FOREWORD

This is the Information Guide of the Legal Aid Commission of New South Wales (Legal Aid NSW). It is published in accordance with the requirements of Section 20 of the Government Information (Public Access) Act 2009 (NSW) ("GIPA Act"). The information contained in this document is correct as at December 2012 and will be updated every twelve months.

You may obtain a free copy of this document, or more information, from:

The Right to Information Officer
Legal Aid New South Wales
323 Castlereagh Street
SYDNEY  NSW  2000

PO Box K847
HAYMARKET  NSW  1238

Internet  www.legalaid.nsw.gov.au
Telephone  (02) 9219 5778
Fax  (02) 9219 5038
Between 9am and 5pm Monday to Friday

Bill Grant
Chief Executive Officer
1. STRUCTURE & FUNCTIONS

What is Legal Aid NSW?

Legal Aid NSW is a corporation established by the Legal Aid Commission Act 1979 (the Act). Legal Aid NSW provides legal representation and assistance in State and Commonwealth matters.

The main function of Legal Aid NSW is to provide legal aid and other legal services to the New South Wales community. Legal Aid NSW provides free legal information and advice on a broad range of legal issues, and provides legal representation to people who satisfy eligibility tests.

Legal Aid NSW has a Central Sydney office located at 323 Castlereagh Street, Sydney and 20 regional offices, in the Sydney metropolitan area and country areas.

Who is in charge of Legal Aid NSW?

The principal officer of Legal Aid NSW is the Chief Executive Officer who is responsible for the management and administration of the organisation and its staff.

Decisions regarding the broad policies of Legal Aid NSW are made by the Board. There are nine Board members, consisting of the Chief Executive Officer Bill Grant and nine part-time members, namely:

Hon Peter Collins (Chairman)
Rev Harry Herbert
Philip Bickerstaff
Andrea Durbach
John Bordon
Ian McClintock
Maria Girdler
Mary Macken
Barbara Ramjan

Legal Aid NSW is part of the Department of Attorney – General and Justice and the Minister responsible for Legal Aid NSW is the Attorney General and Minister for Justice, The Honourable Greg Smith, SC MP.

The senior management team consists of:
- Bill Grant, Chief Executive Officer
- Steve O’Connor, Deputy Chief Executive Officer
- Brian Sandland, Executive Director Legal Services Criminal Law
- Kylie Beckhouse, Executive Director Legal Services Family Law
- Monique Hitter, Executive Director Legal Services Criminal Law
- Richard Funston, Executive Director, Grants and Community Partnerships
- Annmarie Lumsden, Executive Director, Strategic Policy, Planning and Management Reporting
- Wayne Gale, Executive Director, Information Technology Services and Records
- Clare Hamilton, Executive Director, Finance
- Vicki Leaver, Executive Director, People and Organisational Development
Legal Aid NSW offices are situated at the following locations:

All Offices are open from 9am - 5pm Monday to Friday, except for the Central Sydney office which is open from 8.30 am to 5.30 pm Monday to Friday.

**METROPOLITAN**

**CENTRAL SYDNEY OFFICE:** 323 Castlereagh Street SYDNEY NSW 2000  
Ph: (02) 9219 5000    Fax: (02)9219 5935    TTY: (02) 9219 5126

**BANKSTOWN:** Level 8, Civic Tower Cnr Rickard Rd & Jacobs St BANKSTOWN NSW 2200  
Ph: (02) 9707 4555    Fax: (02)9708 6505

**BLACKTOWN:** Level 2, 13 Kildare Road, BLACKTOWN NSW 2148  
Ph: (02) 9621 4800    Fax: (02) 9831 5597

**BURWOOD:** Level 4, 74-76 Burwood Road, BURWOOD NSW 2134  
Ph: (02) 9747 6155    Fax: (02) 9744 6936    TTY: (02) 9747 0214

**CAMPBELLTOWN:** Suite 1, Level 4, City Centre, 171-179 Queen Street, CAMPBELLTOWN 2560  
Ph: (02) 4628 2922    Fax: (02) 4628 1192

