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CEO's performance statement



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 2004 to 30 June 2005

During the period 1 July 2004 to 30 June 2005 the Commission, under the direction of Chief Executive Officer, Bill Grant, has strived to improve its methods of service delivery, particularly to regional and remote areas of NSW. The implementation of State-wide practices has assisted in making available more standardised services to clients throughout the State, complemented by an increase in the provision of outreach services. The successful pilot of the Co-operative Legal Service Delivery Model has enabled the Commission to better target the service delivery needs of clients across the State.

The Commission has enhanced its internal business processes and has put considerable effort into staff development with the piloting of a mentoring program and a performance planning and development program. The Diploma of Business in Frontline Management continues to attract staff seeking to develop their management skills with 91 staff members graduating or currently working towards obtaining the Diploma. A strategic planning framework was developed and implemented along with new performance indicators. The Commission also conducted its second staff survey with positive results.

The review of the Civil Law program has provided an excellent basis on which the Commission has begun to expand and enhance its civil law services. The implementation of the recommendations of the report has been ongoing throughout 2004-05 with significant achievements including: the commencement of an outreach advice service at Blacktown and pilot of an AVL advice service at Gosford; placement of an additional civil law resource at Lismore; development of a business strategy for client focused services; work on the development of a civil law procedures manual; and the creation of a visiting legal service for women in custody targeted to Indigenous women.

Electronic lodgement remains a central focus of the Commission and a significant achievement in 2004-05 was the piloting of electronic lodgement for criminal case matters. The Commission's business systems were also improved particularly in enabling the electronic management of duty invoices and private duty tax invoices. The Commission also implemented practitioner panels for the Court of Criminal Appeal, Children's Representatives in the Family Court, Care and Protection and Veterans' matters.

The Commission will adopt a two year Corporate Plan for 2005-07 and there will be a further focus on enhancing client service delivery and improving internal business processes to make doing business with the Commission easier.

BOB DEBUS

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Our policies in brief

The Commission is established under NSW legislation and receives funding from the State Government to provide legal assistance in matters which arise under NSW law. The Commission has an agreement with the Commonwealth to provide legal assistance in matters arising under Commonwealth law.

We have developed a range of policies about who is eligible for legal aid. Advice on these policies is available from all our offices. Our policies help us to make decisions which are fair, consistent and financially responsible and target those individuals in the community who have been determined as having high priority for our services.

Who makes the policies?

The Commission's Board members decide our policies for state law matters. When developing policies they consider relevant matters such as the need for legal aid to be accessible to disadvantaged people, and the resources available to the Commission.

The Commonwealth Government decides the priorities and guidelines for Commonwealth law matters.

What are our policies?

We have four tests which may be used when deciding whether a person is eligible for legal aid:

- Jurisdiction test: looks at the type of case and the area of law of the matter for which aid is sought
- Merit test: looks at whether the case will succeed and other issues
- Means test: looks at the income and assets of the person applying for legal aid, and usually also the means of any persons providing financial support to them ('financially associated persons')
- Availability of funds test: legal aid will only be granted if the Commission determines that it has sufficient funds

Summary of our policies

The jurisdiction, merit and means tests are summarised below. It is important to note that this is only a summary and that when we make a decision about who receives aid the full policies are used.

Jurisdiction Test

Areas of law where legal aid is available as at 1 July 2005:

Legal Aid Commission of NSW

Family Law – State Law

- Adoption
- *Property (Relationships) Act 1984* matters

Family Law – Commonwealth Law

Matters arising under the *Family Law Act 1975*, the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988*, that relate to:

- Separate representation of children
- Orders relating to children including parenting orders, location and recovery orders
- Parenting plans
- Injunctions relating to family violence
- Child support and child maintenance
- Spousal maintenance
- Dissolution (divorce) and nullity of marriage in certain circumstances
- Property matters in certain circumstances

Civil Law – State Law

- Anti-discrimination cases
- Certain consumer protection matters
- Cases where there is a likelihood that the person will lose his/her home
- Cases involving questions of civil liberties, such as false imprisonment and malicious prosecution
- Public interest environment matters
- Inquests, in limited circumstances
- *Protected Estates Act 1983* matters
- Public Health Order matters

Applicants at special disadvantage

Applicants at special disadvantage may be granted assistance in a wider range of matters, including personal injury, professional negligence and employment matters. Applicants are at special disadvantage when "proceedings are taken by or for the benefit of a child or a person having substantial difficulty in dealing with the legal system by reason of a substantial psychiatric condition, developmental disability, intellectual impairment or physical disability".

Civil Law – Commonwealth Law

Matters arising under a Commonwealth statute limited to:

- A decision affecting the receipt or amount of a Commonwealth employee's compensation or a Commonwealth pension, benefit or allowance

- A decision or action by the Commonwealth that has a real prospect of affecting a person's capacity to continue in their usual occupation
- Discrimination
- Migration matters, in limited circumstances (Aid is also available under the Immigration Advice & Application Assistance Scheme (IAAAS) contract between the Commission and the Commonwealth Government)
- Consumer protection
- Proceedings under the *Proceeds of Crime Act 2002*

Veterans' Pension Matters

- Appeals from the Veterans' Review Board about war-caused disability pension entitlement or assessment claims under Part II of the *Veterans' Entitlements Act 1986*
- Appeals from the Veterans' Review Board about claims under the Military Rehabilitation and *Compensation Act 2004* that relate to warlike and non-warlike service

Criminal Law – State Law

- In the Local Court for:
 - Criminal proceedings commenced by a court attendance notice issued by a police officer where the offence carries a term of imprisonment as an available penalty, or exceptional circumstances exist
 - Criminal proceedings commenced by a court attendance notice issued by a person other than a police officer where there is a real possibility of a term of imprisonment being imposed, or exceptional circumstances exist
 - Committal proceedings
 - Domestic violence proceedings for complainants and, in some limited circumstances, defendants
 - Annulment applications under Part 2 of the *Crimes (Local Courts Appeal and Review) Act 2001*
 - Motor traffic offences, only where there is a real possibility of a term of imprisonment being imposed, or exceptional circumstances exist
- In the District, Supreme and High Courts for:
 - Indictable matters
 - Appeals
- Inquiries under Part 13A of the

Our policies in brief

Crimes Act 1900

- Defendants in prosecutions in the Land and Environment Court under environmental protection legislation in some limited circumstances
- Drug Court matters

Criminal Law – Commonwealth Law

- Defended charges arising under Commonwealth statute in certain circumstances
- Pleas of guilty in limited circumstances
- Appeals

Mental Health Matters – State Law

- Magistrates inquiries under the *Mental Health Act 1990*
- Most proceedings before the Mental Health Review Tribunal
- Representation of forensic patients
- *Guardianship Act 1987* matters
- *Protected Estates Act 1983* matters

Children's Matters – State and Commonwealth Law

- Children's criminal matters
 - proceedings in the Children's Court
 - committal proceedings
 - sentence matters and trials in the District Court and Supreme Court
 - criminal appeals
 - Youth Drug and Alcohol Court
- Children's care matters (children, parents, guardians and others)
 - proceedings in the Children's Court, Supreme Court and High Court
 - proceedings in the Community Services Division of the Administrative Decisions Tribunal
 - proceedings in the Guardianship Tribunal concerning special medical procedures

Child Support Matters – Commonwealth Law

Representation and assistance for certain child maintenance/child support matters under the *Child Support (Assessment) Act 1989* and the *Family Law Act 1975*

Prisoners' Matters – State Law and Commonwealth Law

- Visiting justice proceedings
- Parole Board review hearings
- Life resentencing applications
- Review of segregation directions

- Advice and minor assistance in other matters

Merit Test

There are two merit tests – one for state law matters and another for Commonwealth law matters.

In applying the merit test for state law matters we ask the question: Is it reasonable in all the circumstances to grant legal aid?

Several matters are considered in answering this question. The main ones are:

- The benefit to the applicant if aid is granted or the detriment that the applicant may suffer if aid is refused
- Whether the case has reasonable prospects of success.

The merit test for Commonwealth law matters has three parts. These are:

- The 'reasonable prospects of success' test
- The 'prudent self-funding litigant' test
- The 'appropriateness of spending limited public legal aid funds' test.

A merit test applies in:

- Most non-criminal matters (civil law, family law and veterans' matters)
- Appeals in criminal matters
- Supreme Court Bail matters
- Some matters associated with Children's Court proceedings (eg appeals from the Children's Court to the District Court).

A merit test does NOT apply for:

- Criminal law matters (except appeals and Supreme Court Bail applications)
- Children in the Children's Court
- Separate representation of a child in Guardianship Tribunal proceedings for consent to carry out a special medical procedure on the child
- For disabled persons for matters before the Guardianship Tribunal
- Separate representation of children in Family Court proceedings
- Some *Mental Health Act 1990* matters

Means Test

We apply different means tests depending on the type of matter for which legal aid is sought.

Our means tests are all income and assets tests. Eligibility is determined by assessing the net assessable income (after allowable deductions) and the assets of the applicant and financially

associated persons.

The means tests apply to both State and Commonwealth matters.

