



Legal Aid Commission of NSW

Annual Report 2003-2004

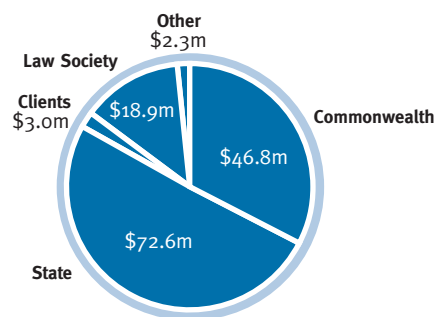


The Legal Aid Commission provides legal aid services in New South Wales. We are the largest legal aid agency in Australia.

The Commission is established under the *Legal Aid Commission Act 1979* to improve access to justice by providing a range of legal services to socially and economically disadvantaged people. We are an independent statutory body, employing the equivalent of 669 full-time staff around NSW.

We work in partnership with private practitioners who receive funding from the Commission to represent legally-aided clients. In 2003–2004, private practitioners represented 43.3% of all legal aid clients.

In 2003–2004 we provided 355,661 client services, which included representation, duty appearances, legal advice, information services and community education through our head office, 20 regional offices and private practitioners.



Where our funds come from

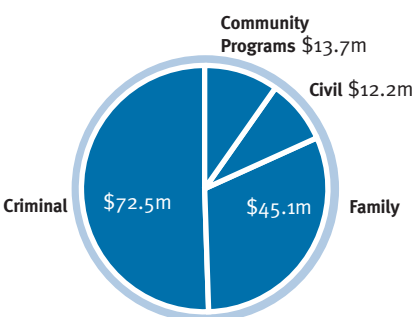
Our corporate governance framework

The Legal Aid Commission's corporate governance framework ensures the Commission delivers on its commitment to the community and operates in accordance with its corporate values and provides clients with a professional, efficient and fair service.

The Commission reports to the NSW Attorney General, the Honourable Bob Debus, MP. Under the *Legal Aid Commission Act*, an independent Board with 10 members establishes the Commission's broad policies and strategic plans. The daily management of the Commission is overseen by the Chief Executive Officer, with assistance from the Executive. In 2003–2004, the Executive of seven (members are listed on page 10) met fortnightly to make decisions on day-to-day management of the Commission.

Funding

The Commission receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions. Combined income for 2003–2004 was \$143.6 million, and expenditure was \$143.5 million. The Commission undertakes



How our funds are spent by program

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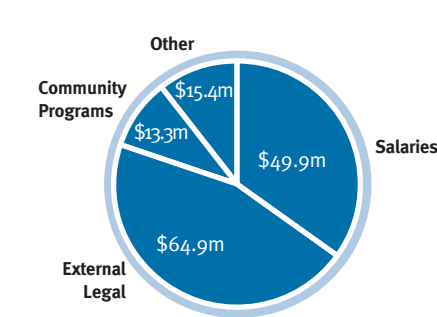
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work for the Commonwealth Government on the basis of a four-year agency agreement, which ended in 2003–2004.

A replacement agreement is being negotiated between the Commission and the Commonwealth.



Where our funds are spent

Our mission
To deliver a range of innovative, high quality legal services to our clients to assist them to resolve their legal problems

Our values
Client focus
Integrity
Professionalism
Efficiency
Equity

Our vision
To ensure that economically and socially disadvantaged people can understand, protect and enforce their legal rights and interests

This year, our main emphasis was on developing client service strategies which ensure real equity of access to the law, particularly for disadvantaged people.

We made significant progress towards our corporate goals this year.

Our overall priority was finding ways of improving access to the range of legal aid services, particularly for people in rural and regional areas.

We achieved this through a range of strategies, including more outreach programs and innovative partnerships with other legal service providers. The most significant of these was the Co-operative Legal Service Delivery Model pilot program, which applies a partnership model that we hope will be duplicated across New South Wales.

Assisting staff with greater opportunities in training and self-development resulted in training attendance increasing by 273%. Combined with last year's 270% increase, this has helped to establish the Commission as a "learning organisation".

Finally, the completion of a major restructure has allowed the Commission to consolidate its working relationships and implement a system of strategic business planning and improved communication.

Our clients

- » A number of the cases we ran in civil, family and criminal law raised important legal issues and achieved benefits for the wider community.
- » In the Central Far West and the Northern Rivers regions of the State we launched a Co-operative Legal Service Delivery Model pilot scheme. The scheme brings together government, community and private sector agencies to improve legal services for people in rural communities.
- » There was a marked increase in family and civil law outreach services to clients in areas such as Taree, Murwillumbah, Ballina and Ocean Shores, Katoomba, Lithgow and Windsor.

Our people

- » Inhouse training attendance increased by 273%.
- » Fourteen of our staff attained the Diploma of Business (Frontline Management) from the UTS.
- » We supported our staff by providing them with improved service delivery tools.

Our organisation

- » We completed a major restructure and established a framework for a statewide practice model that includes consistent practice standards.
- » We commenced a planning strategy that will help ensure the rollout of better services and programs to disadvantaged communities across New South Wales.
- » We implemented key initiatives recommended in the Criminal Law Review and undertook a major review of our Civil Law Program.
- » By improving our business analysis and reporting systems we were able to provide useful online information to both inhouse staff and external stakeholders.

Our partners

- » By June 2004, 442 firms were registered for E-lodgement (lodging applications for legal aid online), an increase of 67% on this time last year. 90% of the top 50 private law firms who undertake legal aid family law work are now registered for E-lodgement.
- » 17,902 family law applications were lodged electronically in 2003–2004, an increase of 68% over the previous year.
- » The number of non-staff members attending our conferences and Mandatory Continuing Legal Education (MCLE) courses more than doubled.

Key Improvement Areas

Areas identified as a priority focus in 2004–2005:

- » Use our new service delivery tools strategically to better meet our clients' diverse needs.
- » Attain consistent statewide practices across the Commission and ensure we meet the needs of the community by delivering innovative, high quality services.
- » Strengthen our partnerships to ensure disadvantaged communities have access to improved legal services.
- » Improve services to Aboriginal, rural and regional communities.

Summary of services by program

What we spent

Services we provided

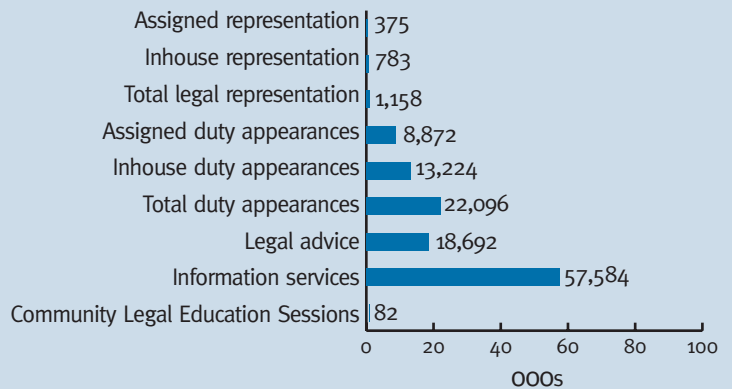
Civil Law

Facilities

Head office and 10 regional offices

Total expenditure \$12.187m
 - State \$8.258m
 - C'wealth \$3.929m

See pages 13–14 for more details



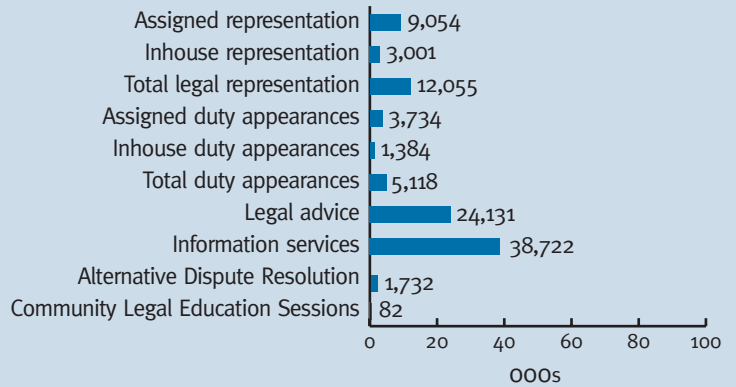
Family Law

Facilities

Head office and 20 regional offices

Total expenditure \$45.067m
 - State \$7.923m
 - C'wealth \$37.1440m

See pages 15–16 for more details



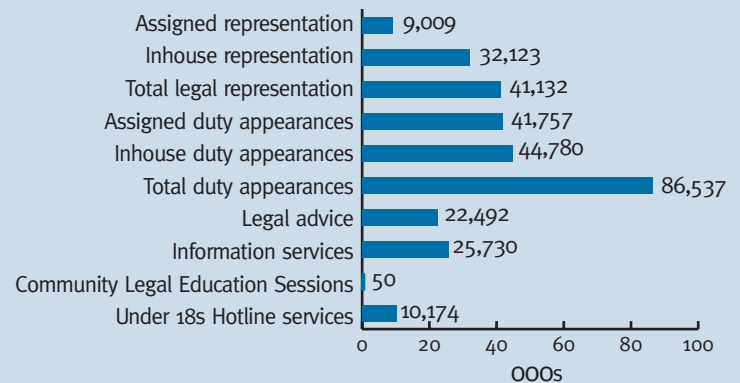
Criminal Law

Facilities:

Head office and 19 regional offices

Total expenditure \$72.462m
 - State \$67.678m
 - C'wealth \$4.784m

See pages 16–17 for more details



Community Programs

Community Legal Centres and Women's Domestic Violence Court Assistance Program

Facilities:

Statewide programs

Total expenditure \$13.743m
 - State \$8.565m
 - C'wealth \$5.178m

See pages 32–33, 74–75 for more details

Legend

ADR: Alternate Dispute Resolution

ATSI: Aboriginal and Torres Strait Islander

CLC: Community Legal Centre

CLE: Community Legal Education

C'wealth: Commonwealth

E-Lodgement: Electronic Lodgement

WDVCAP: Women's Domestic Violence Court Assistance Program

WDVCAS: Women's Domestic Violence Court Assistance Scheme

What we do

What we achieved this year

Plans for the year ahead

Civil law case representation
 Civil law legal advice and minor assistance
 General civil law information
 Alternate Dispute Resolution Conferencing
 Community Legal Education
 Veterans' Advocacy Service
 Mental Health Advocacy Service, including duty appearances before magistrates and the Mental Health Review Tribunal

- » Completed a comprehensive review of the civil law program
- » Piloted a new duty advice service for Administrative Appeals Tribunal
- » Commenced a new civil law service at our Dubbo office, with two outreach services targeted at Aboriginal communities
- » Implemented E-Lodgement of applications for legal aid in veterans' law

- » Implement major recommendations of the Civil Law Review report
- » Enhance access to the civil law program for Aboriginal people
- » Undertake a project aimed at improving outcomes for forensic patients

Family law case representation
 Duty appearances at Local and Family Courts
 Family law legal advice and minor assistance
 General family law information
 Alternate Dispute Resolution Conferencing
 Community Legal Education
 Representation and assistance in care and protection matters

- » Increased C'wealth family law duty services by 25%, and Alternate Dispute Resolution by 23%.
- » Employed extra staff resources at Lismore, Newcastle Parramatta, Wagga Wagga and Gosford
- » Established a permanent duty scheme in the Family Court and Federal Magistrates Court at Parramatta.
- » Commenced a pilot duty service to the Family Court and Federal Magistrates Court at Newcastle
- » Established outreach services at Taree, Tweed Heads, Murwillumbah, Ballina and Ocean Shores, Katoomba, Lithgow, Windsor and Kempsey
- » Established the Nowra regional office to provide family law services along the south coast to the Victorian border

- » Expand our mediation program and revise strategies for indigenous mediation
- » Consolidate our outreach program to ensure people in regional areas have improved access to legal services
- » Expand family law services to Walgett and Broken Hill as part of the Co-operative Legal Service Delivery Model
- » Work with other agencies to develop policies and procedures in care and protection cases
- » Develop practice standards for chairpersons in Alternate Dispute Resolution matters

Criminal law case representation
 Duty appearances at Local Court
 Criminal law legal advice and minor assistance
 General criminal law information
 Under 18s HotLine
 Adult and Youth Drug Court Programs
 Community Legal Education

- » Implemented consistent statewide service delivery practices
- » Implemented protocols for the assignment of criminal matters to private practitioners
- » Improved service delivery for clients in custody through greater use of video-conferencing facilities
- » Improved the management of expensive criminal cases
- » Conducted a three-day criminal law conference attended by 237 practitioners
- » Commenced E-Lodgement of applications for legal aid in Local Court crime and the Children's Court

- » Work with other criminal justice agencies to monitor and address factors influencing the progress of matters through the criminal justice system
- » Continue to work with Aboriginal Legal Services to enhance service delivery for indigenous persons throughout the State, and actively promote joint training initiatives
- » Develop improved systems for measuring the quantity and cost of inhouse work, in order to produce a more comprehensive profile of all work done by the Criminal Law Division
- » Expand the use of E-Lodgement of legal aid applications

Distribute State and Commonwealth funding to 32 Community Legal Centres
 Monitor their Strategic Plans for service delivery to meet community needs
 Distribute State funding to 33 WDVCAP schemes, providing assistance to women at 55 courts throughout the State
 Provide a domestic violence solicitor scheme at 12 courts to represent all women making ADVO applications

- » CLCs conducted a number of test cases and class actions with successful outcomes that benefit the wider community
- » Compiled a Best Practice Guide to assist the 33 WDVCAP Schemes in providing a consistent high quality service
- » Launched a new resource to assist Aboriginal women with domestic violence issues in accessing the legal system
- » Held a two-day conference attended by 160 people, focussing on domestic violence in ATSI communities