**FAIRFIELD:** Suite1, Level 2, 25 Smart Street, FAIRFIELD NSW 2165  
Ph: (02) 9727 3777    Fax: (02) 9724 7605

**LIVERPOOL:** Level 4, Interdell Centre, 47 Scott Street, LIVERPOOL NSW 2170  
Ph: (02) 9601 1200    Fax: (02) 9601 2249    TTY: (02) 9601 7547

**PARRAMATTA - Civil & Family Law:** 91 Phillip Street, PARRAMATTA NSW 2150  
Ph: (02) 9891 1600    Fax: (02) 9689 1082    TTY: (02) 9891 5692

**PARRAMATTA – Criminal Law:** Parramatta Justice Precinct, Level 1, 160 Marsden Street  
PARRAMATTA NSW 2150    Ph: (02) 8688 3800    Fax: (02) 8688 3890

**PENRITH:** 95 Henry Street, PENRITH NSW 2750  
Ph: (02) 4732 3077    Fax: (02) 4721 0572

**SUTHERLAND:** Endeavour House, 3-5 Stapleton Avenue, SUTHERLAND NSW 2232  
Ph: (02) 9521 3733    Fax: (02) 9521 8933

**OUTSIDE SYDNEY**

**CENTRAL COAST:** 37 William Street, GOSFORD NSW 2250  
Ph: (02) 4324 5611    Fax: (02) 4324 3503    TTY: (02) 4324 5611

**COFFS HARBOUR:** 41 Little Street, COFFS HARBOUR NSW 2450  
Ph: (02) 6651 7899    Fax: (02) 6651 7897

**DUBBO:** 64 Talbragar Street, DUBBO NSW 2830  
Ph: (02) 6885 4233    Fax: (02) 6885 4240

**LISMORE:** Suite 6, Level 4, 29 Molesworth Street, LISMORE NSW 2480  
Ph: (02) 6621 2082    Fax: (02) 6621 9874    TTY: (02) 6621 2082

**NEWCASTLE:** 51-55 Bolton Street, NEWCASTLE NSW 2300  
Ph: (02) 4929 5482    Fax: (02) 4929 3347    TTY (02) 4929 4036

**NOWRA:** Level 2, Bridgeton House, 55-57 Berry Street, NOWRA NSW 2541  
Ph: (02) 4422 4351    Fax: (02) 4422 4340
SPECIALIST SERVICES

Legal Aid NSW has a number of specialist services. The locations of the major specialist services are set out below:

CHILD SUPPORT SERVICE: 91 Phillip Street, PARRAMATTA NSW 2150
Ph: (02) 9633 9916  Fax: (02) 9689 1082  1800 451 784

CHILDREN’S LEGAL SERVICE: Head Office – see above
Ph: (02) 9219 5120  Fax: (02) 9219 5793

Campbelltown Office - see above
Ph: (02) 4628 2922  Fax: (02) 4628 1192

Parramatta Office – see above
Ph: (02) 8688 3800  Fax: (02) 8688 3890  TTY: (02) 9891 5692

CORONIAL INQUEST UNIT: Level 2, 323 Castlereagh Street, SYDNEY 2000
Ph: (02) 9219 5158  Fax: (02) 9219 5070

DRUG COURT: Drug Court Unit, Parramatta Court, Cnr George & Marsden Streets
PARRAMATTA NSW 2150  Ph: (02) 9685 8020

HOMELESS LEGAL OUTREACH PROGRAM: Coordinator Specialist Homeless Outreach Clinics
Ph: (02) 9219 5809

LEGAL AID HOTLINE for under 18’s:  1800 101 810

MENTAL HEALTH ADVOCACY SERVICE: Level 4, 74 - 76 Burwood Road, BURWOOD 2134
Ph: (02) 9745 4277  Fax: (02) 9744 6936  TTY (02) 9745 4277

OLDER PERSONS LEGAL & EDUCATION PROGRAM
Older Persons Legal Unit, Head Office
Ph: (02) 9219 5924

PRISONERS LEGAL SERVICE: 160 Marsden Street, PARRAMATTA NSW 2150
Ph: (02) 8668 3959  Fax: (02) 8668 3895

VETERANS ADVOCACY SERVICE: Level 3, 323 Castlereagh Street, SYDNEY 2000
Ph: (02) 9219 5148  Fax: (02) 9219 5145

YOUTH DRUG AND ALCOHOL COURT: Railway Square, CAMPBELLTOWN NSW 2560
Ph: (02) 4629 9760  Fax: (02) 4629 9622
What are the functions of Legal Aid NSW?