The means test does NOT apply for:

- Legal advice
- Family law duty matters where the applicant is in custody
- Children in the Children's Court and appeals to the District Court in care matters
- Children in the Community Services Division of the Administrative Decisions Tribunal and appeals to the Supreme Court from the Tribunal and for proceedings in the Supreme Court for prerogative relief or pursuant to the Court's inherent jurisdiction
- Separate representation of a child in Guardianship Tribunal proceedings for consent to carry out a special medical procedure on the child
- Children where an order for separate representation is made by the Family Court
- First appearance bail applications in the Local Court
- Most Mental Health Advocacy Service matters
- *Veterans' Entitlements Act 1986* matters to ex-service personnel and their dependents (except for war service pension claims)
- Disabled persons before the Guardianship Tribunal and in Supreme Court appeals
- Drug Court matters

All other matters are means tested.

Contributions

A person receiving a grant of legal aid is usually required to pay a contribution at the beginning of the case, with the amount payable based on their income and assets. If the contribution is greater than the estimated cost of the proceedings the person is ineligible for aid.

If the person recovers a sum of money or other asset, or if there is a substantial improvement in their financial situation, then they are also usually required to make a contribution at the end of the case. The final contribution is usually the full cost of the grant of legal aid.

For further details of our policies contact the Review and Reform Unit in the Strategic Planning and Policy Division on (02) 9219 5034.

Policies as at 30 June 2005.

Access and Equity Plan 2004–2005

The Access and Equity Plan includes the Ethnic Affairs Priority Statement (EAPS), Disability Action Plan and NSW Government Action Plan for Women.

The Commission's efforts to ensure equitable access to legal services by women, persons with disabilities and people from culturally and linguistically diverse (CALD) backgrounds continued throughout 2004–2005.



Performance highlights

Equitable and consistent service delivery, addressing the specific needs of clients

The Commission delivers legal representation to clients in partnership with practitioners from private practices, community legal centres and Aboriginal Legal Services (ALSs). This year, our Grants Division set up protocols including Practice Standards and Service Provision Agreements to ensure that clients across the state have equitable, consistent and professional services in all areas of law.

Strategic service provision

In consultation with stakeholders, two important strategic planning documents were updated to integrate with the Commission's corporate and business planning objectives. The EAPS Forward Plan and the Disability Action Plan identify how the Commission will undertake to further improve access to and enhance its services to people with disability or from CALD backgrounds. These Plans were distributed electronically across the Commission and to the community.

Clients from culturally diverse communities

The Commission has been identified by the Minister for Community Relations as a 'key agency' in the delivery of services to people from CALD backgrounds. To meet this commitment, the Commission has developed and implements an Ethnic Affairs Priority Statement (EAPS) Plan and reports on that Plan annually to the Community Relations Commission (CRC).

Achievements in 2004–2005

Anti Slavery Project – working in partnership

Civil lawyers worked closely with the Anti Slavery Project at UTS, providing legal advice in immigration and civil law matters, mostly to women brought to Australia illegally to become "slaves".

Consulting with the community

Following a series of community legal education seminars conducted at the Auburn Migrant Resource Centre on employment, discrimination and legal aid services, a number of unmet legal needs have been identified amongst persons from the Somali, Sudanese and Afghani Refugee communities. In response, we will provide publications about Legal Aid services in Dinka for the Sudanese community and Dari for people from Afghanistan.

Improving e-communication

The Commission's Access and Equity-specific intranet site has been enhanced to include copies of the EAPS Policy, Disability Policy, EAPS Forward Plan, and Disability Action Plan and other relevant resources and materials. This will assist all staff providing services to CALD clients. Links have also been created to other sites to ensure access to all appropriate information and resources.

Recognising diversity when assigning grants of legal aid

The Grants Division implemented the Grants Allocation Guidelines, which set out how legal aid matters are allocated to private legal practitioners. Special recognition has been afforded to the needs of persons from CALD backgrounds, persons with a disability and women. Consideration will be given to referring matters to appropriately identified practitioners who are sensitive and skilled in conducting matters on behalf of clients from these groups.

Private practitioners appointed to Legal Aid Panels are required to demonstrate their ability to identify, understand and address cross-cultural and legal issues facing socially or economically disadvantaged people.

Training

Elements of cross-cultural training are now included in induction and customer service training as well as specific conferences conducted by the criminal, family and civil law practices (see page 20).

Updated publications

Translated versions of Commission brochures: *Family Law – Frequently Asked Questions*; *Family Law Conferencing*; *Are you pleading guilty to a drink driving charge?*; *Do you have a legal problem?*; and *Do you need help with child support?* were updated in several languages, including Chinese, Vietnamese, and Arabic.

Ensuring Community Legal Education (CLE) is targeted to better understand and meet community needs

Building on its relationship with community organisations such as Asian Women at Work, the Chinese Migrants' Welfare Association, and the Chinese Australian Services Society, the Commission delivered information sessions to Vietnamese, Korean, Chinese and Indonesian audiences on Legal Aid services.

We provided information about Legal Aid at Pacific Unity Day, Pacific Youth Day and the Harmony Day Migrant Information Expo in Ryde.

We collaborated with Redfern Legal Centre to deliver education programs on family law issues to Aboriginal women and community workers.

Improving services for women from CALD backgrounds

The Women's Domestic Violence Court Assistance Program (WDVCAP) continued to ensure that non-English speaking specialist workers were allocated in areas of highest demands.

Regional offices' service delivery plans acknowledge cultural and linguistic issues in providing legal services to their local CALD communities. They continue to develop and maintain close links with ethnic community organisations.

Relevant statistics

Across case and inhouse duty services,

Access and Equity Plan 2004–2005

clients from a non-English speaking background made up 14.5% of the Commission's clients in 2004-2005.

A total of 29 staff received a language allowance under the Community Language Allowance Scheme (CLAS). Between them, the CLAS accredited staff speak 16 community languages.

Extensive usage was made of both telephone and face-to-face professional interpreters at interviews, community legal education sessions and court hearings. A total of \$592,542 was spent on interpreters' fees in 2004–2005 (compared to \$494,836 in 2003-2004), with interpreters used in 2.7% of the Commission's total case and inhouse duty services.

Plans for the year ahead

The Commission will further develop its training program, conferences and Community Legal Education programs to improve staff knowledge and ability in working with people from CALD backgrounds. The Learning and Development Unit will develop and conduct training programs on issues relevant to people from CALD backgrounds, similar to the successful *Working with Muslim clients* program.

People with a disability

The Commission continued to implement its *Disability Action Plan 2003–2006*.

Achievements in 2004–2005

Technological achievements

A disability-specific intranet site has been further developed, with policies and resources for the Commission's solicitors.

Necessary technological changes were carried out to enable all staff to utilise the National Relay Service (NRS) to communicate with speech and hearing-impaired clients. Instructions on how to use the NRS were posted on the intranet and included in customer service training programs.

The new version of the Grants Online web application form for all law types includes a specific question on whether the applicant identifies themselves as having a disability.

The Commission's electronic data recording system, LA Office, was

expanded to include questions about disability, and the revised version of the paper application form includes a specific question asking clients whether they have a disability. The voluntary response can be recorded in the new 'Disability' field on the 'client personal details' window in LA Office.

The Human Resources Branch disseminated a reasonable adjustment policy as part of a broader Health Assessment Policy, and regularly engages an AUSLAN interpreter to attend staff and other meetings to enable hearing-impaired staff to participate.

Our annual criminal law conference held sessions on how to better represent persons with disabilities.

Learning and Development's course *Demystifying Mental Illness* was conducted seven times and attended by 130 staff. Solicitors also undertook training in EEO and Anti-Discrimination law as part of their Mandatory Continuing Legal Education). Two courses were conducted for court support workers on understanding issues relating to clients with intellectual disabilities.

The Women's Domestic Violence Court Assistance Program (WDVCAP) Best Practice Guide includes resources to improve services to women with disabilities.

The Commission has negotiated electronic links to Accesslink, a site developed by the Attorney General's Department. This site provides resources and referrals that will enable our staff to provide better assistance to people with a disability using the justice system.

Community legal education targeted people with a disability

Ten information sessions were delivered to community workers, professionals and the general public about legal aid services for people with disabilities.

Lismore regional office conducted an information session for people with diabetes about Power of Attorney.

Relevant statistics

This year, 6.2% of staff reported having a disability, while 2.2%

reported requiring a workplace adjustment for their disability, compared with 6.2% and 2.4% respectively last year.

Plans for the year ahead

The Commission will:

- Negotiate with other justice system agencies to develop joint ventures to enhance and develop access, awareness and recruitment options for persons with disabilities.
- Investigate how electronic communication can be used to provide services to persons with a disability, especially those in rural areas or with mobility issues.
- Explore avenues for providing work experience to legal students who have a disability.
- Identify systemic processes in the criminal justice system, and their impact on persons with intellectual disabilities and/or mental health problems.
- Arrange for our staff to attend disability awareness training offered by the Attorney General's Department.
- Review service delivery to marginalised women, including services to women with disabilities, under the Women's Domestic Violence Court Assistance Program.

Women

The NSW Government Action Plan for Women identifies the Legal Aid Commission as a 'related agency' under the sections: "Violence and Safety and Access to Justice and Equity before the law."

