

## Appendix 10     Appealing decisions about legal aid

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

Six independent Legal Aid Review Committees review decisions made by Legal Aid NSW to ensure procedural fairness to our clients. Their work is facilitated by the Legal Aid Review Committee Secretariat in the Legal Aid NSW In-house Counsel Unit.

The committees are established under section 53 of 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 2020–2021, and their work builds confidence in the integrity of our decision-making.

### Legal Aid Review Committee members 2020–2021

#### Legal Aid Review Committee One

- Lucy Pinnock
- Brett Thomson
- Claudia Pendlebury
- Jeremy Styles
- Jane Sanders
- Paul Blacket SC
- Maria Good
- Anna Buduls

#### Legal Aid Review Committee Two

- Marina Rizzo (from Jan 2021)
- Peter Robinson (until Jul 2020)
- Kathleen Hainsworth
- Stephanie Koch
- Simon Buchen SC (until Dec 2020)
- Sharyn Hall
- Andrew Boog
- Anne Healey
- Pauline Mueller
- Rita Zammit

#### Legal Aid Review Committee Three

- Alexandra Brown
- Ellyse McGee
- Lucy Boyle (until Dec 2020)
- Tracey Howe (from Jan 2021)
- Pauline David
- Richard Pontello SC (from Jan 2021)
- Jonathan Prowse
- Elena Berrocal Capdevila
- Brian Dalton

#### Family Law Legal Aid Review Committee One

- Christopher Frommer (from Jan 2021)
- Penny Csenderits (until Dec 2020)
- Anthea Tomlin
- Leanne Spencer (until Dec 2020)
- Kushlani Sitsabesan (from Jan 2021)
- Clyllyn Sperling (until Dec 2020)
- Cassie Banks (until Dec 2020)
- Tessa Kelman (until Dec 2020)
- Lorelle Longbottom (from Jan 2021)
- Benjamin Bryant (from Jan 2021)
- Paul Sansom SC (from Jan 2021)
- Donald Sword
- Lina Rapone

#### Family Law Legal Aid Review Committee Two

- Nick Mitrevski
- Johanna Geddes
- David Nguyen
- Mark Whelan
- Gemma Slack-Smith
- Paul Guterres (until Dec 2020)
- Christopher Othen (from Jan 2021)
- Melanie Faithfull
- Kathleen Lamoureux

#### Family Law Legal Aid Review Committee Three

- Michael Granziera
- Cheryl Drummy (until Dec 2020)
- Rebecca Atherton (from Jan 2021)
- Nicole Hailstone
- Claire Cantrall (from Jan 2021)
- Terese Messner (until Dec 2020)
- Martha Barnett
- Kayte Lewis
- Stephen van der Mye
- Stephen Stuart (until Dec 2020)
- Helen Rogers (from Jan 2021)

### Decrease in appeals received by Legal Aid Review Committees

We recorded a significant decrease in family law and civil law appeals, and a slight increase in criminal appeals this year compared to last year. This is attributed to improved client communication and organisation-wide participation in continuous business and quality improvements to Legal Aid Review Committee processes and reporting.

### Appeals allowed by Legal Aid Review Committees

There was a 56 percent decrease in family law appeals allowed this year compared with last year. This may be attributable to policy changes for property settlement matters. Appeals allowed in criminal law matters increased by 70 percent, which may be attributable to leniency allowed toward appeals refused on means or failure by applicants to comply with conditions of a grant during the COVID-19 pandemic.

### Appeals and outcomes 2020–2021

Law type	Allowed	Disallowed	Deferred	Not appellable	Withdrawn	Total appeals	Appeals allowed
Civil	2	98	1	0	2	103	1.9%
Criminal	17	211	9	92	7	336	5.1%
Family	15	374	22	0	12	423	3.6%
<b>Total</b>	<b>34</b>	<b>683</b>	<b>32</b>	<b>92</b>	<b>21</b>	<b>862</b>	<b>3.9%</b>

### Appeals and outcomes over five years

Review outcome	2016–17	2017–18	2018–19	2019–20	2020–21
Appeal allowed	65	66	46	45	34
Appeal disallowed	878	822	882	786	683
Deferred	19	14	51	37	32
Not appellable	58	48	72	96	92
Withdrawn	29	24	12	31	21
<b>Total</b>	<b>1,049</b>	<b>974</b>	<b>1,063</b>	<b>995</b>	<b>862</b>