

Appendices

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PERFORMANCE STATEMENT

CHIEF EXECUTIVE OFFICER, LEGAL AID COMMISSION OF NSW

NAME: Bill Grant
POSITION: Chief Executive Officer, Legal Aid Commission of NSW (SES 6)
PERIOD: 1 July 2003 to 30 June 2004

During the period 1 July 2003 to 30 June 2004 the Commission, under the direction of Chief Executive Officer, Bill Grant, has consolidated its achievements from its last two Corporate Plans with an emphasis on improving its practices and processes to assist both its clients and staff. The Commission has now finalised its restructure of senior management which included the appointment of two Deputy CEOs in Legal and Business and Client Services. The finalisation of the restructure with its emphasis on the development of State-wide legal practices has focused the Commission on delivering consistent and effective services across its legal programs throughout NSW.

Against a key target to increase Commonwealth family law services by 20%, the Commission achieved an increase in its ADR services of 26.6% and family law duty services of 23.2%. While other Commonwealth family law services did not attain such a high percentage increase, the results were extremely positive.


In March 2004 the Commission commenced pilots of the Cooperative Legal Service Delivery model in the Central/Far West and Northern Rivers regions. The model is aimed at developing and implementing a cooperative and sustainable regional service delivery model for the provision of effective legal services to disadvantaged people in NSW. The pilots will run for a 12-month period and will be evaluated to determine the impact of the model on increasing access to legal services in regional areas. The evaluation will also consider the merits of rolling out the program across NSW.

A comprehensive review of the civil law program was completed in December 2003. At its meeting in March 2003, the Commission's Board resolved that a new client focused civil law service should be developed for Aboriginal people. In order to advise the Board on the implementation of other recommendations from the Review the Civil Law sub-committee of the Board has reconvened.

In the last year, E-lodgement has been commenced in three additional legal areas in the Commission, being Local Court crime, Children's Court crime and for Veteran's matters. E-Lodgement for family law matters is now fully implemented and all in-house family law matters and 55% of applications from private practitioners are now being lodged electronically which is an increase of 40% since July 2003.

The Commission has demonstrated a strong commitment to working with other law and justice agencies to ensure its scarce resources are utilised as effectively and efficiently as possible. It is participating in many cross-agency initiatives to advance the interests of its clients.

The Commission's Board and staff have again formulated a one year Corporate Plan for 2004/05 and the successful implementation of its business strategies will see further improvements in client service delivery and in internal business processes.



BOB DEBUS

The Commission has developed a range of policies about who is eligible for legal aid.

The Commission is a state funded body providing legal assistance in matters arising under New South Wales law ("state law"). The Commission has an agreement with the Commonwealth to provide legal assistance in matters arising under Commonwealth law.

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

Who makes the policies?

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

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

What are our policies?

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

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

Summary of our policies

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

Jurisdiction Test

Areas of law where legal aid is available as at 1 July 2004:

Family Law – State Law

- Adoption
- *De facto Relationships Act 1984* matters

Family Law – Commonwealth Law

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

- Separate representation of children
- Parenting plans and orders
- Location and recovery orders
- Other orders relating to children
- Injunctions relating to family violence
- Child support
- Child and spousal maintenance
- Divorce in certain circumstances
- Some property matters

Civil Law – State Law

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

Applicants at special disadvantage

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

Civil Law – Commonwealth Law

Matters arising under a Commonwealth statute limited to:

- A decision affecting the receipt or amount of Commonwealth employees' compensation or a Commonwealth pension, benefit or allowance
- A decision or action by a Commonwealth authority that has a

real prospect of affecting a person's capacity to continue in their usual occupation

- Discrimination
- Migration matters, in limited circumstances (Aid is also available under the Immigration Advice and Application Assistance Scheme (IAAAS) contract between the Commission and the Commonwealth Government)
- Consumer protection

Veterans' Pension Matters

Appeals in the Administrative Appeals Tribunal and higher courts from decisions of the Veterans' Review Board about war-caused disability pension entitlement or assessment claims and war-caused death claims under Part II of the *Veterans' Entitlements Act 1986*.