- » Participate in a joint State/Commonwealth review of the CLC program
- » Work with CLCs to deliver improved services to ATSI communities
- » Improve services to ATSI women experiencing domestic violence

Key result areas	Goals	Business strategies	Key targets
Our clients	We will facilitate a statewide legal aid service encompassing community education, information, advice and representation to meet community needs and high professional standards.	Implement panels in designated areas of legal practice.	Implement panels in care and protection, child representation, veterans and Court of Criminal Appeal work by 30 June 2004.
		Improve our family law services across the State to enable equitable access by our clients.	Achieve a 20% increase in Commonwealth family law services across all areas.
		Develop and implement an integrated service delivery model for client services across the State.	Pilot the integrated service delivery model in two areas and develop a framework for evaluation.
		Improve the quality and delivery of targeted civil law services across the State.	Conduct and finalise a review of the civil law program (both in-house and assigned) by 30 November 2003 and develop a process for implementation of the recommendations.
Our people	We will have a professional work culture and a positive work environment.	Implement the Communications Improvement Plan across the Commission.	Implement all accepted recommendations from the Communication Improvement Plan by 30 June 2004.
		Analyse results of the staff survey and identify key areas for organisational improvement.	Implement improvements to key areas identified by the staff survey by 30 June 2004.
		Develop a career development and performance management system for use across the Commission.	Establish a career development and performance management system for implementation in 2004-2005.
		Implement an ATSI employment strategy.	Increase the number of ATSI employees by 100%.
Our organisation	We will be an organisation with modern systems and processes which maximise the efficient and effective use of Commission resources.	Increase use of electronic lodgement.	Implement electronic lodgement in three additional legal areas by June 2004.
		Improve monitoring of the business by building better analysis and reporting systems.	Provide managers with relevant and reliable business information to assist them in service delivery and planning activities.
		Implement the Criminal Law Review.	Implement 50% of the accepted recommendations from the Criminal Law Review by 30 June 2004.
		Develop a comprehensive recruitment strategy to attract and multi-skill entry-level staff.	Develop and implement a recruitment strategy by 30 June 2004.
Our partners	We will work co-operatively with other legal service providers to deliver a range of effective and efficient legal aid services across the State; and	Develop and enhance our links with government, the courts and partners in the justice system.	Participate fully in all justice system forums and provide expert input into law reform initiatives when the Commission's views are sought.
	We will participate fully in the legal aid system to ensure the interests of the economically and socially disadvantaged are protected and enhanced.	Develop and implement strategies to enable private practitioners to deliver a better service to legal aid clients.	Develop and implement an MCLE strategy for all practitioners undertaking legal aid work by 31 December 2003.
		Develop an online resource for legal practitioners.	Ensure practitioners are able to communicate electronically with the Commission by 30 June 2004 and access online information relevant to their delivery of services to legal aid clients.
		Develop and implement an ATSI justice strategy.	Implement ATSI strategies, as funding permits, by 30 June 2004.

Achievements

Completed action to recruit practitioners for Care & Protection Panels. Implementation process is underway with full rollout expected by September 2004.

Action to recruit practitioners for the child representation and Court of Criminal Appeal panels is close to completion, with recruitment for the veterans' law panel opening in July 2004.

Achieved a 25% increase in C'th family law duty services and a 23% increase in Alternate Dispute Resolution services.

Provided extra staff at Lismore, Newcastle, Parramatta, Wagga Wagga and Gosford.

[See pages 15–16 for more details](#)

Developed a framework for a Co-operative Legal Service Delivery Model. Commenced pilots of the model in the Central/Far West and Northern Rivers regions in March 2004.

[See page 12 for more details](#)

Completed a comprehensive review of the Commission's civil law program in December 2003. A plan for implementing the recommendations of the review has been developed and is being guided by the Board's Civil Law Sub-committee.

[See page 14 for more details](#)

Enhanced the intranet site. The new site will be launched in July 2004.

Recruited a Communications Project Officer to drive the implementation of remaining recommendations.

Established a management development program and expanded staff training. Survey outcome information widely distributed across the Commission. (Also a recommendation of the staff survey).

Formed a working party to actively facilitate a balanced and positive work environment. Facilitated opportunities for dialogue through regular visits by senior executives to regional offices.

[See pages 21–22 for more details](#)

Developed a career development and performance management system that will be piloted during 2004-2005.

Increased the number of ATSI permanent employees by 60% bringing the total number of ATSI employees to 11 (1.5% of staff).

The first ATSI Employment Coordinator commenced work in August 2003 and is currently developing an ATSI Employment and Career Development Strategy. Appointed five ATSI clerical trainees to permanent positions.

[See pages 21–22 for more details](#)

Commenced electronic lodgement of applications for legal aid in the additional legal areas of Local Court crime, Children's Court crime and veterans' law.

Approximately 30% of private law firms performing criminal law legal aid work in the last 12 months are registered for E-lodgement and therefore receive faster notification of case determination results by email.

[See pages 17 & 30 for more details](#)

Prepared a revised reporting format for financial information within WebFOCUS. The new reports will be available for use during the 2004-2005 year.

Upgraded the reporting functions of the SAP financial system and the CHRIS payroll system.

[See page 26 for more details](#)

Recruited Regional Program Coordinators (RPCs) in February 2004 to give effect to the Review's recommendation for improved statewide service delivery.

Prioritised and costed the implementation of the remaining recommendations.

[See pages 24-25 for details](#)

Distributed a draft recruitment strategy to staff for comment. The strategy provides a focussed list of initiatives to attract and retain a high standard of applicant.

Completed a review of entry-level clerical/administrative roles within the Commission.

Participated in a number of justice system forums and stakeholder meetings with state and federal government departments across all areas of law.

Made submissions on 20 major law reform proposals.

[See pages 77 & 80 for more details](#)

Over 100 private practitioners attended our various civil, criminal and family MCLE seminars & law conferences.

[See page 75 for more details](#)

Improved the internet site for private practitioners and provided easy access to e-lodgement and panels registration.

Provided online access to current policies, discussion papers, fee scales, upcoming conferences & events.

[See pages 17 & 30 for more details](#)

Commenced revision of the draft Aboriginal Justice Plan to make it consistent with, and complementary to, the NSW Government's NSW Aboriginal Justice Plan 2003-2012.

Completed a formal evaluation of the ATSIFAM Program in May 2004.

[See page 19 for more details](#)



Chairman's report

The Commission is an active participant in the justice system

This is the 25th annual report of the Legal Aid Commission for the year ending 30 June 2004.

The Commission achieved an operating surplus of \$0.113 million for the year. The result was facilitated by additional funds received from the NSW Government and a favourable superannuation balance. This was a pleasing result in a climate where there is increasing demand for services of the Commission, particularly in the criminal law area.

During the year a new board was appointed for a term of three years. The new members are Mark Richardson, the Chief Executive Officer of the NSW Law Society and Simon Moran, the Principal Lawyer of Public Interest Advocacy Centre. On behalf of the board I would like to record the Commission's thanks for the outstanding contribution made to the Commission by former board members John North and Danae Harvey who retired during the year.

The Commission is conscious of the need to maintain efficiencies. To this end, the Commission has continued to review its management, organisational and reporting systems and procedures to ensure that they are consistent with best practice.

Other steps have been taken to ensure that its clients' needs are being properly and professionally attended to. For example, solicitor panels are now in place in Children's Crime with Panels due to commence shortly in Care and Protection, Child Representation and Court of Criminal Appeal. Audit and complaints procedures are being developed.

Other key developments during the course of the year include:

- » a detailed review of the Commission's civil law program with a view to identifying the areas of civil law which will be the priority areas for the Commission over the next few years. One area already identified is the needs of the indigenous community;

- » implementation of the Co-operative Legal Service Delivery Model. This is an exciting development involving more effective co-ordination of legal services in rural areas by the key participants. Currently pilots are being conducted in the Northern Rivers and Central Far West areas.

As well as administering grants of legal aid to its clients, the Commission is an active participant in the justice system.

The Commission is engaged in regular discussions with participants in the justice system (including Local, District and Supreme Courts) with a view to increasing the efficiencies of the system and improved access to justice.

One of the key areas of focus has been committals in criminal matters. The Commission has been a driver of strategies to reduce costs and to increase efficiencies and fairness in the trial process.

The Commission is also a key contributor in policy areas in the justice system. The Commission responds to new legislative and practice developments; one of its key goals is to keep the judiciary, legislators and the community apprised of the impact of potential legislative and policy initiatives on the availability of legal aid and its ability to discharge its function.

Overall, I believe that the Commission has had a successful year and I am confident that it will continue to serve the needs of its clients efficiently and effectively over the coming year.

I would like to record my heartfelt thanks to the Chief Executive Officer, Bill Grant, and his team for their continuing efforts to fulfil the Commission's charter of the provision of legal aid to those in need in NSW. I also thank the other board members of the Commission for their continuing contribution.

I am pleased to present the Commission's Annual Report for 2003–2004, which has been a challenging, yet rewarding year, at the Commission.

I am particularly pleased that the restructure of senior management positions in the Commission is now completed and we have Mr Steve O'Connor as the Deputy CEO Legal and Mr Russell Cox as the Deputy CEO Business and Client Services. The appointments of the Directors of Criminal, Family and Civil Law have also been finalised and I am very confident that the senior management team now in place can provide effective leadership for the Commission to the benefit of our clients and our staff.

One of the very important initiatives commenced by the Commission this year was the launch of the Co-operative Legal Service Delivery (CLSD) Model Project on 8 June 2004 by the Hon RJ Debus MP, Attorney General. The CLSD Project will help to address unmet legal needs in rural and regional areas of the State. This project is being piloted in the Central/Far West and Northern Rivers regions and seeks to assist all agencies providing legal services to disadvantaged persons to coordinate their activities on a regional level.

It is pleasing to note that in these difficult economic times the Commission, with the support of the NSW Treasury, recorded a small surplus in 2003–2004. At a time when there is an ever-increasing demand for the Commission's services, through both our inhouse practice and through our private practitioner colleagues, it is heartening to receive additional Treasury support for the provision of our services. I also acknowledge the support of the Trustees of the Public Purpose Fund who were able to provide additional resources to the Commission as part of our new triennial agreement.

Some of the highlights of 2003–2004 include:

- » Inhouse training attendance increasing by 273%;
- » Completion of the Civil Law Review;
- » Our first 14 members of staff graduating with a Diploma of Business in Frontline Management from UTS;
- » Outreach services increasing across rural NSW;
- » The further growth of our electronic lodgement facilities in family law and now, on a pilot basis, into areas of criminal law and veterans' work.

I look forward to a very busy and productive 2004–2005 and I am sure that with the support of the Commission's staff, we can continue to expand our range of client services to fulfil our corporate vision that the economically and socially disadvantaged can understand, protect and enforce their legal rights and interests.



CEO's report

Our corporate vision: 'that the economically and socially disadvantaged can understand, protect and enforce their legal rights and interests'

A Board with 10 Members establishes the Commission's broad policies and determines its strategic priorities.

The Board consists of the Chief Executive Officer and nine part-time Members, including the Chairman. Board Members are appointed by the Attorney General for a term of three years.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings in 2003–2004. The Board did not meet in January 2004.

Committees

The Board is advised on specific matters by a number of committees. These include the Audit and Finance Committee, which advises on budgetary and internal audit matters, and committees for each area of law. Details of these committees are included on pages 79–80.

Board Members' fees

Part-time Board Members are entitled to be paid fees for their work in attending meetings, reading background papers, sitting on committees and representing the Commission at meetings with other organisations. The rates of remuneration are \$3,120 per annum for Members and \$26,000 per annum for the Chair. No fees are paid to Members who are salaried government employees. Not all Board Members accept payment.



Mr Jack Grahame is absent.

Board membership 1 July 2003 to 30 June 2004

Meetings attended

1	Mr Phillip Taylor BA LLB. Solicitor appointed by the Attorney General as Chair. Phillip practises in the area of banking and finance as a consultant at Freehills, where he was a partner for many years as well as Chair of the Freehills pro bono committee. He is currently a director on a number of boards.	10
2	Mr Bill Grant LLB. Appointed by the Attorney General as Chief Executive Officer (See pages 10 and 63 for more details).	11 (including 1 as Chair)
3	Rev Harry Herbert BA BD STM Dip. Legal Studies. Executive Director of UnitingCare NSW, ACT, representing consumer and community interests. Harry also chairs the Casino Community Benefit Fund and the NSW Social Justice Reference Group. He is the longest serving member of the Board.	10
4	Mr Simon Moran BA LLB. Solicitor, representing bodies providing community legal services (appointed 13 October 2003). Simon is Principal Solicitor of the Public Interest Advocacy Centre and Public Interest Law Clearing House. He is currently also a Board Member of several community legal centre groups.	6
5	Mr Mark Richardson BA, LLB(ANU), LLM(Syd). CEO of the Law Society of NSW, nominated by the Law Society (appointed 27 October 2003). Mark served as Director of the Commission 1989–1992. He is a member of several boards and is a Trustee of the Committee for Economic Development Australia.	5
6	Mr Geoff Lindsay BEc, LLB(ANU) SC. Barrister, nominated by the NSW Bar Association, Geoff has practiced principally in the Equity and Commercial jurisdiction. He is involved in legal publishing and is Secretary of the Francis Forbes Society for Australian Legal History.	11
	Ms Dan�e Harvey BA(Hons) LLB. Solicitor, representing bodies providing community legal services (Board Member from July to September 2003).	3
	Mr John North BA Dip Ed LLB. Solicitor, nominated by the Law Society of NSW (Board Member from July-September 2003).	2
	Mr Jack Grahame BA. Solicitor, Legal Aid Commission NSW, nominated by the Labor Council of NSW. A solicitor for almost 40 years, Jack was in private practice before joining the Commission's Prisoners Legal Service in 1991.	10
	Representatives who, in the opinion of the NSW Attorney General, possess skills and experience that would benefit the Commission:	
7	Ms Anne Britton BA LLB. Anne is a judicial member of the Administrative Decisions Tribunal and is also appointed to the Workers Compensation Commission and the Government and Related Employees Appeal Tribunal. She has extensive experience in industrial relations and arts and media law.	10
8	Mr Robert Corben FCPA, FCIS, FCIM. Robert has been in private practice for 25 years and was appointed by the Attorney General to the boards of the Legal Aid Commission and the Sydney Catchment Authority. His practice provides extensive accounting, taxation and financial advisory services to a diverse client base.	11
9	Ms Linda Webb OAM, BA, FAIM, MAICD. Linda is a consultant with a law firm and serves on several government boards. Her areas of expertise are governance employment, community services and transport. Her OAM was awarded to her in 2002 for service to the Australian Capital Territory through public administration and social policy.	8

① Bill Grant, LLB
Chief Executive Officer (SES Level 6)
Budget Total: \$141.8 million
Staff: (EFT) 669 Total Actual: 721

Bill has served as the Commission's CEO since 26 November 2001. Before that he was Deputy Director General of the NSW Attorney General's Department for 10 years.