The Act sets out the functions, duties, powers and obligations of Legal Aid NSW. Section 10 contains a detailed description of the functions of Legal Aid NSW and states that the principal function is to provide legal aid and other legal services.

Legal Aid NSW as a public agency is also required to formulate strategic plans, which may include a corporate plan and business plans.

Section 10 provides that Legal Aid NSW, in the exercise of its principal function, may decide who will be eligible for legal aid, decide the types of matters for which legal aid will be available, decide the means test to be applied and specify the circumstances in which an applicant for legal aid should be required to pay a contribution to the costs of the legal service provided.

How does Legal Aid NSW perform these functions?

Legal Aid NSW performs its functions by providing the following services:

- legal information and advice services;
- legal representation by salaried staff and private practitioners;
- provision of alternative dispute resolution services;
- funds and assistance to community organisations which provide legal services; and
- community legal education and social work support services.

As the primary function of Legal Aid NSW is to provide legal aid and other legal services in accordance with the Act, one of the most important aspects of its decision-making functions is the determination of applications for legal aid and making grants of legal aid.

Grants of legal aid

Most grants of legal aid are subject to a means test, merit test and policies on the availability of aid. Legal Aid NSW has determined, as a matter of policy, the types of matters for which legal aid is available. These fall under the three main headings of criminal law, civil law and family law. Legal Aid NSW policies are available via the Policy Online button on the Legal Aid NSW website, www.legalaid.nsw.gov.au.

Appeals against decisions relating to legal aid applications and grants of legal aid are considered by Legal Aid Review Committees. There are six Legal Aid Review Committees, three of which deal specifically with family law matters.

Funding for legal assistance in Commonwealth law matters is provided through a National Partnership Agreement between the Australian Government and New South Wales Government. Legal representation can only be provided for matters that fall within the Commonwealth legal aid priorities, set out in the Agreement.
What are the duties of Legal Aid NSW?

Section 12 of the Act sets out the duties of Legal Aid NSW in the provision of legal aid.

All the duties required of Legal Aid NSW are equally important but the following duties may be of particular interest to members of the public. Section 12 states that it is the obligation of Legal Aid NSW to:

- ensure that legal aid is provided in the most effective, efficient and economical manner;
- have regard to the need for legal aid to be readily available and easily accessible to disadvantaged persons in NSW;
- keep under review community needs for legal aid;
- use, where appropriate, the services of private legal practitioners; and
- ensure, so far as is reasonably practicable, that a legally assisted person who has been granted legal aid obtains the services of a lawyer (either an in-house employed solicitor, an assigned private legal practitioner or a Public Defender).

What are the objectives of Legal Aid NSW?


The plan identifies the following corporate priorities:

- Promoting Access to Justice
- Pursing Excellence in Legal Services
- Supporting Our People
- Linking Services

How does Legal Aid NSW measure its performance?

2. **EFFECT OF THE FUNCTIONS OF LEGAL AID NSW ON MEMBERS OF THE PUBLIC**

By providing public legal information, education and individual advice services, Legal Aid NSW seeks to address problems at a stage when they may be resolved quickly and with a minimum of stress and financial cost. Legal Aid NSW encourages and provides alternative dispute resolution processes. Where court action is taken, Legal Aid NSW may provide legal representation to persons who satisfy the eligibility tests for the particular type of matter.

Legal Aid NSW works with the private legal profession to ensure legal services are available across the State. Legal Aid NSW recommends and comments on possible changes to the law and legal procedures, based on the observations of staff and feedback from clients.

Legal Aid NSW liaises with federal bodies and other providers of legal services to ensure the availability of legal aid in New South Wales is at least comparable with that in other states and territories.

3. **PUBLIC PARTICIPATION IN LEGAL AID NSW**

**Board Meetings**

The Board is appointed by the Attorney General of New South Wales and includes nominees of the Bar Association, the Law Society and Unions NSW, as well as members specifically chosen to represent consumer and community welfare interests and Community Legal Centres.