Achievements in 2004–2005

Women in Custody pilot

- A pilot project aimed at providing legal assistance to women in custody, especially Aboriginal women, commenced at five locations across NSW. Legal advice and minor assistance is provided in civil and family matters. This project will be reviewed late in 2005.
- The 2004–2005 WDVCAP Conference addressed domestic violence in Aboriginal and Torres Strait Islander communities and its effect on indigenous women and children.

- The Commission contributed to an inter-agency report *Creating Pathways to Access*, an inter-agency report on the Status of Implementation of Recommendations from the *Quarter Way to Equal Report*. *Pathways* is coordinated by the Violence Against Women Specialist Unit of the Department of Community Services.
- Of the 32 community legal centres (CLCs) across NSW, which receive funding from Legal Aid, three centres specifically assist women: the Domestic Violence Advocacy Service, Wirringa Baiya Aboriginal Women's Legal Centre and the Women's Legal Service. Two centres, Northern Rivers Legal Centre and Western NSW Legal Centre receive specific funding for Rural Women's Outreach Programs in addition to their generalist funding.
- 33 Women's Domestic Violence Court Assistance Schemes provided 31,146 services in 55 courts throughout NSW.

Community legal education targeted women

- During Law Week in May 2005 a half-day seminar in Blacktown targeted community workers whose clients are young financially disadvantaged mothers.
- Bankstown regional office ran seminars about legal aid family law policies and child support for community workers, TAFE students, single mothers and the general public. The aim was to increase awareness about Legal Aid's services and improve referrals for women. As a result, contacts were made with family support services, including Centacare, Muslim women, and community health centres – all of whom provide targeted services for women.

Relevant statistics

- In 2004–2005, women made up 47.2% of the Commission's clients for total case, inhouse duty, advice and information services.
- 71.6% of our staff as at 30 June 2005 were women, an increase from 70.3% last year.

Plans for the year ahead

The Commission will work closely with other justice agencies to further develop and implement recommendations from the report *Creating Pathways to Access*.

Aboriginal and Torres Strait Islander communities

Legal Aid works in conjunction with the Aboriginal Legal Services to provide effective and culturally appropriate services for Aboriginal people throughout NSW.

Achievements in 2004–2005

- Dubbo and Lismore regional offices expanded their civil law outreach services to Aboriginal communities.
- In February 2005 the Commission set up an inhouse Aboriginal Justice Committee to ensure an ongoing dialogue about how best to ensure that effective and culturally appropriate services are provided to Aboriginal people.
- Acted on behalf of 11 Aboriginal men in a landmark case at Narooma Local Court.

Relevant statistics

The percentage of total case and inhouse duty services delivered to Aboriginal clients has continued to rise in recent years, and reached 5.4% in 2004–2005 (See graph at page 18). This reflects growth in the population of Aboriginal and Torres Strait Islander people in NSW, as well as Legal Aid's ongoing efforts to improve service delivery for this particularly disadvantaged client group.

Plans for the year ahead

- Implement recommendations made by the Aboriginal Justice Committee.
- Develop and pilot an Aboriginal client service strategy for civil law services to meet the high level of unmet need.
- Work with Wirringa Baiya Legal Centre to provide civil law advice to remote Aboriginal communities on a quarterly basis, starting in August 2005.
- Improve the delivery of child support outreach services to Aboriginal people living in the far north west of NSW.

- The Criminal Law Division will work closely with Aboriginal Legal Services to improve services to Aboriginal clients appearing before the courts.

People living in regional and remote areas

Achievements in 2004–2005

- Initiated a pilot audio-visual link from Sydney to deliver civil law services to Gosford.
- Provided comprehensive new child support outreach services to regional and remote NSW.
- Expanded family law services to Broken Hill.
- Expanded civil law outreach services to Aboriginal communities in the Northern Rivers region.
- Rolled out audio-visual link facilities throughout the Commission, using head office technology to improve services to regional areas.
- Introduced a new weekend bail scheme at Gosford for adults and children.

Relevant statistics

This year, 37.4% of the Commission's clients for case and inhouse duty services were from regional and rural NSW (including Wollongong and Newcastle).

6.8% of our regional and rural clients were from Aboriginal communities.

Plans for the year ahead

The Family Law Division will:

- Further expand the duty solicitor scheme to service Family Court circuits in Wollongong and Coffs Harbour.
- Increase the Care and Protection services offered on the Central Coast.
- Introduce a duty court scheme and advice service to Wellington, Narooma and Eden.
- Improve service delivery to isolated communities by investigating areas of need, and developing outreach services to meet those needs, particularly in the far west of NSW.

The Criminal Law Division will expand the use of audio-visual (AVL) facilities, allowing more clients easier access to legal aid services.

Law reform

We participated in law reform debates, ensuring that the interests of our clients were identified and acknowledged by a fair and responsive system.

This year, the Commission was involved in a number of law reform initiatives, either providing independent submissions or contributing to submissions made by National Legal Aid.

The Civil Law Division made submissions to the following bodies:

- The Allen Consulting Group on the Review of the Insurance Ombudsman Service
- Senate Select Committee on Mental Health
- Office of Fair Trading on the Consumer Credit (NSW) Amendment (Maximum Annual Percentage Rate) Bill 2005
- Australian Competition and Consumer Commission on Discussion Paper: *Review of the ACCC/ASIC debt collection guidelines*
- Australian Competition and Office of Fair Trading, Department of Commerce on:
 - *Consumer Claims Act 1988*
 - *Residential Parks Act 1998*
 - Draft Landlord and Tenant Regulation 2004
- Department of Health on the Review of the *Mental Health Act*
- NSW Attorney General's Department on the limitation period applying to debt collection.
 - Proposed Civil Procedure Regulation 2005

The Family Law Division made submissions to the following bodies:

- Australian Government on the Discussion Paper: *A New Approach to the Family Law System: Implementation of Reforms.*
- The Children's Court on:
 - proposed amendments to the *Children's (Care and Protection) Act*
 - new practice directions introduced in care and protection
- Contributed to National Legal Aid

responses, including:

- *The Child Paramourcy Principle in the Family Law Act*
- Discussion Paper about the Child Support Taskforce
- National Duty Scheme Protocols

The Criminal Law Division made submissions to the following bodies:

- NSW Attorney General's Department on:
 - Review of bail law in NSW
 - Proposed changes to the law relating to the infliction of grievous bodily harm and disease transmission
 - Human Rights and Equal Opportunity Commission Discussion Paper: *Discrimination in Employment in the Basis of Criminal Record*
 - Proposal to amend the *Criminal Procedure Act 1986*
 - Statutory review of *Bail Amendment (Repeat Offenders) Act 2002 (NSW)*
 - Legislative proposals to protect sexual assault complainants
 - Regulatory Impact Statement relating to the Staged Repeal of the Criminal Records Regulation
 - Regulatory Impact Statement – the Young Offenders Regulation 1997 (NSW)
- Australian Law Reform Commission on:
 - ALRC Issues Paper 29- Sentencing of federal offenders
 - Majority verdicts in criminal trials
 - Consultation draft on the Confiscation of Proceeds of Crime Amendment Bill 2005
- NSW Ombudsman on:
 - The review of the *Crimes Amendment (Forensic Procedures) Act 2000*
 - Drug detection (sniffer) dogs
 - Police search powers for internally concealed drugs

- Legislative Council Standing Commission on Law and Justice on Inquiry into back-end home detention
- NSW Legislative Council, Select Committee on Juvenile Offenders on Inquiry into Juvenile Offenders
- Commission for Children and Young People on:
 - Five-year review of the *Commission for Children and Young People Act 1998.*
 - Review of *s19 Children (Criminal Proceedings) Act 1987*
 - Review of *s31 Children (Criminal Proceedings) Act 1987*

The Grants Division made a submission to:

- NSW Law Reform Commission on the use of expert witnesses in civil matters and criminal matters.

Privacy and personal information protection

The *Privacy and Personal Information Protection Act 1998 (PPIP Act)* introduced a set of privacy standards for New South Wales public sector agencies. A privacy management plan was prepared to ensure compliance with the Information Protection Principles contained in the *PPIP Act* as modified by the Privacy Code of Practice for the Legal Aid Commission. 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. The Commission has received no applications for internal review under Part 5, and no internal reviews were conducted in 2004-2005.

Significant cases and 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 2004-2005.

Freedom of Information Report

Name of Agency: Legal Aid Commission of New South Wales

Period: from 1 July 2004 to 30 June 2005

Agency Reference Number: 48

Nil Return: No

Contact Name: Lyndsay Brooker
(02) 9219 5859

The Legal Aid Commission is an "agency" under the *Freedom of Information Act 1989 (the FOI Act)*.

As an agency, the Commission is required to publish certain information and to determine requests for access to, or amendment of, information held by the Commission.

In accordance with its obligations under the FOI Act, the Commission published its Summary of Affairs in December 2004 and June 2005, and its Statement of Affairs in June 2005.

While in previous years, the Commission received few FOI applications and this year they have increased, the number of applications received by the Commission still remains low. The administration of the FOI Act did not cause any major diversion of the Commission's resources and had no impact on the Commission's activities.