A member of several boards (see pages 81-82), Bill also took on the additional role of Acting Commissioner, Health Care Complaints Commission from December 2003 to March 2004.

Bill is responsible for the provision of legal aid services through 20 regional offices and head office. Having finalised the restructure of senior management, his focus now is on attaining consistent statewide practices across the Commission and ensuring that the Commission meets the needs of the community by delivering innovative, high quality services.

② Steve O'Connor, DIP LAW (BAB) DIP CRIM
Deputy CEO Legal (SES Level 4)
Budget Total: \$54.2 million
Staff: (EFT) 276 Total Actual: 309

Steve was appointed on 1 September 2003. He was previously the Solicitor for Public Prosecutions in the NSW Office of the Director of Public Prosecutions (DPP). In 1999 Steve was appointed an acting Magistrate.

Under our recent restructure, Steve has responsibility for the statewide practices of the Criminal, Family and Civil Law Divisions. One of his first achievements was to establish the framework for the implementation of a statewide practice model for the Commission.

③ Russell Cox, BCOMM.
Deputy CEO Business and Client Services (SES Level 4)
Budget Total: \$9.3 million
Staff: (EFT) 78 Total Actual: 80

Russell was appointed on 1 September 2003 under the recent restructure to take responsibility for the Commission's corporate services functions. Before that, he worked in the Attorney General's Department of NSW as Director Management Services.

Russell has introduced a number of initiatives to improve corporate services within the Commission, including updating the Internal Audit Plan to



focus on core operational areas and introducing a new budget allocation model to better reflect the priorities of the Commission. Russell is also involved in several interagency initiatives (See page 81).

④ Richard Funston, BCOMM, LLB
Accredited Criminal Law Specialist Director, Grants (SES Level 2)
Budget Total: \$61.9 million
Staff: (EFT) 76 Total Actual: 80

Richard's earlier experience includes eight years with Legal Aid in Victoria and four years as Principal Solicitor of the Inner City Legal Centre in NSW. In six years with the commission, he has held leadership roles as Solicitor-in-Charge of the Children's Legal Service and Director of Family and Civil Law. Richard is currently undertaking the Executive Masters of Public Administration with the Australian and New Zealand School of Government.

Richard's division is responsible for determining legal aid grants, allocating matters to inhouse and private practitioners. Under Richard's leadership, major improvements have been made to all business processes that are part of the administration of grants.

⑤ Brian Sandland, BCOMM, LLB
Director, Criminal Law (SES Level 2)
Budget Total: \$29.6 million
Staff: (EFT) 130 Total Actual: 138

Brian has 23 years' experience with the Commission. Most recently, he acted as Director Regional and Community Services before taking up his current position. Brian's main initiatives this year have included developing Business Rules for each jurisdiction, conducting strategic

planning days for key services, and identifying initiatives for implementation from the Criminal Law Review.

⑥ Judith Walker, BA, DIP ED; MA (HONS) LLB, SAB
Accredited Specialist Family Law Director, Family Law (SES Level 2)
Budget Total: \$14.5 million
Staff: (EFT) 63 Total Actual: 66

Judith's relevant experience includes working in the Department of Government and Public Administration at the University of Sydney, as a lawyer in private practice, then with the NSW Law Reform Commission and from 1987 with the Legal Aid Commission. Judith was Senior Solicitor in the Family Litigation Section before becoming Acting Director, Family Law in September 2003.

Judith's main initiatives this year have been to enhance the Commission's conferencing program and develop improved family law practice standards.

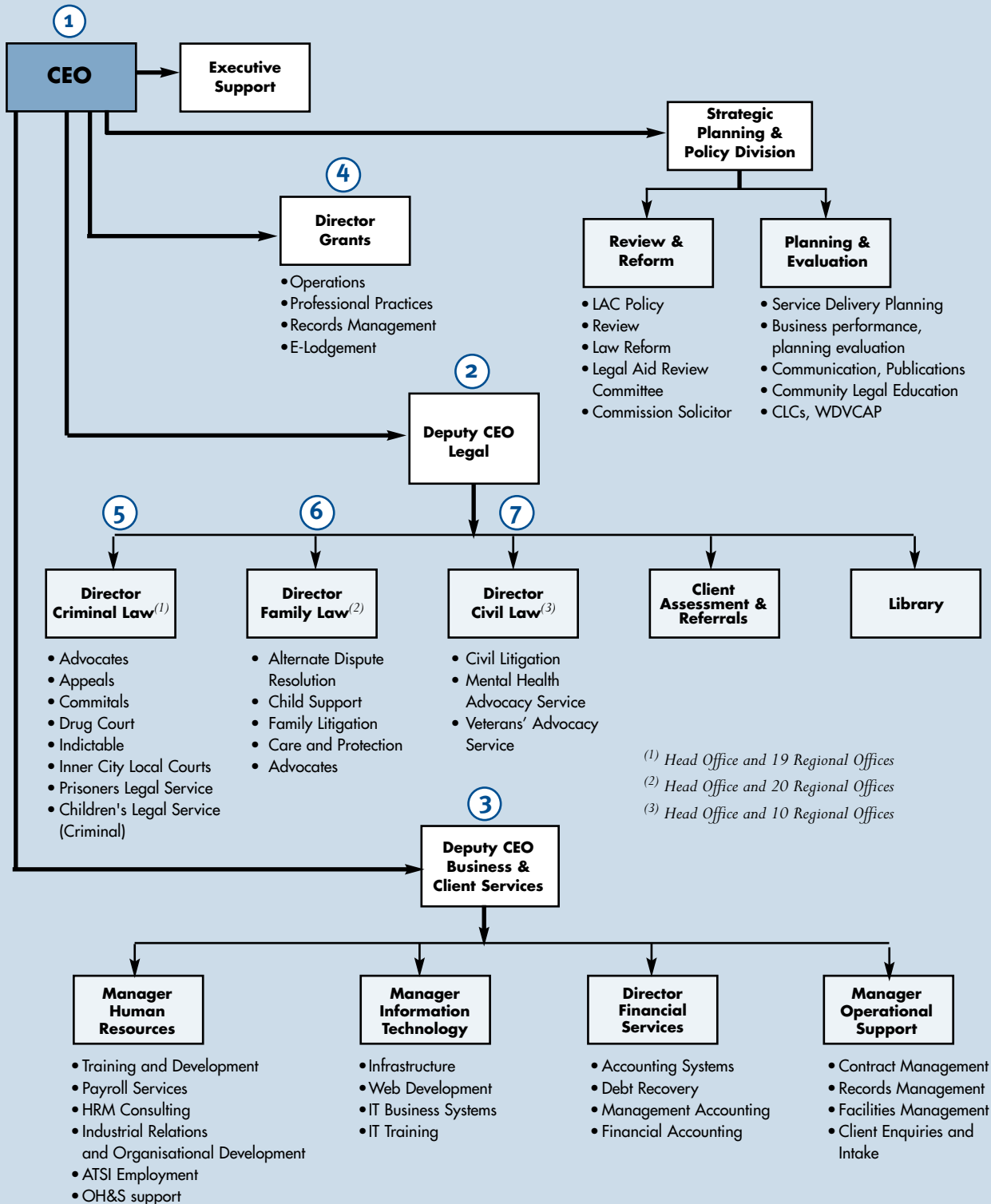
⑦ Stella Sykiotis, BCOMM LLB
Director Civil Law (Senior Officer Grade 1)
Budget Total: \$8.9 million
Staff: (EFT) 41 Total Actual: 42

Stella has worked as a community lawyer since 1988 with a particular focus on consumer protection law. She began work at the Legal Aid Commission in the Civil Law Program in 1996. Stella was appointed to her current position of Director, Civil Law in November 2003. Her main initiative this year has been to commence a new civil law service at the Commission's Dubbo office.

Organisation Chart

The Commission finalised a major organisational restructure during the year. The establishment of statewide practices in civil, family and criminal law under the control of the Deputy CEO, Legal, has improved the consistency and coordination of service provision across both head office and regional offices.

The Deputy CEO Business and Client Services assumes responsibility for coordinating the Commission's corporate service functions, while the newly established Strategic Planning and Policy Division undertakes policy development, strategic planning and business reporting across the Commission.



Clients

We coordinated an inter-agency partnership that will improve legal services in regional areas



Launching the Co-operative Legal Service Delivery Model in Dubbo are from left: Russell Ryan, local Wiradjuri Elder (Uncle Russ); Eric Wilson, Public Defender; Ros Barker, Circle Sentencing Project Officer Dubbo Court House; Beth Curran, Coordinator of Dubbo Women's Domestic Violence Court Assistance Scheme; and Deborah Sharpe, Director Community Justice Centres.

Performance goal

To facilitate a statewide legal aid service, encompassing community education, information, advice and representation to meet community needs and high professional standards.

Key results 2003–2004

We are a client-focused organisation. Customer service is the highest priority in our Corporate Plan. This year, all our divisions concentrated on introducing new programs and initiatives that help ensure real equity of access to the law, particularly for the disadvantaged people of New South Wales.

Performance highlight

During the year, the Commission developed a framework for a Co-operative Legal Service Delivery Model (CLSD). The model has been guided by a Steering Committee comprising representatives from the Legal Aid Commission, Community Legal Centres, Aboriginal Legal Services, LawAccess NSW, Local Courts and pro bono legal services.

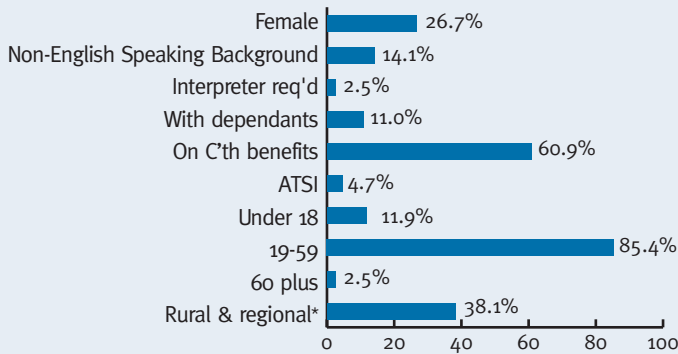
The aim of the model is to establish Co-operative sustainable regional services that meet the legal needs of disadvantaged people in New South Wales. Pilots of the model in the Central/Far West and Northern Rivers regions commenced in March 2004. The Attorney General officially launched the Central/Far West Pilot Program in Dubbo in June 2004.

To support the program, the Commission has developed a procedural manual and community information sheets as well as web-based resources, including a service delivery matrix. The matrix comprehensively maps the services provided by key agencies in a particular region.

Feedback from participating legal service providers in both regions so far has been encouraging. The pilot will run for a 12-month period. It will then be evaluated to determine whether, and how well, the model has increased access to legal services in rural and regional areas.