Criminal Law – State Law

In the Local Court for:

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

In the District, Supreme and High Courts for:

- Indictable matters
- Appeals
- Inquiries under Part 13A of the *Crimes Act 1900*
- Defendants in prosecutions in the Land and Environment Court under environmental protection legislation in some limited circumstances
- Drug Court matters

Criminal Law – Commonwealth Law

- Defended charges arising under Commonwealth statute in certain circumstances
- Pleas of guilty in limited circumstances
- Proceedings under the *Proceeds of Crime Act 2002*

Mental Health Matters – State Law

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

Children’s Matters – State and Commonwealth Law

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

Child Support Matters – Commonwealth Law

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

Prisoners’ Matters – State Law and Commonwealth Law

- Visiting justice proceedings
- Parole Board review hearings
- Life resentencing applications
- Review of segregation directions
- Advice and minor assistance in other matters

Merit Test

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

In applying the merit test for state law

matters we ask the question: Is it reasonable in all the circumstances to grant legal aid?

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

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

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

1. A test of the legal and factual merits – the ‘reasonable prospects of success’ test
2. The ‘prudent self-funding litigant’ test
3. The ‘appropriateness of spending limited public legal aid funds’ test

A merit test applies in:

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

A merit test does NOT apply for:

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

Means Test

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

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

The means tests apply to both State and Commonwealth matters.

The means test does NOT apply for:

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

All other matters are means tested.

Contributions

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

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

For further details of our policies contact the Review and Reform Unit in the Strategic Planning and Policy Division on (02) 9219 5859 or (02) 9219 5034.

1 July 2004

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

The Commission's efforts to ensure equitable access to legal services by disadvantaged groups continued throughout 2003–2004.

Highlights for 2003–2004

In consultation with internal and external stakeholders, the Commission developed two important strategic planning documents – the EAPS Forward Plan and the Disability Action Plan. These are both plans of action, which articulate specific strategies that the Commission will undertake over the next three years to improve access to its services by people with a disability or from culturally and linguistically diverse (CALD) backgrounds. These Plans were distributed widely throughout the organisation.

In 2003–2004 the Legal Aid Commission has worked at increasing access to legal aid for people from (CALD) backgrounds.

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

Achievements in 2003–2004

Improving the Intranet

An EAPS-specific intranet site was developed to hold the EAPS Policy, EAPS Implementation Plan and other relevant resources. This will assist all staff to service culturally and linguistically diverse clients. A link was also created from the Training intranet site to an on-line training manual on how to work with interpreters.

Regional Offices throughout the state were provided with demographic profiles of their areas using the 2001 ABS Census data. All profiles were placed on the EAPS intranet site.

A Harassment Free Workplace Policy was adopted and posted on LAC's intranet. The Policy refers to the organisation's commitment to a workplace that is free

of harassment on the basis of ethnicity or belonging to a racial or religious minority and outlines clearly the procedure for addressing any such harassment.

Training

Elements of cross-cultural training are now included in induction and customer service training.

Over 100 staff attended training courses focussing on understanding and assisting clients suffering mental illnesses. The selection criteria for private practitioners undertaking Legal Aid work includes the requirement that practitioners demonstrate the ability to identify, understand and address cross-cultural and legal issues facing socially or economically disadvantaged people.

Updated Publications

- A new Fact Sheet called *Family Law Conferencing* was translated into seven languages: Chinese, Vietnamese, Arabic, Laotian, Thai, Cambodian and Spanish. LAC's most popular pamphlet, *Do you have a legal problem?* was updated in Chinese and Arabic.
- The Children's Legal Service in collaboration with Chatswood Intensive English Language Centre delivered CLE sessions about the law and Legal Aid services—including the Under 18s HotLine—to young recent migrant and refugee students as part of their preparation for entry to mainstream high school.
- Fairfield Legal Aid office collaborated with Mimosa House Women's Refuge on an information stand at the Vietnamese New Year Festival in Warwick Farm.
- CLE sessions on domestic violence, delivered in collaboration with NSW Police to more than 230 community workers and leaders from Arabic and Pacific Islander communities were very well received and generated requests for the Commission to run more CLE sessions in future.

Improving services for women from CALD backgrounds

The Women's Domestic Violence Court Assistance Program (WDVCAP) data provided by schemes showed that NESB specialist workers were allocated in areas of highest demands.