During 2004-2005 the Commission continued to make information about legal aid and other matters available to the public, where possible, free of charge. The Commission also provided specific information without requiring a formal application and application fee.

The Commission provides advice to staff, members of the public and others about the use and application of the FOI Act.

FOI Requests	2003-2004			2004-2005				
	Personal	Other	Total	Personal	Other	Total		
New (includes transferred in)	8	1	9	14	10	24		
Brought forward	0	0	0	1	1	2		
Total to be processed	8	1	9	26	1	26		
Completed	8	0	8	10	12	22		
Transferred out	0	0	0	1	0	0		
Withdrawn	0	0	0	1	0	0		
Total Processed	8	0	8	18	7	25		
Unfinished (Carried Forward)	0	1	1	0	1	1		
Results of FOI Requests								
Granted in full	3	0	3	9	9	18		
Granted in part	5	0	5	0	1	1		
Refused	0	0	0	0	3	3		
Deferred	0	0	0	0	0	0		
Completed	8	0	8	9	13	22		
Ministerial Certificates								
Issued		nil			nil			
Amendment of Personal Records								
Requests		nil			nil			
Narration of Personal Records								
Requests		nil			nil			
Basis of Disallowing or Restricting Access								
Section 19								
(Application incomplete, wrongly directed)	0	0	0	1	0	1		
Section 22 (Deposit not paid)	0	0	0	0	0	0		
Section 22 (Diversion of resources)	0	0	0	0	0	0		
Section 25 (1)(a) (Exempt)	5	0	5	4	0	4		
Section 25(1)(b),(c),(d) (Otherwise available)	0	0	0	0	0	0		
Section 28(1)(b) (Documents not held)	1	0	0	0	0	0		
Section 24(2)								
(Deemed refused - over 21 days)	0	0	0	0	0	0		
Section 31(4) (Released to Medical Practitioner)	0	0	1	0	0	0		
Total	5	0	6	5	0	5		
All Completed Requests								
Assessed Costs								
FOI Fees Received	\$150	\$0	\$150	\$180	\$645	\$825		
Type of Discount Allowed								
Public Interest	0	0	0	0	0	0		
Financial Hardship Pensioner/Child	7	0	7	10	3	13		
Financial Hardship Non Profit Organisation	0	0	0	0	0	0		
Total	7	0	7	10	3	13		
Days to Process								
0-21 days	7	0	7	4	3	7		
22-35 days	0	0	0	2	2	4		
Over 35 days	1	0	1	6	5	11		
Total	8	0	8	12	10	22		
Processing Hours								
0-10 hrs	7	0	7	12	9	21		
11-20 hrs	1	0	1	0	1	1		
21-40 hrs	0	0	0	0	0	0		
Over 40 hrs	0	0	0	0	0	0		
Total	8	0	8	12	9	22		
Number of requests requiring formal consultation(s)		Issued	Total		Issued	Total		
Reviews and appeals		0	0		0	0		
Number of internal reviews finalised		0	0		0	0		
Number of Ombudsman reviews finalised		0	0		0	0		
Number of Administrative Decisions Tribunal appeals finalised		0	0		0	0		
Internal Review Results	Personal Upheld	Personal Varied	Other Upheld	Other Varied	Personal Upheld	Personal Varied	Other Upheld	Other Varied
Access refused	0	0	0	0	0	0	0	
Deferred	0	0	0	0	0	0	0	
Exempt matter	0	0	0	0	0	0	0	
Unreasonable charges	0	0	0	0	0	0	0	
Charge unreasonably incurred	0	0	0	0	0	0	0	
Amendment refused	0	0	0	0	0	0	0	
Totals	0	0	0	0	0	0	0	

Legal program operational statistics

Primary Legal Programs

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	62,750	62,804	0.1%	62,578	-0.4%
Applications Refused	8,998	8,140	-9.5%	8,481	4.2%
Inhouse Grants	35,350	35,907	1.6%	35,918	0.0%
Assigned Grants	17,908	18,438	3.0%	18,028	-2.2%
Total Case Grants	53,258	54,345	2.0%	53,946	-0.7%
Grant Rate	85.5%	87.0%	1.5%	86.4%	-0.6%
Applications Determined	62,256	62,485	0.4%	62,427	-0.1%
Applications Undetermined @ year end	518	348	-32.8%	147	-57.8%
Grants Finalised	50,114	56,958	13.7%	51,889	-8.9%
Current Grants on Hand @ year end	36,188	35,200	-2.7%	38,051	8.1%
Duty Appearances					
Inhouse Appearances	57,500	59,388	3.3%	59,999	1.0%
Assigned Appearances	53,319	54,363	2.0%	57,974	6.6%
Total Duty Appearances	110,819	113,751	2.6%	117,973	3.7%
Other Services					
Advice and Minor Assistance	64,356	65,315	1.5%	74,481	14.0%
Information	131,927	122,036	-7.5%	157,968	29.4%
Total Other Services	196,283	187,351	-4.6%	232,449	24.1%
Total Client Services	360,360	355,447	-1.4%	404,368	13.8%

Criminal Law

Case Matters					
Applications Received	45,321	44,994	-0.7%	44,336	-1.5%
Applications Refused	4,330	3,634	-16.1%	3,224	-11.3%
Inhouse Grants	31,675	32,123	1.4%	32,273	0.5%
Assigned Grants	8,929	9,009	0.9%	8,732	-3.1%
Total Case Grants	40,604	41,132	1.3%	41,005	-0.3%
Grant Rate	90.4%	91.9%	1.5%	92.7%	0.8%
Applications Determined	44,934	44,766	-0.4%	44,229	-1.2%
Applications Undetermined @ year end	397	249	-37.3%	104	-58.2%
Grants Finalised	39,133	44,247	13.1%	39,933	-9.7%
Current Grants on Hand @ year end	21,246	19,169	-9.8%	20,698	8.0%
Duty Appearances					
Inhouse Appearances	44,881	44,780	-0.2%	44,098	-1.5%
Assigned Appearances	42,909	41,757	-2.7%	43,990	5.3%
Total Duty Appearances	87,790	86,537	-1.4%	88,088	1.8%
Other Services					
Advice and Minor Assistance	20,833	22,492	8.0%	26,461	17.6%
Information	29,098	25,730	-11.6%	35,152	36.6%
Total Other Services	49,931	48,222	-3.4%	61,613	27.8%
Total Client Services	178,325	175,891	-1.4%	190,706	8.4%

Family Law

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	15,291	15,719	2.8%	16,128	2.6%
Applications Refused	3,689	3,584	-2.8%	4,370	21.9%
Inhouse Grants	2,949	3,001	1.8%	2,828	-5.8%
Assigned Grants	8,596	9,054	5.3%	8,891	-1.8%
Total Case Grants	11,545	12,055	4.4%	11,719	-2.8%
Grant Rate	75.8%	77.1%	1.3%	72.8%	-4.3%
Applications Determined	15,234	15,639	2.7%	16,089	2.9%
Applications Undetermined @ year end	62	87	40.3%	38	-56.3%
Grants Finalised	9,615	11,307	17.6%	10,606	-6.2%
Current Grants on Hand @ year end	12,274	13,546	10.4%	14,929	10.2%
Duty Appearances					
Inhouse Appearances	1,389	1,384	-0.4%	2,050	48.1%
Assigned Appearances	3,792	3,734	-1.5%	3,429	-8.2%
Total Duty Appearances	5,181	5,118	-1.2%	5,479	7.1%
Other Services					
Advice and Minor Assistance	24,165	24,131	-0.1%	29,460	22.1%
Information	42,338	38,722	-8.5%	54,237	40.1%
Total Other Services	66,503	62,853	-5.5%	83,697	33.2%
Total Client Services	83,229	80,026	-3.8%	100,895	26.1%

Civil Law

Case Matters					
Applications Received	2,138	2,091	-2.2%	2,114	1.1%
Applications Refused	979	922	-5.8%	887	-3.8%
Inhouse Grants	727	783	7.7%	817	4.3%
Assigned Grants	382	375	-1.8%	405	8.0%
Total Case Grants	1,109	1,158	4.4%	1,222	5.5%
Grant Rate	53.1%	55.7%	2.6%	57.9%	2.2%
Applications Determined	2,088	2,080	-0.4%	2,109	1.4%
Applications Undetermined @ year end	59	12	-79.7%	5	-58.3%
Grants Finalised	1,366	1,404	2.8%	1,350	-3.8%
Current Grants on Hand @ year end	2,668	2,485	-6.9%	2,424	-2.5%
Duty Appearances					
Inhouse Appearances	11,230	13,224	17.8%	13,851	4.7%
Assigned Appearances	6,618	8,872	34.1%	10,555	19.0%
Total Duty Appearances	17,848	22,096	23.8%	24,406	10.5%
Other Services					
Advice and Minor Assistance	19,358	18,692	-3.4%	18,560	-0.7%
Information	60,491	57,584	-4.8%	68,579	19.1%
Total Other Services	79,849	76,276	-4.5%	87,139	14.2%
Total Client Services	98,806	99,530	0.7%	112,767	13.3%