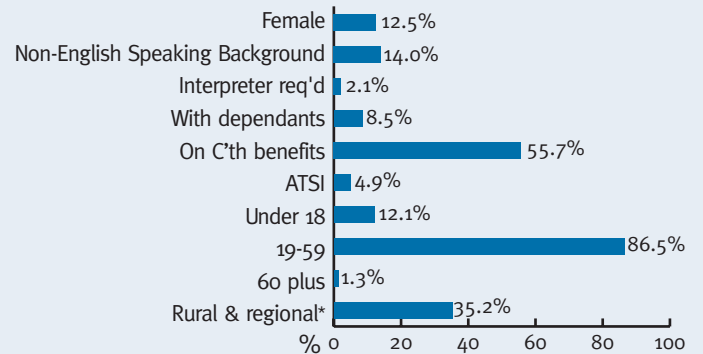
Client Profiles**

Commission-wide



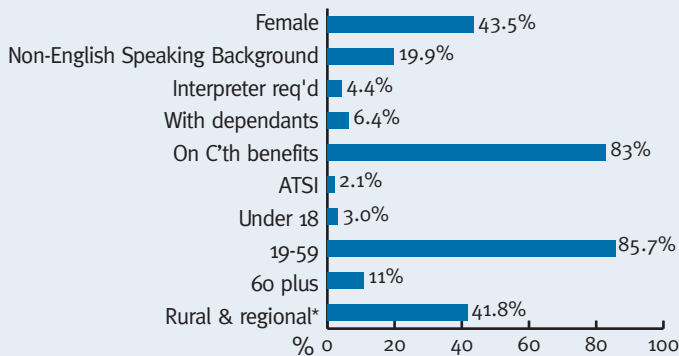
*(including Newcastle and Wollongong)

Criminal Law Division



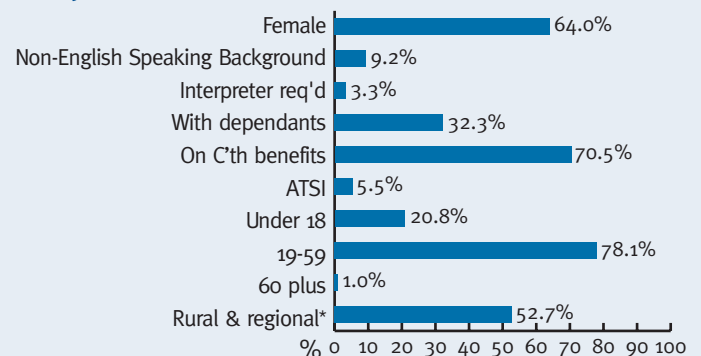
*(including Newcastle and Wollongong)

Civil Law Division



*(including Newcastle and Wollongong)

Family Law Division



*(including Newcastle and Wollongong)

**Total case and inhouse duty services

Civil Law Division

This division includes Civil Litigation, the Veterans' Advocacy Service and Mental Health Advocacy Service.

In 2003–2004, staff in this division:

- Provided 18,692 face-to-face advice and minor assistance services.
- Represented 23,254 people in case and duty matters in priority areas of mental health, veterans' entitlements, social security and migration law, consumer law, housing law and human rights law.
- Responded to 57,584 requests for information.
- Commenced a new civil law practice at our Dubbo office, which services a large area of western New South Wales. Lawyers have travelled extensively to towns in the region to promote the service and enhance access, particularly for Aboriginal communities.
- Acted for large numbers of temporary protection visa holders

This division assists people with a range of civil law problems as diverse as seeking permanent residence to preparing for a tribunal hearing.

from Iraq and Afghanistan who are seeking permanent residence. We also commenced an important case in the Federal Court in relation to the correct interpretation of the cessation clause in the Refugees Convention (Article 1C(5)).

- Acted for a number of elderly clients of Assyrian background who face eviction from their homes as a result of guaranteeing loans by their relatives for investments in an illegal

investment scheme. These matters are currently being litigated in the Supreme Court.

- Conducted 36 visits to regional areas across New South Wales to provide advice clinics and seminars to veterans.
- Provided a regular civil law outreach advice service in 11 locations outside Commission offices, including at Aboriginal Legal Service offices.
- Conducted 19 community legal education sessions in the area of mental health law.



Legal Aid assisted over 100 East Timorese clients to apply for refugee status. After 12 long years of negotiation, Jong Kim Koe (pictured left) was one of the first to collect his new humanitarian certificate that officially gives him a home in Australia.



**Civil law cases
2003–2004: good
outcomes for clients**

W v Insurer

An insurance company refused to pay a motor mechanic after he suffered a serious injury at work. This action by the insurer placed our client in jeopardy of bankruptcy and put considerable strain on his family life. The insurer fought the claim all the way through various dispute resolution processes to the District Court before finally agreeing to settle the matter on favourable terms after our client had given evidence.

Discrimination against carers

Our client is the sole parent of a young child. She worked as an intelligence analyst on a contract basis for the Australian Crime Commission for many years. She took sick leave and carers leave within her entitlements to care for her child when he became ill. Her employer did not support this leave and her work was downgraded. Our client successfully claimed that the employer unlawfully discriminated against her on the ground of carers responsibilities. The matter was contested in the Federal Magistrates Court, the Federal Court and on appeal to the Full Federal Court. The

case was the first case to be litigated under new protection for carers in Federal discrimination laws.

Insurer v C

We applied successfully to intervene as amicus curiae (friend of the court) in a disability discrimination case in the Full Federal Court. We acted for a peak disability group and succeeded in having our submissions on the correct interpretation of the legislation adopted in the judgment. The disability group's client, who had breast cancer, had won a short holiday to Japan. She applied for travel insurance expecting that her pre-existing condition would be excluded. The insurer refused to provide any insurance cover at all. She claimed that the insurer had discriminated unlawfully against her on the basis of her disability. She was successful at the Federal Magistrates Court and on appeal to the Full Federal Court.

Kosovar Safe Visa holders

We acted for several Kosovar families who held Safe Haven visas that were due to expire in June 2003. All the families were receiving treatment for psychiatric conditions related to their traumatic experiences in Kosovo. A condition of the Safe Haven visa was that they could not apply for any other type of visa unless the Immigration

Minister gave permission. We assisted the families with representations to the Minister to allow them to lodge refugee applications. Four families were eventually recognized as refugees and granted permanent visas. The other two families were granted further safe haven visas for 12 months.

Inquest brings about product recall

Our client was the father of seven-week-old baby. He was bathing the baby in a plastic bath with a bathing cradle for support. He momentarily left the baby to fetch warm clothes when the baby slipped off the cradle and became submerged in the water. The baby died in hospital a few days later. We represented the father in the inquest. We obtained expert advice to the effect that the bathing cradle was unsuitable for the purpose for which it was used and that the warning on the item was inadequate. The Coroner agreed and recommended that the Fair Trading Minister urgently review whether the product should be removed from sale. The Minister responded by quickly removing the product from sale in NSW. The Federal Government has since announced that it will introduce national safety standards for baby bath seats.

Civil Law Division highlights this year included:

Civil law program review

A comprehensive review of the Commission's Civil Law Program was completed in December 2003. Recommendations made in the review will help determine the future direction of the program and ensure that this direction is aligned with the Commission's Corporate Plan. The review has a number of recommendations for improvements both to the civil law program and to the overall business of the Commission. The Board has approved one of the key recommendations in the review—to establish a client-specific civil law service to meet the needs of Aboriginal communities.

Taking the lead in law reform

Civil lawyers made a large number of policy submissions in specialised areas where they have particular expertise such as consumer law, mental health law and migration law.

This contribution to legislative reform can provide substantial benefits to large numbers of disadvantaged people in the community. (See page 78 for details).

New advice service for people at tribunal hearings

A pilot duty advice service was launched this year at the Administrative Appeals Tribunal for applicants in social security and some migration matters. By providing telephone advice and interpreters, we have ensured that people who live in rural and regional areas or have

difficulty with English are able to access free and independent advice before appearing at the tribunal.



Civil lawyer, Bill Gerogiannis outside the Administrative Appeals Tribunal: "In a jurisdiction where 80% of people are unrepresented at hearing, this pilot is making a real difference."

Family Law Division

This division includes Family Litigation, Child Support Service, Children's Legal Service (care matters) and Alternate Dispute Resolution.

In 2003–2004, staff in this division:

- Provided over 24,000 advice and minor assistance sessions to the public.
- Assisted over 5,000 people on a duty basis at the Family Court, Local Courts and Children's Courts.
- Provided legal representation to more than 2,700 adults and children involved in Children's Court care matters around the State through the Care and Protection Legal Service.
- Provided legal representation to more than 9,000 clients in family law matters in the Family Court of Australia, Federal Magistrates Service and Local Court.
- Conducted 56 free divorce classes in head office and regional offices.
- Established the pilot duty scheme at the Family Court and Federal Magistrates Service at Newcastle and established the Parramatta duty scheme on a permanent basis.
- Provided a Child Support outreach advice and community legal education program in the Upper Hunter and launched a joint family law/child support outreach service at Taree.

Increasing services to clients through outreach programs, and settling disputes arising from family relationships in court and through mediation.

- Held 1,732 family law conferences – a 23% increase on last year's figure of 1,410. A full or partial settlement was achieved in 87% of conferences.
- Enhanced advice services at Parramatta increasing access to drop in advice for people in the western Sydney area.
- Increased services to clients by providing regular outreach services to Taree from our Newcastle office, to Tweed Heads, Murwillumbah, Ballina and Ocean Shores from our Lismore office and to Katoomba, Lithgow and Windsor from our Penrith office.
- Established the Nowra regional office to provide family law services along the south coast to the Victorian border.
- Conducted 25 community education sessions across NSW, including the Sydney fringe, Dubbo, Wagga, Wyong and Tumbarumba.
- Participated in the Women on Wheels project providing legal information and advice to communities in south eastern New South Wales, particularly disadvantaged Aboriginal communities.



Women on Wheels participants at Brungle Memorial Hall where they discussed issues facing Aboriginal women.



Family law cases

Child support windfall

We acted for a mother seeking lump sum child support for her seven-year-old son. She approached us after finding out that the child's father was selling a recently inherited house. Until then, the father had been paying minimum child support based on low job prospects. We began proceedings and after lengthy negotiations, the parties entered consent orders giving the mother a lump sum payment of \$75,000 in child support. This sum was deposited into an interest bearing

account with direct debit facilities to provide the mother with regular payments of child support.

Long-running case resolved through mediation

Since mid-2002, we had acted as the child's representative in a matter before the Family Court. The proceedings were complicated and acrimonious. The father, who lived in New Zealand, alleged that the mother had wrongfully brought the child to Australia. There were numerous interim hearings in relation to the child's holiday contact with the father. Our Alternate Dispute

Resolution Section arranged an urgent conference for a day the father was scheduled to visit Australia to attend the third interim hearing. The conference commenced in the morning and lasted a marathon nine hours, ending at 7.30pm.

In the end, a court hearing was not required because the child's parents were able to agree on all holiday contact and final consent orders were accordingly drawn up. The Family Court made the orders the next morning and a long-running saga was finally put to rest.

...Continued next page



Family law highlight case

Abducted child is recovered after seven months

The father of our client's child advised her that he was not returning the three-year-old child after a contact visit. Earlier, the father had broken into our client's home and taken the child's passport. Our client believed that the father was in Australia under a false name and that he intended to take the child out of the country. In an emergency sitting of the Family Court that night, the court made orders that the child be returned to her mother and the child's name placed on the airport watch list. The father returned the child to the mother late that night.

Less than four weeks later he abducted the child whilst the mother was walking along the street with her, and then went into hiding. We obtained a recovery order, a location order and a publication order from the Family Court permitting us to approach the media for help in recovering the child. A week after *Women's Day* ran an article about the child's abduction, a reader contacted the Federal Police to say that a man and child fitting the magazine description were renting a room from her.

The child was re-united with her mother after being missing for seven months and told her mother was dead. During this time the father created false identities for himself and the child. Without the publication order

from the Family Court the child would still be missing.

Lawyer (left) Jane Corcoran with client and daughter.



Criminal Law Division

This division includes Inner City Local Courts, Children's Legal Service (criminal matters), Advocacy Unit, Indictable and Indictable Appeals Sections, Committals Unit, Prisoners Legal Service, Youth Drug and Alcohol Court and Adult Drug Court. The Division also provides criminal law services at our 19 regional offices throughout the State.

Providing legal aid services in all courts exercising a criminal jurisdiction, from the Local and Children's Court level to the High Court.

In 2003–2004, staff in this division:

- Provided representation for 41,132 new case grants.
- Provided 86,537 duty services.
- Provided 25,730 information services.
- Provided 22,492 advice and minor assistance services.
- Advised 2,854 prisoners.
- Represented 208 people in the Court of Criminal Appeal (CCA) and seven people in the High Court.

- Appeals lawyers won 55% of sentence appeals, 55% of conviction appeals and 64% of Crown appeals in the Court of Criminal Appeal.
- Answered 10,174 calls on the Under 18s Hotline and advised 5,882 young people, the majority of whom were in police custody.
- Represented 49 young people referred to the Youth Drug and Alcohol Court Program.



Criminal law cases 2003–2004: decisions have wider impact

Lifer challenges existing legislation

We conducted an appeal before the Full Bench of the High Court in the matter of B. B and a co-accused, C, had been convicted of murder in the 1970s and received life sentences. Their papers were marked "never to be released". People sentenced before 1990 who had their papers marked like this could make an application to have their sentences re-determined after serving eight years.

Amendments were made to the relevant legislation in 1997 (made days after C's application for redetermination of his sentence was granted) and in 2001. These amendments meant that people given life sentences marked "never to be released" could only apply for a sentence re-determination in certain circumstances, such as they must have served 30 years of their sentence and they must establish special reasons to justify their application.

These amendments raised important constitutional issues, including that they have a retrospective effect, and were discriminatory as they targeted a

small group of people given life sentences.

This was a major constitutional case, for which the Commission instructed Senior Counsel. The Attorneys-General of all the other Australian states intervened.

A decision is expected later this year. It will be important because it will clarify the scope of the judicial power in the Constitution, and the power of the legislature to set and redetermine sentences. The decision will also be significant because of its consideration of the power to impose the most serious of all sentences, that is, life imprisonment.



Criminal law cases 2003–2004: decisions have wider impact

Prescribed Concentration of Alcohol (PCA) guideline judgement

There has been concern for some time over the growing disparity in sentences imposed in Local Courts for high range PCA offences, and in particular the extent to which magistrates determine that no conviction will be recorded for such offences. We therefore began proceedings (instructing the Public Defender's Office) to seek a guideline judgement for this kind of offence.

The court's decision distinguished between ordinary high range PCA offences and ones involving moral culpability. The likelihood of a gaol sentence now increases if the charge is

a second or subsequent high range PCA offence, or where moral culpability is involved.