Regional offices have developed service delivery plans that address gaps in

services to particular targeted groups within their region. They continue to develop and maintain close liaison with ethnic community organisations.

Looking ahead to 2004–2005

The Commission will further develop its success in Training and Development courses to improve staff knowledge and ability in working with people from CALD backgrounds. The Training and Development Unit will develop and run *Working with Muslim Clients* modules in 2004–2005.

Statistics

- Across case, in house duty and advice services NESB people made up 16.6% of clients.
- 19.8% of our staff reported being from a racial, ethnic or ethno-religious minority group, while 14.8% spoke a language other than English.
- A total of 29 staff received a language allowance under the Community Language Allowance Scheme (CLAS) (compared to 25 in 2002–2003). Between then, the CLAS accredited staff speak 16 community languages (compared to 15 in 2001–2002).
- Extensive use was made of over the phone and face-to-face professional interpreters at interviews, community legal education sessions and court hearings.
- A total of \$494,836 was spent on interpreters' fees in 2003–2004. 35% of clients referred to the Mental Health Advocacy Service were from a CALD background; 31% of psychosocial and background reports prepared for civil law matters were for clients of CALD backgrounds; 16% of psychosocial and sentencing submissions prepared for criminal matters were for clients of CALD background.

People with a disability

The Commission adopted a new Disability Action Plan for the 2003–2006 period, after a process of widespread internal and external consultations.

Technology

A disability-specific intranet site was launched, with policies and resources for in-house solicitors.

Necessary technological changes were carried out to enable all LAC staff to be able to utilise the National Relay Service

(NRS) in order to communicate with speech and hearing-impaired clients. Instructions on how to use the NRS were posted on the intranet.

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

The Commission's electronic data recording system LA Office was expanded to include questions about disability and the revised version of the paper form includes a specific question asking clients whether they have a disability.

The HR branch disseminated a reasonable adjustment policy as part of a broader Health Assessment Policy and regularly engages an AUSLAN interpreter to attend staff and other meetings to enable hearing-impaired staff to participate in those forums.

The Client Assessment and Referral (CAR) Unit allocated 25% of its resources to clients who have a disability through the Mental Health Advocacy Service.

Training and Development ran the course "Demystifying Mental Illness". The course was overwhelmingly popular and was conducted seven times and attended by 130 staff. Solicitors also undertook training in EEO and Anti Discrimination law as part of their Mandatory Continuing Legal Education (MCLE). Two courses were conducted on intellectual disabilities court support workers.

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

Community Legal Education targeted people with a disability

A Session was run by Lismore office for people with diabetes about Power of Attorney. 10 other CLE sessions were reported in LA Office as targeting people with disabilities and delivered to community workers, professionals and the general public.

Relevant Statistics:

- 6.24% of the Commission's staff reported having a disability, while 2.36% reported requiring a workplace adjustment for their

disability. This compares with 6.15% and 2.20% respectively last year.

- In the 2003-04 year, 12% of CAR reports prepared in criminal matters were for clients with a disability, while for civil matters, 50% of reports were for clients with disabilities.

Looking ahead to 2004–2005:

Audits of compliance with Community Legal Centres Service Standards will be carried out, which includes access for people with disabilities.

LAC staff will attend disability training offered by Attorney General's Department.

The WDVCAP will review its service delivery to marginalised women, including services to women with a disability.

Women

The NSW Government Action Plan for Women identifies the Legal Aid Commission as a 'related agency' under the sections: 'Violence and Safety' and 'Access to Justice and Equity Before the Law'. Accordingly, we reviewed our achievements for the year.

The 2003 WDVCAP Conference addressed domestic violence in Aboriginal and Torres Strait Islander communities and its effect on indigenous women and children

Of the 32 Community Legal Centres (CLCs) across NSW funded by LAC, three Centres specifically target women: The Domestic Violence Advocacy Service, Wirringa Baiya Aboriginal Women's Legal Centre and the Women's Legal Service. In addition two Centres, Northern Rivers Legal Centre and Western NSW LC receive specific funding for Rural Women's Outreach Programs in addition to their generalist funding. Funding provided to these Centres accounts for 18% of CLC core funding. 33 Women's Domestic Violence Court Assistance Schemes assisted 33,618 women in 55 courts throughout NSW, compared with 30,188 last year.

