher surplus in the year of acquisition, as the related depreciation expense is spread over a number of years.

Excluding these two items, the surplus before capital items and individually significant items was \$16.125 million or 8.7% of 2006–2007 income before capital.

## Income

The main sources of funding for Legal Aid NSW are the State and Commonwealth Governments, the Public Purpose Fund and contributions from legally aided persons.

In 2006–2007, the State Government provided \$90.981 million (\$83.567 million in 2005–2006), the Trustees of the Public Purpose Fund \$35.091 million (\$24.457 in 2005–2006) and the Commonwealth Government \$53.273 million (\$52.493 million in 2005–06).

Included in the funding from the Commonwealth Government was \$1.901 million (\$2.059 million in 2005–2006) in discretionary funding for expensive criminal cases costing above \$40,000 under Commonwealth legislation.

Of the funds provided by the State Government, \$3.292 million (\$1.931 million in 2005–2006) was from the State Asset Acquisition program to fund improvements to Legal Aid NSW's office accommodation, the replacement of previously leased computers and the project to replace Legal Aid NSW's core business system. No Commonwealth funding was used for this purpose in 2006–2007.

## Expenses

Legal Aid NSW's major expenses are employee related expenses associated with the inhouse legal practice of \$55.085 million (\$44.363 million in 2005–2006) and payments to private legal practitioners for services provided to clients for work undertaken on behalf of Legal Aid NSW of \$73.104 million (\$61.824 million in 2005–2006).

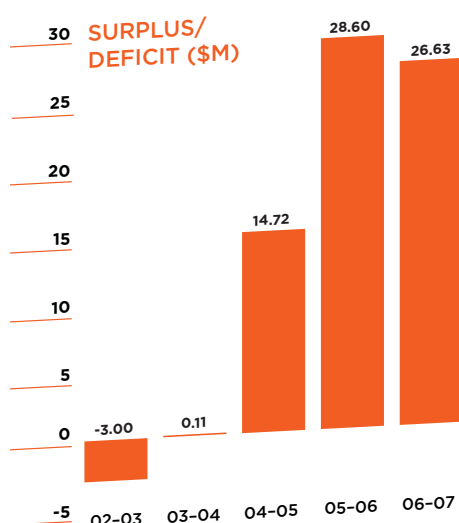
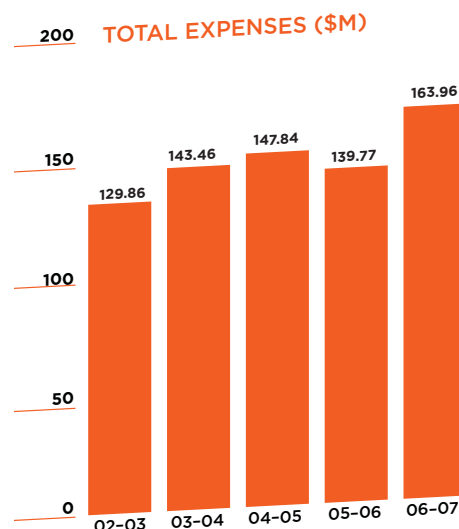
The two graphs (right), show movements in Legal Aid NSW's total expenses and surplus/deficit for the year over the past five years. It should be noted that 2002–2003 and 2003–2004 figures are under AGAAP while 2004–2005 to 2006–2007 figures are presented under AEIFRS.

## Assets

Assets have increase significantly during 2006–2007 due to an unexpected positive movement of \$7.211 million in Legal Aid NSW's superannuation position and increased cash balances caused by higher revenue and lower expenses than expected.

## Liabilities

Total liabilities have not changed significantly over the year.



## Credit card certification

In accordance with Treasurer's Direction 205.01, it is certified that credit card usage by Legal Aid NSW officers has been in accordance with the appropriate government policies, Premier's Memoranda and Treasurer's Directions, and meets best practice guidelines issued by Treasury.

# LEGAL AID NSW

## **CITY CENTRAL**

Ground Floor, 323 Castlereagh Street  
Sydney NSW 2000  
Tel: 9219 5000  
City Central hours: 8.30am–5.30pm

## **BANKSTOWN**

Civic Tower, Level 8  
Cnr Rickard Rd & Jacobs St Bankstown 2200  
Tel: 9707 4555

## **BLACKTOWN**

Kildare Court, Level 1, 13 Kildare Road  
Blacktown 2148  
Tel: 9621 4800

## **BURWOOD**

Level 4, 74-76 Burwood Road  
Burwood 2134  
Tel: 9747 6155

## **CAMPBELLTOWN**

Suite 1, Level 4, 171-179 Queen  
Street, Campbelltown 2560  
Tel: 4628 2922

## **COFFS HARBOUR**

41 Little St, Coffs Harbour 2450  
Tel: 6651 7899

## **DUBBO**

64 Talbragar Street, Dubbo 2830  
Tel: 6885 4233

## **FAIRFIELD**

Level 2, Fairfield Chase,  
25 Smart Street, Fairfield 2165  
Tel: 9727 3777

## **GOSFORD**

Level 2, 37 William Street, Gosford 2250  
Tel: 4324 5611

## **LISMORE**

Suite 6, Level 4, 29 Molesworth Street  
Lismore 2480  
Tel: 6621 2082

## **LIVERPOOL**

Interdell Centre, Level 4,  
47 Scott Street, Liverpool 2170  
Tel: 9601 1200

## **MANLY**

Ground Floor, Office 5,  
39 East Esplanade, Manly 2095  
Tel: 9977 1479

## **NEWCASTLE**

51-55 Bolton Street, Newcastle 2300  
Tel: 4929 5482

## **CIVIL LAW CENTRE**

300 King St Newcastle 2300  
Tel: 4921 866

## **NOWRA**

55-57 Berry Street, Nowra 2541  
Tel: 4422 4351

## **ORANGE**

121 Byng Street, Orange 2800  
Tel: 6362 8022

## **PARRAMATTA**

91 Phillip St Parramatta 2150  
Tel: 9891 1600

## **PENRITH**

Ground Floor, 95 Henry Street Penrith 2750  
Tel: 4732 3077

## **SUTHERLAND**

Ground Floor, 3-5 Stapleton Avenue  
Sutherland 2232  
Tel: 9521 3733

## **TAMWORTH**

Level 1, 424-426 Peel Street, Tamworth 2340  
Tel: 6766 6322

## **WAGGA WAGGA**

Ground Floor, Suites F & G  
Best Place, Morrow Street,  
Wagga Wagga 2650  
Tel: 6921 6588

## **WOLLONGONG**

Ground Floor, 73 Church Street  
Wollongong 2500  
Tel: 4228 8299

**ALL OFFICES (EXCEPT CITY CENTRAL)  
ARE OPEN FROM 9.00AM-5.00PM**

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LAWACCESS NSW ON 1300 888 529 FOR  
INFORMATION, REFERRAL AND ADVICE.**