Abalone fisheries prosecution

We represented a number of Aboriginal men who have been charged with offences under the *NSW Fisheries Management Act 1994*. The charges relate to harvesting abalone and eastern rock lobster. The defendants, from an extended family on the south coast, argued that the harvesting of the abalone, although in breach of the fisheries legislation, is consistent with their cultural and religious practices. This raises a potential constitutional issue in relation to the guarantee under s116 of the Australian Constitution which provides that the Commonwealth shall not make any law prohibiting the free exercise of any religion. The case is still part heard at Bateman's Bay Local Court.

Extradition proceedings

It was alleged that Mr G was part of an organised group of internet users who breached copyright laws in the USA. Others in the group came from several countries, including England and were prosecuted for breach of copyright law in England. Mr G has never left Australia. Nevertheless, the USA sought his extradition to face prosecution for breaches of their copyright laws. The application for extradition was opposed in the Local Court and extradition was denied. The USA appealed to the Federal Court which allowed the appeal. An appeal to the Full Court of the Federal Court has been lodged and is still pending. In the meantime Mr G is still remanded in custody. The case has significant implications for people whose use of the internet may constitute an offence in another country.

Grants Division

We worked in close partnership with private lawyers who provided representation to 43.3% of all legally aided clients in New South Wales in 2003–2004.

This division makes decisions on the granting of legal aid and allocates matters to inhouse staff and private practitioners.

This year the division received 25,146 applications for legal aid, comprising:

- 8,749 applications for legal aid in criminal law
- 15,368 applications for legal aid in family law
- 1,029 applications for legal aid in civil law.

Grants Division staff also administered 29,636 duty appearances conducted by private practitioners at courts in NSW.

We achieved faster results through online practices.

This division has made it considerably easier for private practitioners to do business with the Commission. Since 2002, when we pioneered online applications in family law,

Working with private practitioners to assist a greater numbers of clients

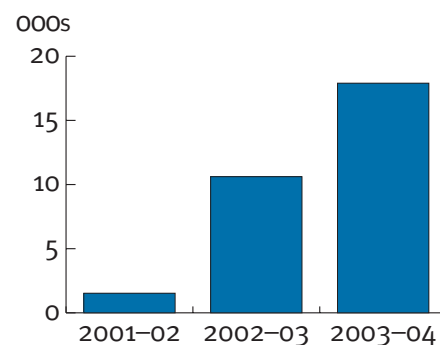
greater numbers of practitioners have been submitting legal aid applications and invoices over the internet under guarantee of a fast turnaround.

Continued online developments this year included:

- a 68% increase over last year in the electronic lodgement (E-lodgement) of family law applications;
- faster determination of applications with an average processing time of 4.2 days;
- introduction of E-lodgement for criminal law and veterans' law; and
- new web application forms, including modifying the LA Office system to include a specific disability question, allowing us to collect more comprehensive data on clients.

Communicating clearly with clients is a priority. This year, plain language information sheets were provided to criminal law and veterans' law clients to help ensure they are better informed about their grants of legal aid.

E-Lodgement requests received 2001–2004



The Professional Practices Branch completed the selection process for the Commission's Care and Protection panel. The panel is expected to be operational by September 2004.

Action to recruit practitioners for the Child Representation and Court of Criminal Appeal panels is close to completion, with recruitment for the veterans' law panel opening in July 2004.

Together, lawyers and social workers achieved good results for clients

Legal Aid clients obtained improved access to services and entitlements with the assistance of our expert social workers in the Client Assessment and Referral Unit.

A new position was established this year to respond to lawyers' requests for information and referrals, assisting specifically with clients' non-legal needs. The Community Liaison and Referral Officer developed a referral database that covers community and welfare services across the State. As a result, any legal aid lawyer can access information for their clients' non-legal needs. This is of crucial importance as legal solutions can often be undermined by unmet social needs.



Case study: Good teamwork – a strike for social justice

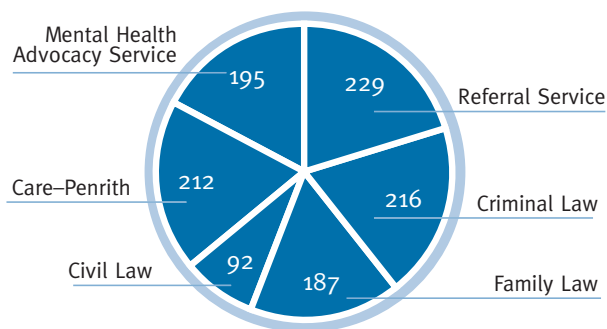
A long awaited decision in a child protection matter was handed down in September 2003 after two whole years before the courts. Teamwork between a lawyer and social worker resulted in a victory for our client despite the case being described as "impossible and hopeless".

We represented the father who has an intellectual disability. The Department of Community Services argued that his children should be in the care of the Minister until they are 18 despite evidence from numerous experts that the children had developed a strong attachment to their father and wanted to live with him. On the issue of child protection concerns, we argued that the father would manage his household and be able to parent his children sufficiently given the right support.

The argument was supported by the social work report's detailed evaluation, highlighting strong evidence of a man and his extended family with a very high commitment to his children.

The court decided the children should live with the birth father under departmental supervision for two years. This outcome reflects the critical contribution of inhouse collaboration between Client Assessment and Referral and lawyers to achieve the best results for particularly disadvantaged families.

Client assessment and referrals 2003–2004
Number of clients



Strategic Planning and Policy Division Targeting the most disadvantaged people

This division is responsible for Service Delivery Planning and Evaluation, Community Partnerships, Review and Reform and Legal Aid Review Committees.

We launched a Co-operative Legal Service Delivery Model that will help address unmet legal needs in rural and regional areas (See page 12).

Through our Access and Equity Plan, we provided improved access to justice for people with special disadvantages. For details, see pages 67–68.

People who are refused legal aid are able to appeal to independent committees for a review of their matter. This year the committees allowed appeals in 155 (17.6%) of submitted matters. The table on page 79 shows further details of committee caseload and successful appeals by program areas.

Assisting clients to access and assert their rights through education programs and free publications.

The Commission has continued to build relationships with target client groups and has made particular progress in delivering Community Legal Education (CLE) to Aboriginal and Torres Strait Islander people, young people from culturally and linguistically diverse backgrounds, women, people with disabilities, and other members of culturally and linguistically diverse communities. Family law, child support and veterans' entitlements have been the focus of a significant number of the Commission's CLE services to client

groups and relevant community and government workers during 2003–2004.

Particularly well received were sessions presented by family lawyers on domestic violence. These were delivered in collaboration with NSW Police to more than 230 community workers and leaders from Arabic and Pacific Islander communities in metropolitan and western Sydney.

The division's Publications Unit disseminates information about people's legal rights.

As well as maintaining online resources, the unit distributed a total of 320,993 printed publications on a range of topics (see page 89 for details). This compares with 250,000 in 2001–2002 and 336,868 in 2002–2003. Information about our family law conferencing program was translated into seven community languages and widely distributed.

Areas for improvement



The Criminal Law Division will be evaluating the merits of extending the Under 18s HotLine to a 24 hour service, seven days per week. The division will also be investigating ways of improving the level of service for statewide weekend bail courts.

Bringing legal services within reach of people who live in isolated parts of the state is another identified area of need.

One priority will be to expand inhouse family law services to Walgett and Broken Hill as part of the Co-operative Legal Service Delivery Model.



The year ahead

During the next 12 months, the main focus for all divisions will be on improving service delivery to clients. Special attention will be given to strategies for improving access to legal aid by Aboriginal communities, particularly in rural and regional areas.

The Commission will revise its draft Aboriginal Justice Plan to make it consistent with, and complementary to, the NSW Government's NSW Aboriginal Justice Plan 2003-2012. We will develop a model of dispute resolution for resolving community disputes, provide increased access to family and civil law services, and develop competency standards for legal practitioners representing Aboriginal people.

Over the next 12 months the **Civil Law Division** will also undertake a project aimed at improving outcomes for forensic patients.

In 2004-2005, the **Family Law Division** will expand its mediation program and revise its strategies for Aboriginal mediation.

In addition, it will review and consolidate its outreach programs to ensure that clients living in isolated areas have access to regular services, particularly in the far west of New South Wales. The outreach programs will complement the increasingly effective community legal education programs run in all areas of the State.

The division will work with the Family Court in the Children's Cases Program to develop less adversarial procedures in parenting matters. In 2004-2005, this will include monitoring cases under the program in terms of both cost effectiveness and practitioner/client satisfaction.

The **Criminal Law Division** will improve service delivery to its clients by implementing more key recommendations of the Criminal Law Review.

The division will improve outcomes for clients by providing strategic data and information to the Criminal Case Processing Committee, originally established by the Attorney General in April 2004, to monitor the various factors influencing criminal case processing for indictable matters. In 2004-2005, this will include close cooperation with other criminal justice agencies sitting on the committee, to examine the benefits of more centralised committals centres, new court time standards, and creating an environment at the committal stage which provides every opportunity for a plea of guilty.

Working with Legal Aid will become even easier for the private profession as a result of greater online efficiencies. In 2004-2005, the **Grants Division** will complete the E-Lodgement criminal law pilot. E-Lodgement of duty solicitors' invoices will also be introduced.

A key priority for the Commission next year will be to establish protocols with LawAccess NSW for the provision of information and advice services to clients and train Commission staff in the referral protocols so that the Commission's advice services are targeted at those who most need them. LawAccess NSW provides legal information, referral or advice by phone and is often the first port of call for legal aid clients.

The Conflict of Interest Committee will continue its work in dealing more effectively with the difficulties which the legal concept of Conflict of Interest, real or perceived, causes to the Commission's advice, duty and case work.

People

We ensure our staff have all the support they need to do their work more effectively



Another training landmark—the first Legal Aid graduates to complete the UTS Diploma of Business, proudly received their diplomas on Tuesday 15 June 2004. They are pictured here with CEO Bill Grant and the Dean of the Faculty of Education, UTS, Professor Andrew Gonzi.

Performance goal

To have a professional culture and a positive and productive work environment.

Key results 2003–2004

Improved level of staff skills and knowledge, focusing on uniformity of service delivery and managerial skills.

Performance highlight

Inhouse training attendance increased by 273% this year, which has helped to establish the Commission as a “learning organisation”. As part of this trend, 14 graduates completed an intensive training course equipping them to be managers in a modern, progressive work environment.

The nationally recognised Diploma of Business (Frontline Management) is provided in partnership with the University of Technology Sydney’s Training and Development Services. It proved a huge success with staff, who found it gave them greater confidence to suggest new ideas as well as increasing their skills base.

A total of 61 managers and supervisors have been accepted into the program since it began in June 2003.

Learning and development highlights

For the second year in a row there have been significant increases in training and development opportunities for our staff, with the introduction of many new and innovative programs (See page 76 for details). Inhouse training attendance increased by 273% as Training and Development played a lead role in establishing the Commission as a “learning organisation”.

Key achievements for 2003–2004 included:

- Providing greater management development opportunities (See facing page);
- Conducting team development sessions focussing on the results of the *Without Prejudice Survey* and involving staff in analysis and improvement of their workplace;
- Establishing a range of programs in the Client Services area which can attract Mandatory Continuing Legal Education points (Detailed list on page 76);
- Establishing a number of programs to improve staff skills on the job. (Detailed list on page 76); and
- Delivering 31 corporate and IT training sessions at regional centres.

The Commission also maintained various other training and development services. Ongoing programs included:

- Mandatory Continuing Legal Education;
- Delivering conferences and seminars attended by over 1,000

Commission, community legal centres and private lawyers;

- Approving 72 applications for Study Leave and granting fee assistance through the Further Education Financial Assistance Program to 34 of these; and
- Specialist Accreditation Program – The commission has 70 lawyers with specialist accreditation: 38 in criminal law; 23 in family law; four in children’s law; three in advocacy and two in personal injury.

Equal employment opportunity achievements

The Commission continued to promote equal opportunity in employment. Key initiatives this year included:

- Appointing an ATSI Employment Officer in the Human Resource Management Branch;
- Appointing five Aboriginal and Torres Strait Islander (ATSI) trainees to Clerical Officer positions at Bankstown, Gosford, Parramatta, Tamworth and Head Office. These appointments occurred after trainees successfully completed their clerical traineeships which consisted of on-the-job clerical training combined with a formal TAFE component of training in a certificate in Business/Administration;
- Developing initiatives under an ATSI Justice Plan to provide employment and career opportunities for ATSI people and ensure service delivery to ATSI clients is culturally sensitive;
- Implementing Flexible Work Practices Policy to improve

Over 900 people attended our conferences this year compared with 377 last year.

equitable access to flexible work options for the Commission’s staff members. Amongst other things, the policy introduces formal working from home arrangements for a number of staff members;

- Regular Aboriginal Awareness training sessions for staff members who interact with Aboriginal people;
- Introducing regular *Demystifying Mental Illness* courses to provide staff members with improved understanding and communication skills which will help them deal with clients who have mental illnesses;
- Developing a new course, *Working with Muslim Clients*, which will be available in the next financial year. The course will include an overview of Islam, interaction with Australian society, cultural and family issues and Islam and the Australian legal system.
- Regular induction programs for new staff members to ensure that all new starters are aware of the Commission’s policies and procedures;
- Ongoing *Selection Techniques and Selection Techniques Refresher* courses to ensure that all selection panel convenors are able to undertake merit selection processes;
- developing a *Harassment Free Workplace* Policy; and
- Finalising a Reasonable Adjustment policy which was incorporated into a broader policy document.