Legal program operational statistics

Veterans' Advocacy Service

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	343	313	-8.7%	346	10.5%
Applications Refused	23	29	26.1%	31	6.9%
Inhouse Grants	140	113	-19.3%	125	10.6%
Assigned Grants	209	169	-19.1%	189	11.8%
Total Case Grants	349	282	-19.2%	314	11.3%
Grant Rate	93.8%	90.1%	-3.7%	91.0%	0.9%
Applications Determined	372	311	-16.4%	345	10.9%
Applications Undetermined @ year end	5	5	0.0%	1	-80.0%
Grants Finalised	305	360	18.0%	339	-5.8%
Current Grants on Hand @ year end	547	490	-10.4%	468	-4.5%
Other Services					
Advice and Minor Assistance	1,694	2,153	27.1%	2,999	39.3%
Information	221	74	-66.5%	117	58.1%
Total Other Services	1,915	2,227	16.3%	3,116	39.9%
Total Client Services	2,264	2,509	10.8%	3,430	36.7%

Mental Health Advocacy Service

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Case Matters					
Applications Received	138	157	13.8%	186	18.5%
Applications Refused	10	23	130.0%	54	134.8%
Inhouse Grants	32	41	28.1%	96	134.1%
Assigned Grants	12	28	133.3%	35	25.0%
Total Case Grants	44	69	56.8%	131	89.9%
Grant Rate	81.5%	75.0%	-6.5%	70.8%	-4.2%
Applications Determined	54	92	70.4%	185	101.1%
Applications Undetermined @ year end	6	17	183.3%	1	-94.1%
Grants Finalised	73	137	87.7%	192	40.1%
Current Grants on Hand @ year end	292	277	-5.1%	341	23.1%
Duty Appearances					
Inhouse Appearances	11,230	9,701	-13.6%	9,884	1.9%
Assigned Appearances	6,618	7,783	17.6%	10,431	34.0%
Total Duty Appearances	17,848	17,484	-2.0%	20,315	16.2%
Other Services					
Advice and Minor Assistance	227	235	3.5%	51	-78.3%
Information	634	500	-21.1%	349	-30.2%
Total Other Services	861	735	-14.6%	400	-45.6%
Total Client Services	18,753	18,288	-2.5%	20,846	14.0%

Alternative Dispute Resolution - Family Law

	2002-03	2003-04	% change from previous year	2004-05	% change from previous year
Number of conferences	1,410	1,732	22.8%	2,022	16.7%
Agreements reached	1,189	1,509	26.9%	1,770	17.3%
Agreement rate	84.3%	87.1%	2.8%	87.5%	0.4%

The Civil Law Program data on page 71 incorporates these Veterans' Advocacy and Mental Health Advocacy Service figures.

Inhouse and private practitioner allocations of legal work

	Inhouse Practitioner	Inhouse Practitioner %	Private Practitioner	Private Practitioner %	Total
Family Law					
Duty Appearances	2,050	37.4%	3,429	62.6%	5,479
Grants of Legal Aid	2,828	24.1%	8,891	75.9%	11,719
Total	4,878	28.4%	12,320	71.6%	17,198
Criminal Law					
Duty Appearances	44,098	50.1%	43,990	49.9%	88,088
Grants of Legal Aid	32,273	78.7%	8,732	21.3%	41,005
Total	76,371	59.2%	52,722	40.8%	129,093
Civil Law					
Duty Appearances	13,851	56.8%	10,555	43.2%	24,406
Grants of Legal Aid	817	66.9%	405	33.1%	1,222
Total	14,668	57.2%	10,960	42.8%	25,628
Commission Total					
Duty Appearances	59,999	50.9%	57,974	49.1%	117,973
Grants of Legal Aid	35,918	66.6%	18,028	33.4%	53,946
Total	95,917	55.8%	76,002	44.2%	171,919

Commonwealth and State allocation of Legal Aid Services

	State Matter	State Matter %	Commonwealth Matter	Commonwealth Matter %	Total
Family Law					
Grants	3,152	26.9%	8,567	73.1%	11,719
Duty Appearances	4,122	75.2%	1,357	24.8%	5,479
Advice & Minor Assistance	1,618	5.5%	27,842	94.5%	29,460
Information Services	6,217	11.5%	48,020	88.5%	54,237
Total	15,109	15.0%	85,786	85.0%	100,895
Criminal Law					
Grants	40,463	98.7%	542	1.3%	41,005
Duty Appearances	87,535	99.4%	553	0.6%	88,088
Advice & Minor Assistance	25,455	96.2%	1,006	3.8%	26,461
Information Services	33,919	96.5%	1,233	3.5%	35,152
Total	187,372	98.3%	3,334	1.7%	190,706
Civil Law					
Grants	617	50.5%	605	49.5%	1,222
Duty Appearances	24,318	99.6%	88	0.4%	24,406
Advice & Minor Assistance	12,582	67.8%	5,978	32.2%	18,560
Information Services	63,983	93.3%	4,596	6.7%	68,579
Total	101,500	90.0%	11,267	10.0%	112,767
Commission Total					
Grants	44,232	82.0%	9,714	18.0%	53,946
Duty Appearances	115,975	98.3%	1,998	1.7%	117,973
Advice & Minor Assistance	39,655	53.2%	34,826	46.8%	74,481
Information Services	104,119	65.9%	53,849	34.1%	157,968
Total	303,981	75.2%	100,387	24.8%	404,368

Community Legal Centres (CLCs) Funding Program Grants 2004–2005

We provided funding for 32 community legal centres across NSW

Community Legal Centre	Commonwealth Funding \$'s	State Funding \$'s	Public Purpose \$'s	Total Funding \$'s
Blue Mountains CLS	89,323	143,747		233,070
Central Coast LC	205,061	14,190	35,000	254,251
Combined CLC Group	-	225,600		225,600
Consumer Credit LC	123,011	106,270		229,281
Court Support Scheme	29,325	5,038	5,000	39,363
Domestic Violence Advocacy Service	-	353,270		353,270
Environmental Defender's Office	83,406	154,481	461,931	699,818
Far West CLC	221,229	-		221,229
Hawkesbury/Nepean CLC	138,145	103,218		241,363
HIV/AIDS LC	64,137	69,144		133,281
Hunter CLC	186,022	206,139	8,000	400,161
Illawarra LC	358,013	162,510	35,000	555,523
Immigration Advice & Rights Centre	86,736	195,861		282,597
Inner City LC	104,321	130,560		234,881
Kingsford LC	150,520	104,997		255,517
Macarthur LC	195,531	160,223	35,000	390,754
Macquarie LC	137,884	223,296	35,000	396,180
Marrickville LC	136,325	232,390		368,715
Mt Druitt & Area CLC	174,035	14,172		188,207
NSW Disability Discrimination LC	178,455	31,576		210,031
North & North West CLS	205,777	14,244		220,021
Northern Rivers CLC	243,250	19,273		262,523
Public Interest Advocacy Centre	101,417	99,099	536,445	736,961
Redfern Legal Centre	138,782	202,823		341,605
Shoalcoast CLC	222,476	98,513		320,989
South West Sydney LC	174,716	191,415		366,131
Tenants' Union of NSW	66,672	98,862		165,534
The Aged-care Rights Service	29,998	2,016		32,014
Welfare Rights Centre	201,868	99,791		301,659
Western NSW LC	232,382	19,502		251,884
Wurringa Baiya AWLC	-	286,453		286,453
Women's Legal Service	754,287	261,727		1,016,014
CLC Review	-	17,000		17,000
TOTAL	5,033,104	4,047,467	1,151,376	10,231,947

Women's Domestic Violence Court Assistance Program (WDVCAP) Funding 2004–2005

We provided funding to 33 WDVCASs* as well as the Program's Training and Resource Unit

Auspice Organisation	Corresponding WDVCAS	Total Amount Provided \$'s
Albury/Wodonga Women's Centre	Albury	55,647
Bankstown Community Services Co-op	Bankstown	77,933
Blue Mountains Community Legal Centre	Blue Mountains/Lithgow	83,276
Broken Hill Family Support Service	Broken Hill	80,141
Burwood Community Welfare Service	Inner West	108,776
Central Coast Management Committee	Central Coast	132,459
Centacare	Hornsby	53,438
Dubbo Women's Housing	Dubbo	107,770
Edith Edwards Women's Centre	Bourke/Brewarrina	84,407
Hawkesbury Nepean Community Legal Centre	Hawkesbury	64,142
Hunter Community Legal Centre	Hunter	142,099
Hunter Community Legal Centre	Maitland	55,647
Kempsey Family Support Service Inc.	Kempsey	71,977
Macarthur Community Legal Centre	Macarthur	101,646
Macquarie Legal Centre	Parramatta/Ryde	99,891
Manly Warringah Women's Resource Centre	Manly/Warringah	84,284
Manning Valley Neighbourhood Service	Taree	71,977
Marrickville Legal Centre	Newtown	69,766
Moree Family Support	Moree	80,141
Northern Rivers Community Legal Centre	Northern Rivers	231,875
Pam's Place Inc.	Blacktown	99,891
Penrith Women's Health Centre	Penrith/Mt Druitt	154,400
Randwick Information & Community Centre	Waverley	84,284
Redfern Legal Centre	Redfern	99,891
Sister's Housing Enterprises Inc.	Wagga Wagga	71,977
South West Sydney CLC	Liverpool/Fairfield	134,264
Southern Women's Group	Bega	50,153
Sutherland Shire Family Support Service	Southern Sydney	109,770
The Women's Shelter Armidale Inc.	Armidale	66,487
UnitingCare Burnside	Hastings	55,647
Warrina Women's & Children's Refuge	Coffs Harbour	55,647
Wollongong Women's Centre	Illawarra	103,036
YWCA of Sydney	Nowra	71,977
Women's Legal Services NSW	Training & Resource Unit	225,849
Non-Recurrent Grants		22,949
TOTAL		3,263,614