There are nine part-time members, including the Chair, and one full-time member, who is the Chief Executive Officer. The Chair is appointed for a maximum of five years, and the other part-time members are appointed for a maximum of three years. The Board meets six times a year.

**Consultative and Advisory Committees**

Section 68 of the Act enables Legal Aid NSW to establish standing or special consultative committees for the purpose of advising it on the exercise of its functions under the Act.

In addition a number of advisory committees consisting of staff, partners and community representatives have been established to advise on specific activities of Legal Aid NSW. The current committees are:

**A. Consultative Committees**

i. **Community Legal Centres Sub-Committee**

The Committee advises on and oversees the funding programs for external agencies, including the Community Legal Centres Funding Program. The Committee includes two Board and representatives of the Community Legal Centres.

ii. **Audit and Risk Committee**

The Audit and Risk Committee assists the members of the Board in discharging their responsibilities relating to financial reporting practices, business ethics, policies and practices, accounting policies and management and internal controls.
iii. Civil Law and Grants Committees

The Civil Law Committee advises on issues relating to civil law matters and the Grants Committee makes recommendations in relation to the work of the Grants Division.

B. Advisory Committees

i. Aboriginal Justice Committee

Advises the CEO on Aboriginal justice initiatives, service delivery, employment strategies and partnerships with external agencies.

ii. Co-operative Legal Service Delivery Program Steering Committee

Provides guidance on the CLSD program.

iii. Environmental Consultative Committee

Advises and makes recommendations to Legal Aid NSW on applications for legal aid in public interest environmental matters in accordance with the Legal Aid NSW guidelines.

iv. Human Rights Committee

Advises and makes recommendations to Legal Aid NSW on applications for legal aid in public interest human rights matters.

v. Women's Domestic Violence Court Advocacy Program (WDVCAP) Advisory Committee

Advises the CEO on the implementation, administration and Guidelines for the WDVCAP including funding priorities.

Legal Aid Review Committees

There are six Legal Aid Review Committees that determine appeals in respect of legal aid applications and grants of legal aid. These meetings are not open to members of the public due to provisions in the Act that protect the confidentiality of applicants for legal aid.

Each Committee has three members who serve in a voluntary capacity, one nominated by the Minister, one by the Bar Association and Law Society jointly, and one being a person who is not a legal practitioner.

The Legal Aid Review Committee Secretariat can be contacted by telephone at (02) 9219-5936 or by email at larc@legalaid.nsw.gov.au or by post at:

Legal Aid Review Committee
PO Box K847
HAYMARKET NSW 1238
DX 5 SYDNEY

In addition to the forms of public participation referred to above, Legal Aid NSW is often required to respond to issues concerning legal aid raised by members of the public with the Attorney General or directly with Legal Aid NSW.
4. INFORMATION HELD BY LEGAL AID NSW

What types of information are held by Legal Aid NSW?

As a large legal practice, Legal Aid NSW holds a large number of legal files and documents. As a public sector agency, Legal Aid NSW also holds a large number of administrative and management documents, including policy documents. Information held by Legal Aid NSW can be divided into four main categories, namely: legal, management, policy and reference materials.

LEGAL INFORMATION

This category includes:

- client files that relate to applications and grants of legal aid and legal representation provided by employed solicitors;
- records of the referral of a matter to a private practitioner, where this has occurred;
- advices, opinions, research materials, legal precedents and other documents relating to individual clients or for the general information of legal practitioners;
- files of Legal Aid NSW relating to debt recovery, offences against the Act, legal action involving Legal Aid NSW and advices sought in that regard; and
- accounts and procedural and organisational memoranda if case-related.

Can anyone have access to this information?

As a legal practice, Legal Aid NSW is obliged to protect the confidentiality of its clients. Applicants for legal aid and legally assisted persons can generally have access to documents on their own files.

Sub-sections 25(1) and (2) of the Act provide that the protection of legal professional privilege applies to applicants for legal aid or persons to whom legal aid is granted. Legal professional privilege also applies to legal advice sought by Legal Aid NSW. A conclusive presumption of an overriding public interest against disclosure exists in relation to documents subject to legal professional privilege pursuant to section 14(1) of the GIPA Act.