Community Legal Education targets women

- At Law Week a half-day seminar in Blacktown targeted community workers whose clients are young financially disadvantaged mothers.
- Bankstown office ran seminars about Legal Aid Family Law policies and Child Support for community

workers, TAFE students, single mothers and the general public that aimed to increase awareness about Legal Aid services and improve referrals for women. As a result, contacts were made with family support services, Centacare, Muslim women, and community health centres – all of whom target services to women. 45.1% of the Commission's clients for case, in-house duty, advice and information services were women.

- 70.32% of our staff are women. This has increased from 69.40% last year.

Privacy and personal information protection

The Privacy and Personal Information Protection Act 1998 (PPIP Act) introduces a set of privacy standards for New South Wales public sector agencies. Following an audit of privacy protection practice the Commission drafted a privacy management plan including policies and practices to ensure compliance with the Information Protection Principles contained in the *PPIP Act* as modified by the Privacy Code of Practice for the Legal Aid Commission approved by the Attorney General. The Commission is currently reviewing and updating this plan to reflect changes in its practices and developments in the law relating to privacy.

Part 5 of the *PPIP Act* provides that a person who is aggrieved by the conduct of a public sector agency is entitled to a review of that conduct. The Commission has received no applications for internal review under Part 5, and no internal reviews were conducted in 2003–2004.

Significant cases and legislative amendments

There were no significant cases relating to the provision of legal aid this year. No amendments to the *Legal Aid Commission Act 1979* were passed or introduced during 2003–2004.

Name of Agency:**Legal Aid Commission of NSW****Period: 1/07/03 – 30/06/04****Agency Reference Number: 48****Nil Return: No****Contact Name: Sally McAtee (02) 9219 5034**

The Legal Aid Commission is an “agency” under the *Freedom of Information Act 1989 (the “FOI Act”)*. As an agency, the Commission is required to publish certain information and to determine requests for access to, or amendment of, information held by the Commission. In accordance with its obligations under the *FOI Act*, the Commission published its Summary of Affairs in December 2003 and June 2004, and its Statement of Affairs in June 2004. As in previous years, the Commission received few FOI applications and the administration of the

FOI Act did not cause any major diversion of the Commission’s resources and had no impact on the Commission’s activities. During 2003–2004 the Commission continued to make information about legal aid and other matters available to the public, where possible, free of charge. The Commission also provided specific information without requiring a formal application and application fee. The Commission provides advice to staff, members of the public and others about the use and application of the *FOI Act*.

FOI REQUESTS

	2002–2003			2003–2004		
	Personal	Other	Total	Personal	Other	Total
New (includes transferred in)	6	0	6	8	1	9
Brought forward	0	0	0	0	0	0
Total to be processed	6	0	6	8	1	9
Completed	6	0	6	8	0	8
Transferred out	0	0	0	0	0	0
Withdrawn	0	0	0	0	0	0
Total Processed	6	0	6	8	0	8
Unfinished (Carried Forward)	0	0	0	0	1	1
Results of FOI Requests						
Granted in full	5	0	5	3	0	3
Granted in part	1	0	1	5	0	5
Refused	0	0	0	0	0	0
Deferred	0	0	0	0	0	0
Completed	6	0	6	8	0	8
Ministerial Certificates						
Issued	0	0	0	0	0	0
Amendment of Personal Records						
Requests	0	0	0	0	0	0
Narration of Personal Records						
Requests	0	0	0	0	0	0
Basis of Disallowing or Restricting Access Section 19						
(Application incomplete, wrongly directed)	0	0	0	0	0	0
Section 22 (Deposit not paid)	0	0	0	0	0	0
Section 22 (Diversion of resources)	0	0	0	0	0	0
Section 25 (1) (a) (Exempt)	0	0	0	5	0	5
Section 25(1)(b), (c), (d) (Otherwise available)	0	0	0	0	0	0
Section 28(1)(b) (Documents not held)	1	0	1	0	0	0
Section 24(2) (Deemed refused - over 21 days)	0	0	0	0	0	0
Section 31(4) (Released to Medical Practitioner)	0	0	0	1	0	1
Total	1	0	1	6	0	6
All completed requests						
Assessed Costs						
FOI Fees Received	\$105	0	0	\$150	0	0
Type of Discount Allowed						
Public Interest	0	0	0	0	0	0
Financial Hardship Pensioner/Child	5	0	5	7	0	7
Financial Hardship Non Profit Organisation	0	0	0	0	0	0
Total	5	0	5	7	0	7
Days to Process						
0-21 days	6	0	6	7	0	7
22-35 days	0	0	0	0	0	0
Over 35 days	0	0	0	1	0	1
Total	6	0	6	8	0	8
Processing Hours						
0-10 hrs	4	0	4	7	0	7
11-20 hrs	2	0	2	1	0	1
21-40 hrs	0	0	0	0	0	0
Over 40 hrs	0	0	0	0	0	0
Total	6	0	6	8	0	8
Number of requests requiring formal consultation(s)	0	0	0	0	0	0