*Women's Domestic Violence Court Assistance Scheme

Learning and development

Courses conducted 1 July 2004 to 30 June 2005

COURSE TITLE	SESSIONS	PARTICIPANTS	
		Total	External
Internal Training Programs (some sessions also attract MCLE points)			
Aboriginal Awareness	3	13	
Advanced Business Writing	1	15	
Advocacy – Defended Hearings	1	10	
Advocacy – Bail	2	6	
Advocacy – Sentencing	2	5	
Business Writing For Support Staff	1	17	
Corporate Induction	6	73	
Critical Incident Management	3	55	
Demystifying Mental Illness	8	108	
Diploma of Business (FLM) (various sessions)	26	390	
EEO & Anti Discrimination	4	20	
Ergonomic & Office Safety	4	45	
Finance Information Session	1	7	
Finance Matters for Managers	6	51	
Inmate classification	1	18	
Interpersonal Skills & Customer Service	7	93	
Job Evaluation	2	24	
Job Seeking Skills	4	25	
Job Seeking Follow-up	3	8	
Managing Aggressive and Violent Behaviour	8	107	
Manual Handling	1	10	
Mentoring Program	3	29	
Modern Business Writing for Legal & Senior Staff	1	18	
New Managers & Supervisors	2	20	
OH&S Induction	5	64	
Organising Conferences & Seminars	2	13	
Performance Planning & Development (various)	6	35	
Policy Process (The)	3	45	
Project Management	1	10	
Resolving Workplace Conflict	6	32	
Safety Leadership Workshop	1	10	
Selection Techniques	4	18	
Selection Techniques Refresher	2	4	
Stress Management	7	70	
Team development sessions	2	35	
Time Management	3	21	
Train Small Groups	4	14	
Working With Muslim Clients	3	46	
Total	149	1,584	
Internal Legal Education (MCLE)			
Civil Law Seminars	4	123	31
Criminal Law Seminars	7	73	
Family Law Seminars	1	19	
Total	12	215	31
Internal Conferences			
Civil Law Conferences	1	72	9
Criminal Law Conferences	2	376	143
Family Law Conferences	3	193	51
Legal Services Conference	1	143	0
WDVCAP Conference	1	200	197
ADR Chairpersons Conf. - Mediation	1	114	100
Total	9	1,098	500
ADR Training			
Conference Organisers	1	10	
Total	1	10	
External Programs			
Attendance at external training programs	18	32	
Attendance at external IT training programs	20	54	
Attendance at external seminars	70	185	
Attendance at external conferences	9	26	
Total	117	297	
Information Management and Technology			
Desktop Upgrade Sessions	20	223	
E-lodgement	18	66	
Icebuilder	14	84	
Introduction to Excel	3	22	
LA Office	29	83	
Lawdocs	8	19	
One on one	9	9	
Using the Intranet & Internet	3	10	
Word (Various)	4	16	
XP What's New	2	5	
Total	110	537	
Grants Officer Training			
Criminal Session	10	230	
E-lodgement (Grants Run)	7	19	
Family Session	22	132	
Total	39	381	

Significant committees of the Commission

Committees played an important role in helping us achieve our goals in 2004–2005.

Legal Aid Review Committees

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

They consider:

- appeals against refusals of legal aid
- conditions imposed on grants of legal aid
- variations and terminations of grants
- decisions to decline payment of costs ordered against legally assisted clients.

The committees allowed appeals in 165 of 942 submitted matters. The table below shows further details of committee caseload and successful appeals by program areas.

Committee membership as at 30 June 2005:

Review Committee No. 1

Ms Julie Burton, Chairperson, Minister's Nominee (alternates Mr I Linwood and Mr P Anet)

Mr J A McCarthy QC, Bar Association/Law Society Nominee (alternates Mr P Menzies QC and Mr P Blacket SC)

Ms W Faulkes, Lay Member (alternate Mr D Sword)

Review Committee No. 2

Mr P Robinson, Chairperson, Minister's Nominee (alternates Mr D Norris and Mr B Row)

Mr W Terracini SC, Bar Association/Law Society Nominee (alternates Ms A Healey and Mr M Buscombe)

Mr D Kelly, Lay Member (alternate Dr W Porges)

Review Committee No. 3

Mr K Garling, Chairperson, Minister's Nominee (alternates Mr W Ball and Ms G Mahony)

Mr T Stern, Bar Association/Law Society Nominee (alternates Mr G Walsh and Mr D Anderson)

Ms T Heness, Lay Member (alternate Mr D Kelly)

Family Law Legal Aid Review Committee No. 1

Ms M Barbaro, Chairperson, Minister's Nominee (alternates Ms J Townsend and Ms A Tomlin)

Mr G Moore, Bar Association/Law Society Nominee (alternates Mr R Schonell and Mr J Berry)

Ms B Smith, Lay Member (alternate Ms R Kusuma)

Family Law Legal Aid Review Committee No. 2

Ms C Goodhand, Chairperson, Minister's Nominee (alternates Mr J McDonnell and Ms C Tassone)

Mr D Holmes, Bar Association/Law Society Nominee (alternates Mr P Lewis and Ms A Parkin)

Ms L Fisher, Lay Member (alternate Ms R Kusuma)

Committee Activities 2004–2005

Legal Aid Review Committee No 1 met on 9 occasions and held 5 ad hoc meetings.

Legal Aid Review Committee No 2 met on 10 occasions and held 1 ad hoc meeting.

Legal Aid Review Committee No 3 met on 6 occasions and held 4 ad hoc meetings.

Family Law Committee No 1 met on 11 occasions and held 1 ad hoc meeting.

Family Law Committee No 2 met on 14 occasions and held 2 ad hoc meetings.

Board Committees

Section 68 of the *Legal Aid Commission Act 1979* enables the Commission to establish special consultative committees in order to advise the Board in the exercise of its functions under the Act.

In 2004–2005, a range of committees made recommendations to the Board in matters relating to the Commission's operations. In doing that, they each sought the advice of senior staff and considered all relative options as a pre-requisite to framing recommendations to the Board.

Committees that played a significant role during the year were:

Audit and Finance Committee

Made recommendations to the Board on financial reporting practices, business ethics, policies and practices, accounting policies, and management and internal controls.

The members are:

- Robert Corben (Chair 1 July 2004 to 29 March 2005), Board Member, 9[†]
- Phillip Taylor, (Chair 26 April 2005 to 30 June 2005), Chair of the Board, 11[†]
- Bill Grant, CEO and Board Member, 12[†]
- Russell Cox, Deputy CEO, Business & Client Services, LAC*, 11[†]
- Stephen O'Malley, Director, Corporate Finance, LAC*, 10[†]
- Ray Jennings (Manager, Corporate Finance) 1[†]

There were 12 meetings in 2004–2005.

[†]No. meetings attended.

Appeals Before Legal Aid Review Committee during 2004–2005

Program Area					Total	Appeals
	Allowed	Disallowed	Withdrawn	Deferred	Appeals	Allowed (%)
Civil Law	8	114	3	16	141	5.7
Criminal Law	76	201	3	19	299	25.4
Family Law	81	377	8	36	502	16.1
Total	165	692	14	71	942	17.5

Civil Law Sub-Committee

Made recommendations in relation to general law matters.

The members are:

Anne Britton (Chair), Board Member
Simon Moran, Board Member
Anthony Payne, Bar Association
Pauline Wright, NSW Law Society
Stella Sykiotis, Director, Civil law Division, LAC* (from July 2004 to December 2004)
Paul Hayes, A/Director, Civil law Division, LAC* (from January 2005 to June 2005)

There were seven meetings in 2004–2005.

Community Legal Centres Funding Sub-Committee

Advised the Board on funding for community legal centres.

The members are:

Rev Harry Herbert (Chair), Board Member; Simon Moran, Board Member; Jane Cipants, Chairperson, Combined CLC Group (until December 2004); Michelle Jones, Chairperson, Combined CLC Group (from January 2005); Polly Porteous, Director, Combined CLC Group; Anita Anderson, Director, Strategic Planning and Policy Division, LAC*; Louise Blazejowska, A/Manager, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Dennis Roach, Manager, CLC Funding Program, LAC*;

There were four meetings in 2004–2005.

Criminal Law Sub-Committee

This committee did not meet in 2004–2005.

Family Law Sub-Committee

This committee did not meet in 2004–2005.

Grants Committee

Made recommendations to the Board in relation to work of the Grants Division.

