

Appendix 10 Appealing decisions about legal aid

Independent reviews of decisions made by Legal Aid NSW ensure procedural fairness for our clients.

Six independent Legal Aid Review Committees review the decisions made by Legal Aid NSW to ensure procedural fairness. The Legal Aid Review Committee Secretariat facilitates their work in the Legal Aid NSW In-house Counsel Unit.

The committees are established under the *Legal Aid Commission Act 1979* (NSW). They determine appeals relating to legal aid applications that have been refused and grants of legal aid that have been terminated. The work of the committees is integral to the Legal Aid NSW appeal process. Committee members helped deliver excellent outcomes for Legal Aid NSW clients in 2022–23, and their work builds confidence in the integrity of our decision-making.

Legal Aid Review Committee members 2022–23

Legal Aid Review Committee One

- Lucy Pinnock
- Helen Maamary (from January 2023)
- Anna Johnson (from January 2023)
- Brett Thomson (until December 2022)
- Claudia Pendlebury (until December 2022)
- Jane Sanders
- Imogen Hogan (until December 2022)
- Kellie Stares (from January 2023)
- Paul Blacket SC
- Angela Stewart
- Anna Buduls

Legal Aid Review Committee Two

- Marina Rizzo (until December 2022)
- Brett Thomson (from January 2023)
- Kathleen Hainsworth
- Stephanie Koch
- Sharyn Hall (until December 2022)
- Anne Healey
- Andrew Boog
- Pauline Mueller (until December 2022)
- Donald Sword (from January 2023)
- Anna Buduls (from January 2023)

Legal Aid Review Committee Three

- Alexandra Brown (until December 2022)
- Ellyse McGee

- Tracey Howe (until December 2022)
- Tram Nguyen (from January 2023)
- Pauline David (until September 2022)
- Richard Pontello SC
- Jonathan Prowse
- Nicholas Broadbent (from January 2023)
- Elena Berrocal Capdevila (until December 2022)
- Philip O’Keefe (from January 2023)
- Anna Buduls (from January 2023)
- Brian Dalton (until September 2022)

Family Law Legal Aid Review Committee One

- Christopher Frommer
- Anthea Tomlin (until December 2022)
- Emma Moss (from January 2023)
- Kushlani Sitsabesan (until August 2022)
- Greta Bromwich (from January 2023)
- Lorelle Longbottom
- Benjamin Bryant (until December 2022)
- Michelle Hayward (from January 2023)
- Paul Sansom SC (until December 2022)
- Gregory Kenny (from January 2023)
- Donald Sword (until December 2022)
- Elena Berrocal Capdevila (from January 2023)
- Lina Rapone

Family Law Legal Aid Review Committee Two

- Nick Mitrevski
- Johanna Geddes (until December 2022)
- Hannah Fordham (from January 2023)
- David Nguyen (until December 2022)
- Emily Azar (from January 2023)
- Joplin Higgins
- Christopher Othen
- Michelle Hayward (until December 2022)
- Michelle Meares (from January 2023)
- Melanie Faithfull
- Kathleen Lamoureux

Family Law Legal Aid Review Committee Three

- Michael Granziera (until December 2022)
- David Nguyen (from January 2023)
- Nicole Hailstone
- Claire Cantrall
- Martha Barnett
- Kayte Lewis

- Stephen van der Mye
- Helen Rogers (until September 2022)
- Lina Rapone (from January 2023)

Decrease in family law appeals received by Legal Aid Review Committees

We recorded a significant decrease in relation to family law appeals this year compared to last year. The decrease can be attributed to several factors, including:

- improved client communication and organisation-wide participation in continuous business and quality improvements to Legal Aid Review Committee processes and reporting.
- the new streamlined client service delivery model which includes reforms to our triage and pathways to a grant of aid, and
- policy changes exempting certain types of matters from the means test (including family, civil and crime matter types) and the introduction of the ERA service type for early intervention mediation in family law matters.

Appeals allowed by Legal Aid Review Committees

There was an increase in appeals allowed for criminal law matters this year compared with last year. This is attributable to an increase in the number of applications for aid in criminal law and civil law matters this year and our new streamlined client service delivery model which includes reforms to our triage and pathways to a grant of aid.

The year ahead

We will continue to implement reforms to Legal Aid Review Committee processes to coincide with reforms to our triage and pathways to a grant of aid.

Appeals and outcomes in 2022–23

Law type	Allowed	Disallowed	Deferred	Not Appellable	Withdrawn	Total appeals	Appeals allowed
Civil	1	78	11	0	0	90	1.11%
Criminal	19	127	15	104	3	268	7.09%
Family	7	162	11	1	18	199	3.52%
Total	27	367	37	105	21	557	4.85%

Appeals and outcomes over five years

Review Outcome	2018–19	2019–20	2020–21	2021–22	2022–23
Appeal allowed	46	45	34	18	27
Appeal disallowed	882	786	681	461	367
Deferred	51	37	32	28	37
Not appellable	72	96	92	96	105
Withdrawn	12	31	21	11	21
Total	1063	995	860	614	557