Occupational health and safety and workers’ compensation

The Occupational Health and Safety (OH&S) Committee met regularly to review OH&S issues in the

Staff numbers over last five years

Years	FTE [†] figures* financial year end	Actual staff numbers financial year end
2004	669	721
2003	634	683
2002	565	612
2001	566	611
2000	586	643

* (see page 76 for more details)

[†] Full Time Equivalent



Aboriginal trainees celebrate the successful completion of their traineeship before going on to accept permanent clerical positions.

Commission. A major achievement was to improve communication with all staff about OH&S matters. The OH&S Committee reviewed and endorsed the following policies:

- Client Services Strategy – Managing Aggressive Clients and Difficult Situations
- First Aid Policy
- Managing and Reporting Unsafe Incidents
- Draft Workers Compensation and Injury Management policy and procedures
- Standards for staff safety in external work environments.

An OH&S Corporate Induction Program is conducted on a regular basis to provide information about OH&S to new employees. Regular training was delivered to staff on OH&S, stress management, ergonomics, visiting gaols safely,

managing aggressive behaviour, dealing with difficult clients and conflict management (See page 76 for details).

Worker’s Compensation

There has been an increase in the number of reports relating to workplace incidents in the last financial year. This has arisen as a result of increased awareness on the requirement to report on incidents that occur in the workplace to assist the Commission to undertake risk assessments and implement preventative strategies to minimise the OH&S risks in the workplace. Awareness of the need to report workplace incidents has been increased this financial year through:

- continued OH&S induction for all new staff members;
- issuing all induction material to existing managers and staff members; and

- ongoing work of the OH&S Committee and OH&S representatives in regions.

The cost incurred to 30 June 2004 of new claims reported in 2003–2004 was \$34,138 compared to \$116,931 in 2002–2003, a decrease of \$82,793.

The number of accepted claims decreased from 20 in 2002–2003 to 18 in 2003–2004.

The number of full-time equivalent (FTE) staff (on average) for this financial year was 664, an increase of 30 from 634 in 2002–2003. This equates to an average claim cost of \$51.41 per staff member compared to \$184.43 per staff member in 2002–2003.

Employee Relations

We continually reviewed our operations to ensure we are delivering services of the highest standards and with the utmost professional integrity.

This included:

- Reviewing, updating and disseminating our recruitment policy and procedures; and
- Developing a Performance Planning and Development system for piloting in 2004–2005.

Code of Conduct

As the previous Code of Conduct was developed in September 1993, the Commission was committed to updating the Code to reflect its current values, vision and mission. The new Code of Conduct was released in January 2004 with significant changes incorporating the principles and requirements which now apply to all NSW Public Service agencies. It also includes a new Guide to Ethical Decision Making, more comprehensive Conflict of Interest guidelines, and new information on reporting corrupt conduct, maladministration and waste in accordance with the *Protected Disclosures Act 1994*. (See pages 83–86 for our new Code of Conduct).

Other staff achievements

Civil Law Division

Aside from casework, staff made other contributions:

- Updated the chapters on veterans’ entitlements, refugee law, debt and credit in the 9th edition of the *Law Handbook*;

Workers’ Compensation Claims		
Type of Claims	2002–2003 No. of Claims	2003–2004 No. of Claims
Workplace	9	8
On Duty not at Office	5	3
Journey	4	6
Lunchtime	2	1
Property Claim Only	-	-
Total Claims Accepted	20	18
Claims Declined	3	2

Work Related Injury/Incidents		
Type of Injury/Incident	No. of Reports	No. of Reports
Workplace	13	30
On Duty not at Office	6	6
Journey	16	15
Lunchtime	4	3
Total Injuries/Incidents	41	54

- Updated the chapters on credit and veterans' entitlements in the *Lawyers Practice Manual*;
- Presented a paper at a Lawyers Reform Association forum on the treatment and detention of mentally ill offenders; and
- Presented a paper to the Asian Women's Fund on women in immigration detention.

Criminal Law Division

- At the invitation of the Human Rights and Equal Opportunity Commission (HREOC,) Will Hutchins from the Prisoners Legal Service presented a paper in Xian (China) on "Human Rights Protection for Detainees and Prisoners". The conference was organised by HREOC and the Supreme Peoples Procuratorate (SPP) in China.
- Approved a Training Officer position as identified in the Criminal Law Review.
- Finalised recruitment in relation to the restructure for senior positions of Director Criminal Law, and Regional Program Coordinator Crime.
- Four staff members attained the Diploma of Business (Frontline Management) and eight more are currently undertaking this course.
- Bryan Robinson from the Penrith Legal Aid office, delivered five guest lectures to 270 trainee police detectives, on the respective roles of police and Legal Aid lawyers in the judicial system.

Family Law Division

- Lawyer Debra de Fina assisted in the third update of the *Children's Court Care Matters Practice Manual*.
- Lawyers Alex Wearne, Jane Costigan,

Below: Newcastle lawyer Margaret Wood and Lisa Greenwood from Greater Taree City Library celebrate Law Week in Taree.



Atoa Aiolupotea made an important contribution to spreading the word about Legal Aid amongst the Pacific Islander community.

Norman O'Dowd and Frances Neilson presented papers at our statewide family law conferences.

- Conducted training programs for family conference organisers and chairpersons.
- Conducted a care and protection training conference for private practitioners practising in this area.

Atoa Aiolupotea (photo, above) from Manly Legal Aid office has greatly expanded the Commission's delivery of legal education to the Pacific Islander community, developing partnerships with community leaders and delivering radio interviews, information sessions, and an information stand at the Pacific Unity Day festival in Waterloo.

Grants Division

- Recruited a senior criminal lawyer to manage the implementation of electronic lodgement for criminal law matters.
- Staff improved their skills through training in family, civil, criminal and veterans' law and in E-lodgement processes.
- All Team Leaders completed the New Managers and Supervisors course. Two staff members graduated in the Diploma of Business (Frontline Management) and three others are currently enrolled in this course.

Law Week

Commission staff showed outstanding dedication to *Opening the Door to the Law* during Law Week 2004 (16-22 May), organising and participating in educational events

across NSW, including Sydney, Dubbo, Taree, Wollongong, Nowra, Bega, Lismore, Newcastle and Kyogle. Events included seminars, Law Fairs, competitions, and performing and creative arts events.

A new brochure promoting the Women's Domestic Violence Court Assistance Program to Aboriginal and Torres Strait Islander people was launched in Taree (see page 33), along with the official launch of the Commission's Family Law Advice Outreach Service to Taree.

Wollongong staff and veterans' advocates conducted a three-day program of seminars in Wollongong, Nowra and Bega focusing on legal issues for older people.

Area for improvement



The Commission will continue to review and improve its administrative operations in line with good corporate governance and cost-effective principles.



The year ahead

The CEO and all directors will ensure that the needs of staff are considered in plans for the year ahead, particularly their ongoing development and job satisfaction.

Human Resources will focus on:

- Implementing a pilot of the Performance and Development system.
- Developing and implementing a Mentoring Program.
- Developing and implementing a comprehensive Risk Management System to ensure we have effective Hazard Management and Risk Assessment processes.
- Implementing the Commission's new Recruitment Strategy.

Organisation

A major restructure was completed and a framework for a statewide practice model was established



Regional Administrative Co-ordinator Christine Johnson, and Regional Program Co-ordinators Paul Hayes (Crime), Alex Colquhoun (Family), and Tim Smith (Civil) played a critical role in the new organisational structure.

Performance goal

To use modern systems and processes which maximise the efficient and effective use of Commission resources.

Key results 2003–2004

We improved our business systems and processes to provide easier access to information and services and more timely and accurate responses for our partners, clients and staff.

Performance highlight

This year legal practice areas worked collaboratively towards achieving consistent statewide practices. To facilitate this, three Regional Program Coordinators (RPCs) were appointed in the areas of civil, family and criminal law. The RPCs will ensure there is effective communication between the Solicitors-in-Charge of regional offices and Program Directors, in order to achieve the Commission's service delivery goals. They will also act as a resource for regional staff, assisting them to perform in their various roles. Since their appointment in February 2004, the RPCs have contributed to defining business and service delivery plans and assisted the directors to settle practice standards and achieve various practical improvements to service delivery.

A Regional Administrative Coordinator was also appointed to work with Office Managers in regional offices and to assist the Deputy CEO Legal to establish consistent statewide practices.

This year, each division assumed greater responsibility for establishing more efficient work practices and improving business planning decisions.

Civil Law Division

- Developed guidelines to ensure consistent file review standards across the civil law program.
- Developed an intranet facility to enable civil lawyers to more effectively collate and distribute case reports, case precedents, law reform submission and legal education resources. This facility is now in the testing phase.
- Set up a committee to work on developing proposals for implementing the recommendations of the Civil Law Review, which was conducted in 2003.

Family Law Division

- Set more rigorous practice standards for the statewide family law program for application in regional offices, with the assistance of the new Regional Program Coordinator.
- Launched a more flexible means test pilot in family law conferencing. This resulted in more clients being able to benefit from our mediation services.
- Established a permanent duty scheme in the Family Court and Federal Magistrates Court at Parramatta.
- Commenced a pilot duty service in the Family Court and Federal Magistrate's Court at Newcastle.
- Established the Nowra regional office to provide family law services along the south coast to the Victorian border.
- Consolidated the outreach service from Lismore to the Tweed and surrounding areas as a permanent service.
- Developed practice standards and service agreements for family conferencing chairpersons.
- Implemented, through the Lawdocs precedent system, a range of precedents specially developed for the work of the statewide inhouse family law practice.

Clearly defined practice standards and better case management were just some of the ways our legal practice areas successfully met their organisational challenges.

- Assisted the Grants Division in the implementation of panels for the care and protection jurisdiction.

Criminal Law Division

- Identified priorities for implementation from the Criminal Law Review. These included a review of clerical support gradings, an expanded relief unit, rotation policy, restructure at head office, and additional solicitor advocate positions.
- Developed a means of calculating average duty and case Local Court workloads so that more accurate assessments and comparisons can now be made.
- Further expanded access to and usage of audio-visual (AVL) conferencing of prisoners in New South Wales Correctional Centres and other locations.
- Seconded senior criminal staff to the Grants Division to enhance the Commission's capacity to manage complex assigned criminal law matters.
- Conducted planning days for Children's Legal Service, Criminal Relief, Advocacy and Committals Units to identify priorities for legal service delivery and the means of achieving those priorities.

- Participated in the Grants Crime Coordination Committee (GCCC) to introduce business rules for the conduct of criminal law cases across the Criminal Law Division, highlighting the procedures that should be attended to when granting or refusing legal aid and when assigning matters to private practitioners.

Grants Division

- Fully implemented E-lodgement for family law matters in Commonwealth and State jurisdictions. All inhouse practitioners and nearly 55% of private practitioners now lodge family law applications electronically.
- Approved 3,138 payments of the \$80 E-lodgement Fee (ELF) for Commonwealth family law matters, and conducted an evaluation of the ELF incentive.
- Changed the Grants Online and LA Office systems to improve services in family law and make E-lodgement available in Children's Court criminal law, Local Court criminal law and veterans' advocacy matters.
- Commenced a pilot of E-lodgement for Children's Court criminal law, Local Court criminal law and veterans' advocacy matters.



The Pilot Audit Team members begin the review process.

- A survey of inhouse grants practices for criminal law applications allowed the Grants Crime Coordination Committee to develop Business Rules for the Criminal Law Program. The Business Rules set a consistent approach in the granting of applications to the inhouse practice and private practitioners. The Business Rules include an 'Assignment Protocol' and will be reproduced in a Procedures Manual for staff.
- An audit of private practitioners who use E-lodgement facility, to assess compliance with the E-lodgement guidelines and invoice certification procedures.

The Strategic Planning and Policy Division

The division established a Community Legal Education (CLE) Reference Group to undertake strategic planning of the Commission's CLE services.

The Community Legal Education Management System (CLEMS), a web-based database system designed to facilitate the coordination, evaluation and reporting of the Commission's CLE services, has progressed into its second phase of development. CLEMS will be accessible to all staff via the Commission's Intranet and will also allow the general public to register for CLE events via the Commission's website.

Section and regional managers are better able to plan their services thanks to the development of a number of service delivery tools including:

- *Ethnic Demographic Profiles for Regional Offices*, an electronic snapshot of population growth data and the ethnic make-up in regional areas.
- Electronically available demographic information on the extent of disadvantage in communities, showing the location of Commission offices, courts, community legal centres and other legal service providers relevant to our potential client groups.

Business and Client Services Division

Implementing systems that improve overall efficiency

Our **Business and Client Services Division** worked to improve our business analysis and reporting systems and to connect financial, human resources and operational information.

The Commission has selected the WebFOCUS product to provide information electronically across the organisation.

The reporting format for financial information has been prepared and is currently being developed within WebFOCUS. The revised reporting format varies significantly from current reporting formats, and introduces new associated financial accountabilities and responsibilities for management. New training programs for staff are being developed to support the introduction of the new reports. The new reports will be available for use by 31 December 2004.

As an initial step to improve reporting both the SAP financial system and the CHRIS payroll system have been successfully upgraded during the year.

Draft indicative performance indicators have also been prepared. The final set of indicators will be available in 2004-2005.

The Operational Support Unit:

- Established a new permanent office in Nowra and refurbished our Newcastle office to provide additional facilities for Alternate Dispute Resolution and Video Conferencing.
- Reviewed our Records Management System to identify requirements for an updated system to be introduced Commission-wide.