The members are:

Phillip Taylor (Chair), Board Member; Richard Gulley, NSW Law Society; Geoff Lindsay SC, Bar Association, Board Member; Richard Funston, Director, Grants, LAC*

There were three meetings in 2004–2005.

Advisory Committees

Cooperative Legal Service Delivery Model Steering Committee

Advised the CEO on the implementation of the CLSD pilot project (See page xx).

The members are:

Louise Blazejowska (Chair), Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC ; Alan Turner, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Alex Colquhoun, Family Law Division, LAC*; Kim Gabler, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Kylie Beckhouse, Family Law Division, LAC*; Genevieve Muir, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Kate Escobar, Parramatta regional office, LAC*; Anne Cregan, Blake Dawson Waldron; Deborah Sharp, Community Justice Centres; Grant Arbuthnot, Tenants Advice Advocacy Program; Jane Cipants, NSW Community Legal Centres; Jenny Lovrich, National Pro Bono Resource Centre; John McKenzie, Coalition of Aboriginal Legal Services
Julie Baker, Attorney General's Department; Julie Harrison, Local Courts; Kate Wandmaker, Western Community Legal Centre; Lauren Finestone, LawAccess NSW; Sandra Stevenson, Public Interest Law Clearinghouse; Sue Scott, NSW Law and Justice Foundation; Sue Walden, Legal Information Access Centre; Monique Hitter, Standing Member; John Truswell, Law Society of NSW; Dorothy Allan, Law Society of NSW; Polly Porteous, Combined Community Legal Centres Group NSW; Laura Ravalico, Legal Information Access Centre.

There were two meetings in 2004–2005.

Environmental Consultative Committee

Advised the Commission on public interest environmental law matters and made recommendations on whether grants of legal aid should be made.

The members are:

Professor David Farrier, University of Wollongong; Dr Alan Jones, Australian Museum; Professor Ben Boer, University of Sydney (alternate member); Andrew Kelly, University of Wollongong (alternate member); Lyndsay Brooker, Review and Reform, Strategic Planning and Policy Division, LAC*.

There were six meetings in 2004–2005.

Women's Domestic Violence Court Assistance Program Advisory Committee

Advised the CEO on the implementation, administration and guidelines of the program, including funding priorities.

The members are:

Louise Blazejowska (Chair), A/Manager Service Delivery Planning and Evaluation, Strategic Planning and Policy Division, LAC*; Tracey Corbin-Matchett, Manager WDV CAP, LAC*
Jacqui Lane, WDV CAP Project Officer, LAC*; Cheryl Alexander, Penrith WDV CAS Coordinator; Deborah Sykes, Moree WDV CAS Coordinator
Lyndal Gowland, Redfern WDV CAS Coordinator; Catherine Carney, (LAC Board Rep) Principal Solicitor, Women's Legal Service NSW; Amanda English, Local Courts, Attorney General's Department; Maria Kissouri, Training & Resource Unit, Women's Legal Service NSW; April Pham, Violence Against Women Specialist Unit, Department of Community Services.

There were four meetings in 2004–2005.

**Legal Aid Commission*

Significant committees of the Commission

Internal Committees

The Commission has two committees which met regularly to ensure staff employment opportunities and health and safety needs were addressed.

Equal Employment Opportunity (EEO) Steering Committee

Provided advice to the CEO on strategies to promote EEO within the Commission.

The members are:

Anita Anderson (Chair), Director, Strategic Policy and Planning Division; Bronwyn McCutcheon (Executive Officer), HRM Branch, Business and Client Services Division; Lisa Staples (Committee Assistant), HRM Branch Business and Client Services Division; Kylie O'Neill (PSA representative), Wollongong Regional Office; Alex Grosart (PSA representative), Civil Litigation, Civil Law Division; Sue Emery (PSA representative), Civil Litigation Division; Christine Dawson, Inner City Local Courts, Criminal Law Division; Julie Morgan, Executive Officer, Executive; Laurel Russ (ATSI Employment Officer), HRM Branch, Business and Client Services Division; Helen Doyle, Grants Division; Deirdre Scott, IM&T Branch, Business and Client Services Division; Leisha Bubniuk, Service Delivery Planning and Evaluation, Strategic Planning and Policy Division; Edwina Hunter (Alternate PSA representative), Newcastle regional office; Elizabeth Watkins (currently on leave), Manly regional office.

There were six meetings in 2004–2005.

Occupational Health and Safety (OH&S) Committee

In accordance with s18 of the *Occupational Health and Safety Act*, the committee's role is to ensure the health, safety and welfare of persons in the workplace.

The members are:

Employer representatives:

Russell Cox, Executive, Business and Client Services Division; Jennifer Bulkeley, Business and Client Services Division; Nohad Ghibely (Executive Officer), Business and Client Services Division; June Woolcott, Business and Client Services Division; Kate Escobar, Parramatta office

Employee representatives:

Kylie O'Neil (Chair), Southern Region; Carolyn Dean, Northern Region; Paul Gallagher, Northern Region; Susan Davitt, Southern Region; Siobhan Mullany, Metropolitan Region; Sue Emery, Metropolitan Region; Jacqueline Green, Metropolitan Region; Kathy Trajkovski, Alternate, Metropolitan Region.

There were six meetings in 2004–2005.

Other Committees

Throughout 2004–2005, a number of working parties and steering committees met regularly to discuss particular areas of the Commission's work.

They included the:

- Aboriginal Justice Steering Committee
- Community Legal Education Reference Group
- Conflict of Interest Committee
- E-Diary Steering Committee
- Grants Crime Coordination Committee
- Grants Expensive Cases Committee
- Grants Records Management Working Party
- Human Resource Consultative Committee
- Identification of Pleas of Guilty Committee
- Information Technology Executive Committee
- Peak Consultative Committee with PSA
- PCC/Information Technology Consultative Committee
- Training and Development Consultative Committee

Working with other organisations

During 2004–2005, staff of the Commission worked with many other organisations involved in the legal service industry.

National Legal Aid Committees

Australasian Total legal Aid System (ATLAS) Working Party: **Mary Whitehead, Wayne Gale, Paul Hayes**

Finance Directors Working Party: **Stephen O'Malley**

Grants Working Group: **Richard Funston, Mary Whitehead**

Legal Practice Working Group: **Steve O'Connor**

National Legal Aid Community Legal Education (CLE) Group: **Penny Adams**

National Legal Aid Directors: **Bill Grant**

National Legal Aid Family Law Working Group: **Judith Walker**

National Statistics Working Party: **Mary Whitehead**

Primary Dispute Resolution Working Group: **Elaine Harrison**

Law Society of NSW Committees

Criminal Law Committee: **Teresa O'Sullivan, Brian Sandland**

Criminal Law Committee, NSW Young Lawyers: **Lester Fernandez**

Criminal Law Specialist Accreditation Advisory Committee: **Estelle Hawdon**

Ethics Committee: **Justin Hutchinson**

Family Issues Committee: **Judith Walker**

Family Law Committee, NSW Young Lawyers: **Olivia Conolly**

Government Solicitors Committee: **Mary Whitehead**

Law Week Planning Committee: **Penny Adams**

Aboriginal Legal Services

Legal Aid Commission of NSW and Sydney Regional Aboriginal Legal Service Corporation Working Group: **Steve O'Connor, Louise Blazejowska, Brian Sandland, Judith Walker, Paul Hayes, Stella Sykiotis**

Coalition of Aboriginal Legal Services: **Steve O'Connor, Brian Sandland**

Civil Law Committees

Administrative Appeals Tribunal Practice Committee: **Bill Gerogiannis**

Administrative Decisions Tribunal, Guardianship and Protected Estates User Group: **Robert Wheeler**

Asylum Seekers Interagency: **Geraldine Read**

Asylum Seekers Interagency Working Party: **Phillipa Martin**

Asylum Seekers Centre: **Geraldine Read** (Management Committee)

Boarders and Lodgers Action Group: **Damien Hennessey**

Consumer Credit Legal Centre: **Stella Sykiotis** (Management Committee)

Department of Housing's Anti-Social Behaviour Consultation Forum: **Damien Hennessey**

Discrimination Lawyers Group Steering Committee: **Fiona Pace**

Do-it-yourself Discrimination Complaint Kit Project Steering Committee, Kingsford Legal Centre: **Fiona Pace**

Fairfield Migrant Resource Centre: **Sarah Burke** (Management Committee)

Getting off the Referral Roundabout Training Video and Kit Project Steering Committee, Kingsford Legal Centre: **Fiona Pace**

Health Department, Mental Health Review Systems Committee: **Nihal Danis**

Industrial Relations Commission User Group: **David McMillan**

Insurance Council of Australia, Committee for Consumer Consultation: **Alex Grosart, David Coorey, Guy Donnellan**

International Committee of Jurists: **Elizabeth Biok**

Illawarra Forum, Mental Health Committee: **Mathew Turner**

Mental Health Advocacy Network: **Nihal Danis**

Minister for Fair Trading, Retirement Villages Advisory Council: **Lynne Wilkins**

National Asylum Seekers and Refugee Forum: **Bill Gerogiannis**

Office of Fair Trading, Uniform Consumer Credit Working Party: **John Moratelli, Dave McMillan**