Section 26 of the Act prohibits a person engaged in the administration of the Act from divulging any information or document obtained in connection with the administration of legal aid (including an application for legal aid) except in the circumstances set out in section 25(4) of the Act. These exceptions include:

- the conduct of any matter necessary for the proper administration of the Act;
- proceedings for an offence under the Act;
- disciplinary proceedings under the Legal Profession Act 2004;
- an investigation or inquiry by the Ombudsman;
- with the consent of the person providing the information;
- limited information to a court or tribunal as to the processing of a legal aid application.

Section 26 is often referred to as the Act’s “secrecy provision” and is designed to protect from disclosure confidential information obtained in relation to the provision of legal aid.
Section 11 of the GIPA Act provides that the GIPA Act overrides such secrecy provisions but the secrecy provision is to be taken into account as one of the considerations against disclosure in determining whether there is an overriding public interest against disclosure.

Legal Aid NSW has formulated Guidelines for Staff in dealing with requests for information. More information about access to legal documents may be obtained from the Right to Information Officer at (02) 9219 5778.

**MANAGEMENT INFORMATION**

Legal Aid NSW as a public agency is accountable to the Government for its management. Information relating to recruitment and training procedures, policy and processing, accounting procedures and general administrative procedures all fall under this category. Any queries about management information may be made to the Executive Officer at (02) 9219 5671.

**POLICY INFORMATION**

Legal Aid NSW policies on eligibility for legal aid are published in Policy Online which can be accessed via the Legal Aid NSW website at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au). These policies cover a wide range of issues including the means test, merit test, how grants of aid are to be administered, and the types of matters for which legal aid is available as well as a wide variety of administrative matters.

Other sources of information in this category include ministerial and executive correspondence, submissions, reports and general correspondence relating to legislative reforms, correspondence between interstate and Commonwealth legal aid bodies, statistical information, reports on Legal Aid NSW, and procedural and organisational memoranda.

Further information about legal aid policies may be obtained by contacting:

- Manager Legal Policy
- Legal Policy Branch
- Legal Aid NSW
- Telephone (02) 9219 5778 or Fax: (02) 9219 5038
- PO Box K847 HAYMARKET NSW 1238.

**REFERENCE MATERIALS**

Legal Aid NSW has an extensive legal library for the benefit of its staff and staff of its partners. Legal Aid NSW publishes many documents concerning legal aid and legal matters generally, as well as its Annual Reports. A list of Legal Aid NSW publications appears at the end of this Publication Guide.

Further information regarding publications and other educational resources can be obtained either by telephoning (02) 9219 5028 or by email to publications@legalaid.nsw.gov.au or by writing to:

- Publications Officer
- Communications and Publications,
- Level 8 Legal Aid NSW
- PO Box K847 HAYMARKET NSW 1238
5. REQUESTS FOR INFORMATION UNDER THE GIPA ACT

Access to documents

Legal Aid NSW is committed to openness and transparency in line with the spirit of the GIPA Act. There are four ways in which information may be accessed under the GIPA Act: open access, proactive release, informal release and formal access applications; formal access applications are considered as the last resort after all the other avenues have been attempted.

- Mandatory open access information about Legal Aid NSW is available on the Legal Aid NSW website;

- Applicants for legal aid or persons to whom legal aid is granted may also contact the solicitor or business area within Legal Aid NSW handling their matter to make initial enquiries for access to information. Such information may be made available by informal release directly to the applicant;

- If it appears that the information requested may not be available informally, applicants are encouraged to make a formal application for access to such information under the GIPA Act. Applicants may contact the Right to Information Officer at (02) 9219 5778 for assistance.

Amendment of records

Applicants for legal aid and persons to whom aid is granted are required to notify Legal Aid NSW of any relevant change in their circumstances, particularly their financial circumstances. They should inform the solicitor who has the conduct of the matter, whether an in-house solicitor or assigned private practitioner, of any changes in personal details.

As most of the information concerning applications for legal aid is usually provided by the applicant or his or her solicitor, there is generally no need to separately apply for amendment of Legal Aid NSW records concerning a person’s personal details. These details are entered on the Legal Aid NSW computer system and can be readily amended, if required.