REVIEWS AND APPEALS

	Issued		Total		Issued		Total	
	Personal	Other	Personal	Other	Personal	Other	Personal	Other
Number of internal reviews finalised	0	0	0	0	0	0	0	0
Number of Ombudsman reviews finalised	0	0	0	0	0	0	0	0
Number of Administrative Decisions Tribunal appeals finalised	0	0	0	0	0	0	0	0
Internal Review Results	Upheld	Varied	Upheld	Varied	Upheld	Varied	Upheld	Varied
Access refused	0	0	0	0	0	0	0	0
Deferred	0	0	0	0	0	0	0	0
Exempt matter	0	0	0	0	0	0	0	0
Unreasonable charges	0	0	0	0	0	0	0	0
Charge unreasonably incurred	0	0	0	0	0	0	0	0
Amendment refused	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Primary Legal Programs

Commission total					
	2001-02	2002-03	% change from previous year	2003-04	% change from previous year
Case Matters					
Applications Received	59,274	62,750	5.9%	62,804	0.1%
Applications Refused	10,054	8,998	-10.5%	8,140	-9.5%
Inhouse Grants	32,041	35,350	10.3%	35,907	1.6%
Assigned Grants	16,304	17,908	9.8%	18,438	3.0%
Total Case Grants	48,345	53,258	10.2%	54,345	2.0%
Grant Rate					
	82.8%	85.5%	2.7%	87.0%	1.5%
Applications Determined	58,399	62,256	6.6%	62,485	0.4%
Applications Undetermined	920	518	-43.7%	348	-32.8%
Grants Finalised	41,002	50,114	22.2%	56,958	13.7%
Current Grants on Hand@year end	30,974	36,188	16.8%	35,200	-2.7%
Duty Appearances					
Inhouse Appearances	59,906	57,500	-4.0%	59,388	3.3%
Assigned Appearances	54,176	53,319	-1.6%	54,363	2.0%
Total Duty Appearances	114,082	110,819	-2.9%	113,751	2.6%
Other Services					
Advice and Minor Assistance Information	49,769	64,356	29.3%	65,315	1.5%
	106,625	131,927	23.7%	122,036	-7.5%
Total Other Services	156,394	196,283	25.5%	187,351	-4.6%
Total Client Services	318,821	360,360	13.0%	355,447	-1.4%
Criminal Law					
Case Matters					
Applications Received	43,455	45,321	4.3%	44,994	-0.7%
Applications Refused	5,834	4,330	-25.8%	3,634	-16.1%
Inhouse Grants	29,024	31,675	9.1%	32,123	1.4%
Assigned Grants	7,972	8,929	12.0%	9,009	0.9%
Total Case Grants	36,996	40,604	9.8%	41,132	1.3%
Grant Rate					
	86.4%	90.4%	4.0%	91.9%	1.5%
Applications Determined	42,830	44,934	4.9%	44,766	-0.4%
Applications Undetermined	650	397	-38.9%	249	-37.3%
Grants Finalised	31,884	39,133	22.7%	44,247	13.1%
Current Grants on Hand@year end	18,428	21,246	15.3%	19,169	-9.8%
Duty Appearances					
Inhouse Appearances	48,541	44,881	-7.5%	44,780	-0.2%
Assigned Appearances	44,668	42,909	-3.9%	41,757	-2.7%
Total Duty Appearances	93,209	87,790	-5.8%	86,537	-1.4%
Other Services					
Advice and Minor Assistance Information	15,458	20,833	34.8%	22,492	8.0%
	24,904	29,098	16.8%	25,730	-11.6%
Total Other Services	40,362	49,931	23.7%	48,222	-3.4%
Total Client Services	170,567	178,325	4.5%	175,891	-1.4%