Office of Fair Trading, Consumer Trader and Tenancy Tribunal Commercial Division Consultative Forum: **Paul Batley, Cvetanka Jankulovska, Dave McMillan**

Office of Fair Trading, Consumer Trader and Tenancy Tribunal Tenancy Division Consultative Forum: **Damien Hennessey**

Park and Village Forum: **Lynne Wilkins**

Public Housing Issues Working Party: **Damien Hennessey**

Refugee Review Tribunal Liaison Committee: **Geraldine Read**

Start Out Right Steering Committee (for Illawarra Youth): **Mathew Turner**

Temporary Protection Visa Project: **Phillipa Martin**

Tenancy Legal Working Party: **Lynne Wilkins, Damien Hennessey, Sarah Nielsen**

Welfare Rights Centre: **Elizabeth Biok** (Management Board)

Criminal Law Committees

Attorney General's Working Party on the *Young Offender's Act*: **Debra Maher, Mia Prodigalidad**

Children's Court Assistance Scheme (CCAS) Advisory Committee: **Mia Prodigalidad, Louise Sutherland**

Children's Court Advisory Committee: **Teresa O'Sullivan**

Court of Criminal Appeal Users Group: **David Barrow**

Criminal Case Processing Committee: **Steve O'Connor, Brian Sandland, Nerissa Keay, Annmarie Lumsden, Bryan Robinson, Michael Betts,**

Working with other organisations

Heather Anderson, Teresa O'Sullivan, Richard Kozanecki

Criminal Justice Research Network:
Anita Anderson

Criminal Justice Sexual Offences Taskforce: **Steve O'Connor, Julie Morgan**

Working Group addressing Review of *Crime Forensic Procedures Act*:
Lester Fernandez

Youth Justice Coalition:
Mia Prodigalidad, Louise Sutherland, Aaron Tang

Youth Justice Advisory Committee:
Teresa O'Sullivan

Youth Action Policy Association:
Mia Prodigalidad, Louise Sutherland

Family Law Committees

Centacare (Wollongong) Advisory Committee: **Paul Ryan, Vera Temelkovska**

Children's Court Advisory Committee:
Katarzyna Rutkowska

Child Support Agency, National Registrar's Advisory Panel (Australian Council of Social Services Representative): **Sally Cole**

Child Support Agency, Regional Registrar's Advisory Panel: **Sally Cole**

Child Support Agency, Legal Liaison Advisory Committee: **Sally Cole**

Coffs Harbour Family Law Practitioners Association: **Jane Corcoran**

Court User's Forum, Toronto Children's Court: **Nicola Callander, Phillip Squires, Edwina Hunter**

Dubbo Welfare Interagency Collective:
Michael Gross

Gateway Committee, Newcastle:
Kim O'Rourke

Greater Metropolitan Domestic Violence Group: **Maureen Power**

Greater Sydney Families in Transition, Pathway Network Group:
Judith Walker

Family Court, Mental Health Support Project Working Party: **Judith Walker**

Hunter Valley Family Law Practitioners Association: **Edwina Hunter**

Inner City Legal Centre: **Paul Guterres** (volunteer)

Interrelate Contact Centre, Coffs Harbour, Advisory Committee:
Jane Corcoran

Jean's Place, Marrickville Women's Refuge (Board Member): **Dina Lioumis**

Macarthur Legal Centre (Management Committee and volunteer):
Claudio Castro

Manly Warringah Interagency:
Atoa Aiolupotea

Newcastle Law Society, Children's Law and Community Legal Education committees: **Nicola Callander**

Pacific Islander and Police Support Community Support Group (Liverpool/Green Valley):
Atoa Aiolupotea

Relationships Australia Contact Centre, Newcastle (Committee Member):
Nicola Callander

St James Local Court User Committee:
Katarzyna Rutkowska

Refugee Advice and Caseworker Service, Temporary Protection Visa Project: **Katie Wrigley**

Warilla Neighbourhood Centre, Advisory Committee: **Paul Ryan, Vera Temelkovska**

Other Committees

Apprehended Violence Legal Issues Coordinating Committee: **Tracey Corbin-Matchett, Louise Blazejowska, Alan Turner**

Community Legal Centres Training Reference Group: **Sandy Degrassi**

Courtlink: **Steve O'Connor, Heather Cullen**

Cross Justice Agency Video Conferencing Steering Committee:
Russell Cox, Brian Sandland

Domestic Violence Court Intervention Model Taskforce: **Louise Blazejowska, Brian Van Zuylen**

e-learning Action Group:
Sandy Degrassi

Health/Legal Aid Minimum Standards Committee: **Nohad Ghibely, Rob Wheeler**

Homeless Persons Legal Services Reference Group: **Louise Blazejowska**

Justice Agency Joint RSP Working Party: **Julie Morgan**

Juvenile Justice/Legal Aid Commission Minimum Safety Standards Working Group: **Nohad Ghibely**

LawAccess NSW: **Bill Grant** (Board Member)

Leadership & Management Action Group: **Sandy Degrassi**

Legal Information Access Centre:
Bill Grant (Board Member)

NSW Aboriginal Justice Cluster Plan:
Steve O'Connor, Julie Morgan

NSW Legal Referral Forum:
Louise Blazejowska

NSW Community Legal Centres Community Legal Education Working Group: **Penny Adams**

NSW Learning & Development Forum (Premiers): **Sandy Degrassi**

Privacy Advisory Committee: **Bill Grant**

Public Interest Advocacy Centre:
Bill Grant (Board Director)

Shared Corporate Services Project Management Committee: **Russell Cox, Stephen O'Malley**

Shared Corporate Services Joint Consultative Committee: **Russell Cox**

Standing Committee of Criminal Justice Chief Executive Officers:
Bill Grant

Standing Committee of Criminal Justice Chief Executive Officers, Senior Officers Group: **Julie Morgan**

Standing Inter-Agency Advisory Committee on Court Security:
Russell Cox, Brian Sandland

Victims Advisory Board: **Bill Grant** (Chair)

Young Adult Conferencing Working Group: **Julie Morgan**

Glossary

Aboriginal and Torres Strait Islander (ATSI)

A person who identifies as Aboriginal or Torres Strait Islander and is accepted by the community.

Advice

Legal advice provided to a client by Legal Aid solicitors. Includes advice given over the telephone.

Alternate Dispute Resolution (ADR)

A non-adversarial dispute resolution process facilitated by a neutral third party, resolving disputes by consensus.

Applications approved/granted

Applications for legal aid that have been approved within this reporting period. Includes authorisations under s33 of the *Legal Aid Commission Act 1979*.

Applications determined

Applications that have been approved or refused within the reporting period.

Applications received

Applications for legal aid received within this reporting period.

Applications refused

Applications for legal aid that have been refused within this reporting period.

Applications undetermined

Applications for legal aid where no determination has been made, including applications which are pending or suppressed (e.g. while the client is asked to provide further material in order to determine the application).

Assigned

Refers to legal services performed by private lawyers.

CALD

Clients from culturally and linguistically diverse backgrounds.

Casework

Civil, family, criminal, administrative law, mental health and veterans' matters for which legal aid is granted. Does not include duty appearances.

Community Legal Education (CLE)

Information sessions about legal aid and the law given to the public, professional groups, community organisations and agencies.

Current applications on hand

Applications for legal aid which have not been finalised by the end of the reporting period.

Dependant

A person who is financially dependent on the legal aid client, whether or not they reside with the legal aid client.

Determination date

In casework matters, the date when an application is approved or refused.

Duty appearances

Representation appearances at Local Courts on behalf of legally aided clients.

EAPS

Ethnic Affairs Priority Statement.

EEO

Equal Employment Opportunity.

EFT

Effective full-time. Represents the number of staff positions equating to 35 hours per week.

E-Lodgement

Online lodgement/transfer of an application or proforma invoice from a private practitioner's practice or inhouse family law office.

Family law conference

A meeting/mediation session between the people involved in a family law dispute, arranged by Legal Aid.

Grants of aid

Approval for casework matters, including s33 authorisations.

Information

General information services about the justice system or information about legal aid services provided by Legal Aid staff.

Inhouse

Refers to any legal or other service provided by employees of the Commission.

Means test

Income and assets test used to determine eligibility for legal aid. Applies to both State and Commonwealth matters.

MERIT (Magistrates Early Referral Into Treatment)

A diversionary program designed to open the door to medical treatment rather than custody for those accused of non-violent drug-related crimes.

Merit test

Test used to determine the eligibility for aid. There are different merit tests for State and Commonwealth matters.

Minor assistance

Advice and work done in the giving of advice (i.e. simple correspondence, phone call) but not where a formal legal aid application is submitted.

NESB

Non English-Speaking Background

NESC

Born in non-English-Speaking country.

Reporting period

From 1 July 2004 to 30 June 2005.

Section 33 authorisations

Approval for expenditure under s33 *Legal Aid Commission Act 1979* (e.g. medical reports or counsel opinion) to determine the merit of a matter in the granting of aid.

Total assistance

Total of numbers of applications approved, s33 authorisations granted, advice, minor assistance and community information services provided.

TTY

Telephone Type Writer for people with a speech or hearing impairment.

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