Lodging a Formal Access Application

Legal Aid NSW has created a formal access application form and applicants are encouraged to use this form. A copy of the form can be downloaded and printed from the Legal Aid NSW website. Applicants can also make an application by letter.

Requests under the GIPA Act must be in writing and must be accompanied by an application fee of $30. Details of the process for making a formal application are on the Legal Aid NSW website and processing charges may apply.

Applications can be lodged at any office of Legal Aid NSW but it is advisable that applications be forwarded directly to the Right to Information Officer.

All enquiries concerning Right to Information should be referred to:

The Legal Aid NSW Right to Information Officer
PO Box K847 HAYMARKET NSW 1238
Telephone: (02) 9219 5778 Fax: (02) 9219 5038
6. PUBLICATIONS

Legal Aid NSW has produced over 55 publications and some publications are available in almost 30 other languages. The publications are free of charge unless otherwise stated.

How to order
Use our online ordering system: www.legalaid.nsw.gov.au/pubsonline
Email: publications@legalaid.nsw.gov.au or telephone (02) 9219 5028.

General brochures
Client service charter
Do you have a legal problem?
Questions to ask your lawyer
How to make a complaint to Legal Aid NSW

Family law
What happens when your relationship ends?
Caring for kids in Aboriginal families
Child Support Service
De facto relationships and family law
Working out what’s best for my children
My ex-partner has taken our children without my permission… what can I do?
My ex-partner isn’t following the court orders about our children. What can I do?

Domestic violence
Are you experiencing domestic violence?
Apprehended Violence Orders: for applicants
Apprehended Violence Orders: for defendants
Domestic Violence offences: for defendants
Advice about domestic violence and help at court

Criminal law
Applying for Supreme Court bail
Appealing Local Court decisions
Character references
Facing a committal
Going to court for defendants
Breaching parole
Pleading guilty to a drink driving charge
Police powers, your rights and responsibilities
Reviewing Local Court decisions
Understanding bail
Prisoners Legal Service

Civil law
Are you having problems with your home mortgage?
Mortgage stress handbook
Are you experiencing violence or abuse? You can make it stop
Changing your accommodation arrangements? Will it affect your pension?
Helping your family financially? Understand the risks
Moving in with the family? Protect your interests
Who will decide for you if you can’t decide for yourself?
Are you a grandparent? Your legal questions answered
Squeezed for a debt
Discrimination toolkit
“Fined out” Booklet
Have you crashed your car? (property damage)
Have you been involuntarily admitted to a hospital?
Mental Health Advocacy Service
Legal help for veterans and dependants
Turning the Tide: storms, floods, insurance and you

Children and young people
Children’s Legal Service
Get street smart (legal rights in public spaces)
Youth Drug and Alcohol Court Program

CDs and DVDs
Super Cuz CD (a Koori superhero fights for justice)
Audio CD package – five CDs on legal issues for older people
Mortgage rescue DVD
Welcome to Legal Aid (Amharic, Arabic, Dari/Farsi, Dinka, Pushto, Somali, Swahili, Tigrinya). Translated fact sheets with the same information as the CD are also available on our website

Posters
So you want the violence to stop; Aboriginal version
Generic Legal Aid NSW poster
Who’s who in the Local Court
Youth hotline

Wallet cards
So you want the violence to stop; Aboriginal version
Youth hotline

Other Resources
Bookmark promoting online ordering
Legal Aid online means test calculator
Back on Track 6 DVDs for prisoners recorded in English, Arabic, Chinese and Vietnamese
Burn: Workbook to accompany video production for schools
Means Test Indicator (On-line self-assessment tool)
Policy Bulletins (directed to the legal profession to advise on updates in Legal Aid NSW policy)

For more information about Right to Information, you may contact the Office of the Information Commissioner New South Wales.

- Go to www.oic.nsw.gov.au
- Email oicinfo@oic.nsw.gov.au
- Mail GPO Box 7011, Sydney NSW 2001
- Visit Level 11, 1 Castlereagh Street, Sydney NSW 2000
- Call 1800 INFOCOM (1800 463 626) between 9am to 5pm, Monday to Friday (excluding public holidays).