- Extended the current purchasing relationship with the Attorney General's Department to achieve maximum aggregation benefits through a shared tendering system for stores and stationery.
- In accordance with the Waste Reduction and Purchasing Policy (WRAPP), ordered file covers from recycled cardboard only and ensured that only recycled toner cartridges were used.

Human Resource Management Branch's achievements this year included:

- Updating the Code of Conduct.
- Developing a set of new policies/procedures, including the Use of Email and Internet Policy and Procedures, and updating the Commission's Induction Manual and Procedures for Reasonable Adjustment and Health Assessment.
- Gaining accreditation in Job Evaluation to enable us to classify and grade positions inhouse.
- Developing a generic position description for legal support officers to facilitate recruitment and provide more staff development opportunities, including job rotation and more flexible staff movements.
- Providing increased learning and development opportunities to staff across the Commission.

The **Information Management and Technology Branch** upgraded several of our corporate systems and developed an IT Strategic Plan. Achievements this year included:

- Introducing a website for registering and managing private practitioners on Legal Aid panels.
- Bringing the internet site inhouse (It was previously hosted at the Attorney General's Department) and implementing a new content management system.
- Replacing printers throughout the Commission.
- Piloting implementation of a new Intranet, with many new features.

A Corporate Reporting project has been underway, with the goal of improving the information available to people in the Commission. Some improvements are already in place, and more are planned with the development of a data warehouse. When implemented, this will give 'point and click' access to information within all of the corporate systems.

Electronic services to our partners were increased during the year.

Highlights included:

- The Panels Expressions of Interest website has 549 registered users, and during 2003–2004 received 462 completed panels applications.
- Introducing an enhanced Community Legal Education System to coordinate the training programs provided to the general community.
- An online referrals system providing information to partner organisations on both legal and non-legal service providers on a geographic basis.

The **Financial Services Branch** has improved the financial information available to the Commission about its business processes during 2003–2004. The Branch upgraded its financial system (SAP) to the latest version (Version 4.7 Enterprise), making the Commission the first government agency to do so.

During the year, NSW Treasury made significant changes to the budget process. The Branch adapted to these new requirements, and advocated strongly on the Commission's behalf during the process.



Areas for Improvement

The Commission will be working to develop a model for costing our inhouse practices and finalising a set of performance indicators to better measure and explain our performance.

The **Grants Division** will explore the feasibility of introducing proposals for change related to indictable crime cost issues, including the introduction of lump sum fees.



The year ahead

As part of the Corporate Services Reform Strategy, a statewide initiative to share corporate services, the Commission will investigate sharing resources in Asset Management, Fleet Management, Records Management and Procurement, in our ongoing quest to reduce overall costs and achieve greater efficiencies.

The Commission will be working with other legal aid commissions across the country to develop a national IT case management system. The new system, which is expected to be ready for delivery in 2005-2006, will improve the Commission's ability to manage its caseload and service provision as well as providing improved information to support business decisions.

We will finalise development of key performance indicators to allow us to better measure and explain our performance.

By adopting government-wide policies, consistent throughout the Justice Portfolio, we will streamline procedures. This will also improve our capacity to measure business performance.

Our Records Management Program will be updated to the newest release, and comprehensive staff training will be provided to meet corporate needs.

Over the next year the purchasing policy will be reviewed to ensure that suppliers accept returns of their packaging and any re-usable containers.

In particular, our **Criminal Law Division** will:

- Access improved business data to evaluate the importance of early preparation and plea negotiation in committal matters.
- Provide strategic data and information to the Criminal Case Processing Committee to enhance efficiencies in the processing of matters in the criminal justice system, in a way which does not adversely impact on the Commission's costs.
- Identify issues concerning criminal indictable cases to enable more effective interaction with the prosecution, and to further improve case management of matters in the court system.
- Further develop and implement business rules to ensure consistency across the Commission's inhouse practices.
- Implement the initiatives identified and accepted from planning days conducted with the Advocacy, Committals, Relief and Children's Legal Service Units.
- Continue to increase the usage of in-house video conferencing facilities by inhouse and assigned practitioners undertaking criminal work.

Our **Civil Law Division** will implement the agreed recommendations of the Civil Law Review.

A new three-year Strategic Plan will enable us to effectively deliver a community legal education program across all areas of the State.

Partners

We developed close working relationships with other agencies to achieve better results for our most disadvantaged clients



Celebrating five year's of Legal Aid's involvement in the NSW Drug Court. From right: Senior solicitor Eleanor Thornton, Director, Criminal Law, Brian Sandland and lawyers Scott Schaudin and Ian Rodgers.

Performance goal

To work cooperatively with other legal service providers to deliver a range of effective and efficient legal aid services across the State.

To participate fully in the legal system to ensure the interests of economically and socially disadvantaged people are protected and enhanced.

Key results 2003–04

We developed close working relationships with other agencies and through law reform and inter-agency networking, were a key player in the justice system.

Performance highlight

A ceremonial sitting to commemorate the fifth anniversary of the NSW Adult Drug Court was held on 5 February 2004 at Parramatta in Western Sydney. Legal Aid lawyers attended as part of the Drug Court team.

The Drug Court was launched in 1999 as a radical legal experiment taking a therapeutic rather than a punitive approach to the issue of recidivism rates amongst drug using offenders. As part of this new approach, drug users who plead guilty to their crimes, take part in programs to get over their addiction rather than go to gaol. An independent evaluation found that the program compared well to custodial alternatives.

The team approach is one of the most innovative aspects of the Drug Court, using a unique combination of legal and health professionals to assist participants through the program. In 2003–2004, Legal Aid lawyers working on the Drug Court team advised 437 clients.

Civil Law Division

Working in partnership with key agencies, staff in this division achieved high results in each of their performance targets, from wins at court, to law reform and undertaking record numbers of community education programs.

Achievements this year included:

- Through the assigned practice, private practitioners provided representation for 375 new case grants and conducted 8,872 duty appearances at court.
- The Veterans' Advocacy Service and volunteer veterans' advocates conducted joint advice seminars for veterans' advocates in regional areas.
- Veterans' advocates participated in the Veterans' Practitioner Consultative Group, a forum established by the Legal Aid Commission to build links with private practitioners in the area of veterans' entitlements.
- The senior solicitor of the Mental Health Advocacy Service served on the state government reference group considering the review of the *Mental Health Act*.
- Consumer lawyers worked with consumer advocates on a range of policy issues including debt collection, mortgage brokers, consumer dispute resolution schemes, and review of insurance law.
- Human rights lawyers worked with disability advocates to address the issue of discrimination by insurers against people with a disability. This included acting for People with Disability Australia, in a successful amicus intervention in the Federal Court (See page 14).
- Housing lawyers worked with tenants' advocates on submissions to the state government to lessen the adverse impact of the *Residential Tenancies Amendment (Public Housing) Bill 2004*, on public housing tenants.
- Housing lawyers conducted legal training sessions for tenants' advocates, on housing law and legal aid policies and services.

Strong partnerships supported a greater client focus

- Civil lawyers from our Dubbo and Lismore offices, participated in the regional Co-operative Legal Service Delivery pilot projects which sought to bring together partners in the justice sector in regional areas, to develop strategies to improve client services and referrals. (See page 12 for details).
- Our Wollongong lawyers initiated a regular e-newsletter on activities of the civil law practice, for local private practitioners and other legal service providers.
- Staff presented submissions on a wide range of law reform issues (See page 78) and were members in a number of external cross-agency committees (See page 81).

Family Law Division

Formal networking increased benefits to clients

As well as conducting a busy caseload, staff in this division focused on initiatives as wide-ranging as law reform, inter-agency training and collaborative online projects.

Initiatives this year included:

- Through the assigned practice, private practitioners provided representation for 9,054 new case

- grants and conducted 3,734 duty appearances at court.
- Participated in the working group and steering committee to establish the Children's Cases Program in the Family Court at Sydney and Parramatta (See page 19).
- Worked with our partners in the Child Support Agency, Centrelink and the Australian Government Solicitor to present an interactive child support training day for Legal Aid and Community Legal Centres staff.
- Drafted fact sheets for children and parents involved in care and protection matters for use on both the Children's Court and Legal Aid Commission websites.
- In conjunction with the Department of Community Services, our Senior Solicitor for Care and Protection has written the update for the Children's Court Care Matters Practice Manual.
- Staff presented submissions on a wide range of law reform issues (See page 78) and were members in a number of external cross-agency committees (See page 82).

Below: By sharing an information stall, Maria Girdler (Macquarie Legal Centre) and Rana Sabih (Parramatta Legal Aid) attracted a large number of people at Granville Multicultural Festival in May 2004, proving that partnerships work.



Criminal Law Division

Fostering partnerships through a range of initiatives including training, conferences and law reform

- Through the assigned practice, private practitioners provided representation for 9,009 new case grants; and conducted 41,757 duty appearances at court.
- Criminal staff participated in the organisation and delivery of 10 training sessions for practitioners across NSW on the Magistrates Early Referral into Treatment (MERIT) program that diverts drug-addicted offenders from the Local Court. The program has been a huge success, assisting clients to address their drug issues and seek treatment.
- Staff participated in many inter-agency committees and working parties. Commission participation is regularly sought (See page 81).
- Made 20 independent law reform submissions (See page 78).
- Negotiated a new Service Level Agreement with the Public Defender's Office.
- Conducted a three-day criminal law conference attended by 306 practitioners from Legal Aid, Aboriginal Legal Services, Community Legal Centres and private practitioners.
- Held a Children's Legal Service conference in Dubbo targeting joint criminal law enterprises identification issues, attended by 36 practitioners from regional NSW including delegates from Aboriginal Legal Services, Public Defenders, private practitioners and Legal Aid.
- Increased the resources available to Aboriginal and Torres Strait Islander Legal Services (ATSILS) to provide criminal law assistance to Aboriginal people, including access to advocates, specialised training and library resources.

Grants Division

Developing better ways of working with the private profession

Private practitioners are our key partners in delivering cost-effective and efficient legal aid services to the public of New South Wales. This year, we improved our online practices, and developed systems and standards to ensure long-term equitable partnerships with all practitioners working on behalf of legally assisted clients.

Achievements included:

- A significant increase in the number of private practitioners lodging family law applications online. By June 2004, 442 firms were registered for E-lodgement, an increase of 67% on this time last year. 90% of the top 50 private law firms who do legal aid family law work are now registered for E-lodgement.
- Processed electronic applications in 4.2 days on average and paid electronic invoices on average within one day.
- Ten private legal firms took part in the pilot for E-lodgement in Children's Court and Local Court criminal law matters.
- Twenty-eight private legal firms took part in a pilot audit of E-lodged family law and care and protection matters.
- Implemented the private practitioner panel in Children's Crime and completed the selection process for the Care and Protection, Child Representation and Court of Criminal Appeal panels. Private practitioners appointed to panels enter into a service agreement and agree to adhere to practice standards for the delivery of quality legal services.
- Produced a new Grants Online user manual for inhouse and private practitioners. Context-sensitive help screens were incorporated within Grants Online for practitioners to use while completing online applications.

- Maintained the Duty Solicitor Scheme through the support and cooperation of the private legal profession in the NSW Courts.
- Provided assistance to three Aboriginal and Torres Strait Islander Legal Services (Sydney, Western Aboriginal Legal Service, Kamilaroi) to enable them to provide increased family law advice and representation.

Strategic Planning and Policy Division

Forging new partnerships in co-operative service delivery.

This division plays a key role in reviewing and evaluating existing programs and services, identifying gaps in service delivery and highlighting opportunities for improvement through its Community Partnerships Unit. This year, the division coordinated a major new partnership that includes building strong relations with the private profession and other legal service providers in their allocated regions (see page 12).

Areas for improvement

The need for ongoing evaluation and assessment has been identified as an area for improvement. One way of addressing this is to develop partnerships with other agencies who can provide independent expertise. To this end, the Family Law Division will conduct a durability study of family conferencing settlements in partnership with the University of Western Sydney.

The 'For Legal Practitioners' (FLP) subsite—part of our website at: www.legalaid.nsw.gov.au—is an excellent resource which offers the Commission many opportunities to provide a better service to private practitioners. The Grants Division will aim to enhance the FLP site to communicate with practitioners more effectively using email, resulting in real business improvements.



Significant wins: Grants Division cases 2003–2004

In 2003–2004 private practitioners achieved some outstanding victories in their representation of legally aided clients. Highlights included:

Residence Application for a younger sister

Legal aid was granted to a 19-year-old woman for a Residence Application for her 14-year-old sister. The younger sister had been taken to a Middle Eastern country by the mother, and left with relatives in order to marry their 15-year-old son. The mother is mentally ill, but the father sanctioned the mother's actions. Both young women were born in Australia and had never visited these relatives. The older sister was not permitted to talk to her sister in English and the younger sister was not allowed to return to Australia. The country involved is not a member of the Hague Convention.

After some initial difficulties, the older sister obtained the Residence Order in the Family Court. She then travelled to the country where her sister was and, with the help of a friend, managed to transport her sister across the border and bring her home. Now that the sisters are back in Australia, the Residence Order prevents either of the parents from taking the younger sister out of the country and gives her older sister responsibility for her ongoing care and welfare.

'Accrued Jurisdiction' clarified in federal arena

A guard closed a carriage door without warning as a disabled passenger and her husband were about to board the train. A claim for discrimination was made under the *Disability Discrimination Act* (Commonwealth jurisdiction), as well as a separate claim for damages for negligence (State jurisdiction). The matter was heard in the Federal Magistrate's Court.

The Federal Magistrate accepted he could hear both matters, which clarified the issue of "Accrued Jurisdiction" in the Federal arena. The applicant was awarded damages and costs.