Note: The Commission's figures for advice and information services provided during 2003-2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Family Law

	2001–02	2002–03	% change from previous year	2003–04	% change from previous year
Case Matters					
Applications Received	13,769	15,291	11.1%	15,719	2.8%
Applications Refused	3,272	3,689	12.7%	3,584	-2.8%
Inhouse Grants	2,314	2,949	27.4%	3,001	1.8%
Assigned Grants	7,963	8,596	7.9%	9,054	5.3%
Total Case Grants	10,277	11,545	12.3%	12,055	4.4%
Grant Rate					
	75.9%	75.8%	-0.1%	77.1%	1.3%
Applications Determined	13,549	15,234	12.4%	15,639	2.7%
Applications Undetermined	238	62	-73.9%	87	40.3%
Grants Finalised	7,792	9,615	23.4%	11,307	17.6%
Current Grants on Hand @ year end	9,690	12,274	26.7%	13,546	10.4%
Duty Appearances					
Inhouse Appearances	1,010	1,389	37.5%	1,384	-0.4%
Assigned Appearances	3,849	3,792	-1.5%	3,734	-1.5%
Total Duty Appearances	4,859	5,181	6.6%	5,118	-1.2%
Other Services					
Advice and Minor Assistance Information	19,929	24,165	21.3%	24,131	-0.1%
	38,305	42,338	10.5%	38,722	-8.5%
Total Other Services	58,234	66,503	14.2%	62,853	-5.5%
Total Client Services	73,370	83,229	13.4%	80,026	-3.8%

Total Civil Law⁽¹⁾

Case Matters					
Applications Received	2,050	2,138	4.3%	2,091	-2.2%
Applications Refused	948	979	3.3%	922	-5.8%
Inhouse Grants	704	727	3.3%	783	7.7%
Assigned Grants	368	382	3.8%	375	-1.8%
Total Case Grants	1,072	1,109	3.5%	1,158	4.4%
Grant Rate					
	53.1%	53.1%	0.0%	55.7%	2.6%
Applications Determined	2,020	2,088	3.4%	2,080	-0.4%
Applications Undetermined	32	59	84.4%	12	-79.7%
Grants Finalised	1,326	1,366	3.0%	1,404	2.8%
Current Grants on Hand @ year end	2,856	2,668	-6.6%	2,485	-6.9%
Duty Appearances					
Inhouse Appearances	10,355	11,230	8.5%	13,224	17.8%
Assigned Appearances	5,659	6,618	16.9%	8,872	34.1%
Total Duty Appearances	16,014	17,848	11.5%	22,096	23.8%
Other Services					
Advice and Minor Assistance Information	14,382	19,358	34.6%	18,692	-3.4%
	43,416	60,491	39.3%	57,584	-4.8%
Total Other Services	57,798	79,849	38.2%	76,276	-4.5%
Total Client Services	74,884	98,806	31.9%	99,530	0.7%

(1) Includes Civil Law, Veteran's Advocacy Service and Mental Health Advocacy Service matters.