Safer road crossings for visually impaired pedestrians

A claim was made for indirect discrimination by a local council in relation to the use of 'Wombat' crossings at pedestrian crossing points in a country town centre. The claimant, who is blind and assisted by a seeing-eye dog, alleged that the Wombat crossings were not safe for visually impaired people as they had no features alerting these pedestrians to the crossings, and as a result he had lost confidence in doing business in the town. The matter was satisfactorily settled with Zebra crossings with tactile ground surface indicators replacing the Wombat crossings at two locations.



The year ahead

We will strengthen our partnerships to ensure disadvantaged communities have better access to the law. A key means of achieving this will be the Co-operative Legal Services Delivery Model being piloted in Lismore and Dubbo.

We plan to evaluate the model with a view to further rollout across the State.

The Commission will work co-operatively with the Coalition of Aboriginal Legal Services, as they face the uncertainty associated with the Federal Government's tendering process, to ensure that quality and accessible criminal, family and civil legal services are delivered to Aboriginal people in NSW.

In other initiatives the **Strategic Planning and Policy Division** will:

- improve the organisation's policy and law reform networks to encourage more direct consultation in relation to law and justice issues; and

- explore partnerships to enable effective delivery of training about Legal Aid and other legal services and issues to students studying social work and welfare at TAFE and university.

The **Family Law Division** will work with the Children's Court and Department of Community Services to develop policies and procedures to ensure efficient court management and speedy resolution of care and protection cases involving children under three years of age. Another focus is to develop practice standards for chairpersons engaged in Alternate Dispute Resolution.

The **Criminal Law Division** will work cooperatively with the Public Defender's Office to minimise costs and in particular to retain high profile District and Supreme Court trials.

So that we can improve the way we work with the private profession, the **Grants Division** will conduct reference groups of practitioners, seeking their views on working with Legal Aid.

Community Legal Centres Funding Program

The Legal Aid Commission administers the State and Commonwealth Community Legal Centres Funding program for 32 community legal centres throughout NSW.

Community Legal Centres (CLCs) are independent, non-profit organisations that provide a range of legal services to address the specific needs of disadvantaged sectors of the community. Their services provide a valuable adjunct to services provided through the Legal Aid Commission.

Our clients

CLCs ran a number of test cases and class actions with the aim of improving social justice for disadvantaged people and assisting people to assert their human rights. Highlights included:

- Shoalcoast Legal Centre ran a successful victims compensation matter for a member of the stolen generation who had been subjected to abuse by her foster father.
- Womens Legal Services NSW is conducting a "stolen wages" test case for Aboriginal women who were denied payments for work done on rural properties in the 1930s. The NSW Government is still holding the money in trust accounts.
- Marrickville Legal Centre filed application for special leave to appeal to the High Court on behalf of a protected tenant.
- Illawarra Legal Centre lodged a class action in the Human Rights and Equal Opportunity Commission (HREOC) relating to the failure of the Child Support Agency to adequately collect child support and child maintenance.
- Disability Discrimination Legal Centre ran a case relating to the allocation of accessible seating at sporting events.
- The Public Interest Advocacy Centre (PIAC), acted for Amnesty International in the High Court in the refugee children's rights matter

B v B; and acted for a number of indefinitely detained asylum seekers in habeas corpus applications in the Federal Court.

- PIAC also appeared as amicus curiae (friend of the court) in Minister for Industry v Mobil Oil in the Full Federal Court arguing for the adoption of processes which ensure public confidence in the judicial decision-making process.

Our people

This year, the Community Restorative Centre (CRC) Justice Court Support Scheme's volunteers were awarded the 2003 Law and Justice Foundation Volunteer Award for their 'outstanding commitment to improving access to justice in NSW'. Forty volunteers attended 15 courts each day, and assisted more than 50,000 people with information on court procedure and sources of legal assistance as well as offering emotional support in court.

Court Support volunteers assisted more than 50,000 people this year.

Our organisations

This year saw some notable anniversaries of service to the community. Macquarie Legal Centre celebrated 25 years, the Welfare Rights Centre and Marrickville each celebrated 20 years of service, and the Disability Discrimination Legal Centre celebrated 10 years of service.

Our partners

Innovative Service Delivery

Community Legal Centres worked closely with their local communities and with other service providers to develop new ways of assisting clients. Kingsford Legal Centre developed a subject focus for first year indigenous law students, on interviewing skills. Illawarra Legal Centre initiated Contact & Residency Classes in partnership with the Family Court in the Illawarra region, the first of its kind to be trialled in NSW.



Macquarie Legal Centre lawyer Jasmine Lee was instrumental in building the centre's new website that was launched in September 2003 as part of the centre's 25th birthday celebrations.

An independent evaluation of the Hawkesbury Nepean Legal Centre's Aboriginal Legal Access Project found the project had significantly increased access of indigenous people to legal services.

Five legal centres: Redfern, Inner City, Kingsford, Warringa Baiya Aboriginal Women's and Marrickville, launched a report regarding the feasibility of establishing an indigenous cadetship program in community legal centres.

The Environmental Defender's Office appointed an inhouse scientific advisor to complement its legal practice.

Resources

The CLC Program received \$5,087,764 from the Commonwealth Government, \$3,934,753 from the State Government and \$1,083,183 from the Solicitors Trust Account/ Public Purpose Fund. For details see page 75.

The Combined CLC Group's web site is at www.nswclc.org.au with connections to individual CLC web sites.



The year ahead

- A joint State/Commonwealth review of the CLC program in NSW will commence in 2004-2005.
- We will work more cooperatively with CLCs to deliver improved services to Aboriginal people.
- We will develop a 2005-2008 Triennial Service Agreement.

Women's Domestic Violence Court Assistance Program (WDVCAP)

We administer a program that assists women with domestic violence issues. The Women's Domestic Violence Court Assistance Program (WDVCAP) helps women who are experiencing domestic violence to access and navigate the legal system.

Women are assisted with court support, information on seeking Apprehended Domestic Violence Orders (ADVOs) and appropriate referrals to other useful services. The Program has 33 schemes that service 55 courts around the state. Workers on these schemes also undertake community education activities addressing the issue of violence against women.

Our clients

In 2003–2004 the Program assisted 33,618 women, compared with 30,188 last year.

This year, the Program focussed on domestic violence in Aboriginal and Torres Strait Islander (ATSI) communities. The WDVCAP Annual conference, held at Sydney University in July 2003, adopted as its theme *Achievements and Challenges: Violence in Aboriginal and Torres Strait Islander Communities*. Attended by 160 people, this two-day event featured many

outstanding speakers and covered topics such as understanding and engaging indigenous men in violence prevention and grass roots indigenous anti-violence strategies.

A revised brochure – *Helping you go to court to get an Apprehended Violence Order* was also launched at the conference. After consultation with the Program's Aboriginal Specialist Workers, a second brochure providing the same information in language aimed at Aboriginal women, was launched in Taree on 18 May during the Commission's 2004 Law Week celebrations.

Our organisation

In 2003–2004, the Program granted \$3,166,347 to the 33 schemes, including additional funds to cover CPI and Social and Community Services award increases.

A year of review and refinement

This year the Program worked on reviewing its policy manual and service agreement, as well as compiling a Best Practice Guide. Together, they will support the work undertaken by the 33 schemes by providing tools for effective management and useful resources ensuring optimum service delivery. They will be issued to schemes in October 2004.



Law Week 2004: Trish Ping, police domestic violence worker, and Victoria Colebrook, ATSI Specialist launch the Program's new brochure.

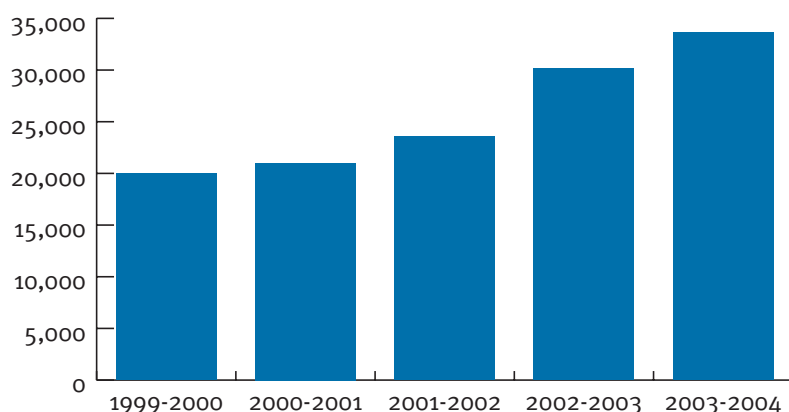
Our partners

The Program worked closely with many other agencies. Strong partnerships were maintained with the Department for Women, Attorney General's Department's Local Courts and Violence Against Women Units, NSW Police and community organisations such as Women's Legal Resources Centre and Immigrant Women's Speak-out and the state-wide network of community legal centres.

Resources

The State Government allocated \$3,166,347 for this Program. For details of grants to specific schemes, see page 74.

Number of Women assisted by the WDVCAP Program



The year ahead

In the year ahead we will aim to improve services to marginalised women, such as women living in isolated rural areas or women with special needs.

The Commission’s small surplus of \$0.113 million reflects a successful year where increased demand for services, especially in the Criminal Law and Family Law programs, has been managed effectively with the support of NSW Treasury.

The surplus results from a \$4 million supplementation of the Commission’s budget by NSW Treasury. Of this amount, \$1.230 million represents the partial restoration of funds that had been incorrectly removed from the budget. The supplementation by NSW Treasury addressed clearly identified cost pressures in the State Criminal Law and State Family Law Programs. Excluding these items, the Commission’s result would have been a deficit, which had been budgeted for through the use of available Commonwealth funds.

The Commission continues to experience increased complexity in cases in both the criminal and family jurisdictions. Coupled with an increase in the number of parties being represented in these jurisdictions, with multiple co-accused matters in the criminal jurisdiction and frequent separate representation of children and adults in the family jurisdiction, the cost of cases is increasing.

A continuing trend is the increasing level of expensive criminal law cases being funded by the Commission. The chart below shows the growth in expenditure on matters where the cost of the matter (including co-defendants) exceeds \$100,000.

In addition, changes to legislation in the criminal law jurisdiction, and changes by our justice sector partners that flow through to the Legal Aid Commission, continued to increase the workload of the Commission.

Income

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

In 2003–2004, the State Government provided \$71.499 million (compared to \$62.536 million in 2002–03), the Trustees of the Public Purpose Fund \$18.918 million (\$15.965 million in 2002–2003) and the Commonwealth Government \$46.626 million (\$43.754 million in 2002–2003).

Legally aided clients contributed \$2.965 million (\$2.618 million in 2002–2003 excluding the impact of a change in accounting policy).

Despite the trend toward more complex and expensive cases, we managed our budget effectively.

Included in the \$71.499 million from the State Government was supplementary funding of \$1.230 million for partial restoration of a savings adjustment, and \$2.770 million for legal assistance in state family law and state criminal law matters.

Capital funding of \$0.796 million was provided from the State Asset Acquisition program to fund improvements to the Commission’s office accommodation, the expansion of electronic lodgement and the project to replace the Commission’s core business system. Commonwealth funding of \$0.709 million was also used for this purpose.

Expenditure

The Commission’s major expenses are employee related expenses associated with the inhouse practice (\$49.919 million) and payments made to private practitioners for services to clients for work undertaken on behalf of the Commission (\$64.883 million).

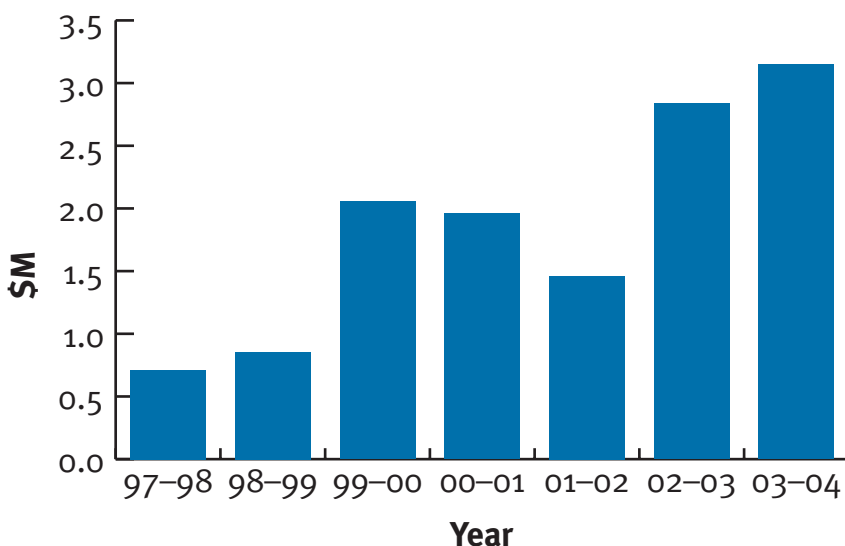
Assets

Assets have increased slightly due to an unexpected positive adjustment of \$1.073 million in the Commission’s superannuation position, and by an increase in the cash held by the Commission.

Liabilities

Liabilities have increased as a result of increases in the value of work done but not yet invoiced by private legal practitioners, and entitlements owed to employees. This has been partially offset by the unexpected positive adjustment in the Commission’s superannuation position referred to above.

Total cost of State criminal law assigned cases above \$100,000 (including co-accused)



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Legal Aid HotLine

1800 10 18 10
TTY available at offices marked with
TTY symbol

If there is no office near you, call
LawAccess NSW on 1300 888 529 for
information, referral and advice.

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