Note: The Commission's figures for advice and information services provided during 2003–2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Veterans' Advocacy Service					
	2001-02	2002-03	% change from previous year	2003-04	% change from previous year
Case Matters					
Applications Received	377	343	-9.0%	313	-8.7%
Applications Refused	42	23	-45.2%	29	26.1%
Inhouse Grants	125	140	12.0%	113	-19.3%
Assigned Grants	207	209	1.0%	169	-19.1%
Total Case Grants	332	349	5.1%	282	-19.2%
Grant Rate					
Applications Determined	374	372	-0.5%	311	-16.4%
Applications Undetermined	3	5	66.7%	5	0.0%
Grants Finalised	374	305	-18.4%	360	18.0%
Current Grants on Hand @ year end	514	547	6.4%	490	-10.4%
Other Services					
Advice and Minor Assistance	1,229	1,694	37.8%	2,153	27.1%
Information	42	221	426.2%	74	-66.5%
Total Other Services	1,271	1,915	50.7%	2,227	16.3%
Total Client Services	1,603	2,264	41.2%	2,509	10.8%
Mental Health Advocacy Service					
Case Matters					
Applications Received	159	138	-13.2%	157	13.8%
Applications Refused	43	10	-76.7%	23	130.0%
Inhouse Grants	87	32	-63.2%	41	28.1%
Assigned Grants	28	12	-57.1%	28	133.3%
Total Case Grants	115	44	-61.7%	69	56.8%
Grant Rate					
Applications Determined	158	54	-65.8%	92	70.4%
Applications Undetermined	1	6	500.0%	17	183.3%
Grants Finalised	94	73	-22.3%	137	87.7%
Current Grants on Hand @ year end	358	292	-18.4%	277	-5.1%
Duty Appearances					
Inhouse Appearances	10,355	11,230	8.5%	9,701	-13.6%
Assigned Appearances	5,659	6,618	16.9%	7,783	17.6%
Total Duty Appearances	16,014	17,848	11.5%	17,484	-2.0%
Other Services					
Advice and Minor Assistance	611	227	-62.8%	235	3.5%
Information	918	634	-30.9%	500	-21.1%
Total Other Services	1,529	861	-43.7%	735	-14.6%
Total Client Services	17,658	18,753	6.2%	18,288	-2.5%
Alternate Dispute Resolution					
Family Law					
Number of conferences	1,402	1,410	0.6%	1,732	22.8%
Agreements reached	1,259	1,189	-5.6%	1,509	26.9%
Agreement rate	89.8%	84.3%	-5.5%	87.1%	2.8%

Note: The Commission's figures for advice and information services provided during 2003-2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Inhouse and private practitioner allocation of legal work

	Inhouse Practitioner	Inhouse Practitioner %	Private Practitioner	Private Practitioner %	Total
Family Law					
Duty Appearances	1,384	27.0%	3,734	73.0%	5,118
Grants of Legal Aid	3,001	24.9%	9,054	75.1%	12,055
Total	4,385	25.5%	12,788	74.5%	17,173
Criminal Law					
Duty Appearances	44,780	51.7%	41,757	48.3%	86,537
Grants of Legal Aid	32,123	78.1%	9,009	21.9%	41,132
Total	76,903	60.2%	50,766	39.8%	127,669
Civil Law					
Duty Appearances	13,224	59.8%	8,872	40.2%	22,096
Grants of Legal Aid	783	67.6%	375	32.4%	1,158
Total	14,007	60.2%	9,247	39.8%	23,254
Commission Total					
Duty Appearances	59,388	52.2%	54,363	47.8%	113,751
Grants of Legal Aid	35,907	66.1%	18,438	33.9%	54,345
Total	95,295	56.7%	72,801	43.3%	168,096

Commonwealth and State allocation of Legal Aid services

	State Matter	State Matter %	C'wealth Matter	C'wealth Matter %	Total
Family Law					
Grants of Legal Aid	2,788	23.1%	9,267	76.9%	12,055
Duty Appearances	4,041	79.0%	1,077	21.0%	5,118
Advice & Minor Assistance	1,795	7.4%	22,336	92.6%	24,131
Information Services	4,651	12.0%	34,071	88.0%	38,722
Total	13,275	16.6%	66,751	83.4%	80,026
Criminal Law					
Grants	40,556	98.6%	576	1.4%	41,132
Duty Appearances	85,922	99.3%	615	0.7%	86,537
Advice & Minor Assistance	21,460	95.4%	1,032	4.6%	22,492
Information Services	24,750	96.2%	980	3.8%	25,730
Total	172,688	98.2%	3,203	1.8%	175,891
Civil Law					
Grants	596	51.5%	562	48.5%	1,158
Duty Appearances	22,088	100.0%	8	0.0%	22,096
Advice & Minor Assistance	13,137	70.3%	5,555	29.7%	18,692
Information Services	53,475	92.9%	4,109	7.1%	57,584
Total	89,296	89.7%	10,234	10.3%	99,530
Commission Total					
Grants	43,940	80.9%	10,405	19.1%	54,345
Duty Appearances	112,051	98.5%	1,700	1.5%	113,751
Advice & Minor Assistance	36,392	55.7%	28,923	44.3%	65,315
Information Services	82,876	67.9%	39,160	32.1%	122,036
Total	275,259	77.4%	80,188	22.6%	355,447

Note: The Commission's figures for advice and information services provided during 2003-2004 may be subject to future amendment because of technical difficulties experienced in collecting some of the data.

Women's Domestic Violence Court Assistance Program (WDVCAP) Budget 2003–2004

We funded 33 WDVCASs and the Program's Training and Resource Unit

Auspice Organisation	Corresponding WDVCAS	Total Amount Provided
1 Albury/Wodonga Women's Centre	Albury WDVCAS*	\$54,312
2 Bankstown Community Services Co-op	Bankstown WDVCAS	\$76,061
3 Blue Mountains Community Legal Centre	Blue Mountains/ Lithgow WDVCAS	\$81,278
4 Botany Family & Children's Centre Inc.	Waverley WDVCAS	\$82,260
5 Broken Hill Family Support Service	Broken Hill WDVCAS	\$78,217
6 Burwood Community Welfare Service	Inner West WDVCAS	\$106,166
7 Central Court	Central Coast WDVCAS	\$129,278
8 Centacare	Hornsby WDVCAS	\$53,655
9 Dubbo Women's Housing	Dubbo WDVCAS	\$105,183
10 Edith Edwards Women's Centre	Bourke/ Brewarrina WDVCAS	\$82,380
11 Hawkesbury Nepean Community Legal Centre	Hawkesbury WDVCAS	\$62,602
12 Hunter Community Legal Centre	Hunter WDVCAS	\$138,685
13 Hunter Community Legal Centre	Maitland WDVCAS	\$54,312
14 Kempsey Family Support Service Inc.	Kempsey WDVCAS	\$70,249
15 Macarthur Community Legal Centre	Macarthur WDVCAS	\$99,206
16 Macquarie Legal Centre	Parramatta/ Ryde WDVCAS	\$97,492
17 Manly Warringah Women's Resource Centre	Manly-Warringah WDVCAS	\$82,260
18 Manning Valley Neighbourhood Service	Taree WDVCAS	\$70,249
19 Marrickville Legal Centre	Newtown WDVCAS	\$68,092
20 Moree Family Support	Moree WDVCAS	\$78,217
21 Northern Rivers Community Legal Centre	Northern Rivers WDVCAS	\$226,298
22 Pam's Place Inc.	Blacktown WDVCAS	\$97,492
23 Penrith Women's Health Centre	Penrith/Mt Druitt WDVCAS	\$150,789
24 Redfern Legal Centre	Redfern WDVCAS	\$97,492
25 Sister's Housing Enterprises Inc.	Wagga WDVCAS	\$70,749
26 South West Sydney Legal Centre	Liverpool/Fairfield WDVCAS	\$131,040
27 Southern Women's Group	Bega WDVCAS	\$48,949
28 Sutherland Shire Family Support Service	Southern Sydney WDVCAS	\$107,134
29 The Women's Shelter Armidale Inc.	Armidale WDVCAS	\$64,892
30 UnitingCare Burnside	Hastings WDVCAS	\$55,812
31 Warrina Women's & Children's Refuge	Coffs Harbour WDVCAS	\$54,312
32 Wollongong Women's Centre	Illawarra WDVCAS	\$100,562
33 YWCA NSW	Nowra WDVCAS	\$70,249
34 Domestic Violence Advocacy Service TRU	Training and Resource Unit	\$220,423
TOTAL		\$3,166,347

* Women's Domestic Violence Court Assistance Scheme

Community Legal Centres (CLCs) Funding Program Budget 2003–2004

We funded 32 community legal centres across New South Wales.

Community Legal Centre	Commonwealth Funding	CLSIS Upgrade*	State Funding	PPF**	Total Funding
Blue Mountains CLS	\$90,140	\$4,609	\$140,323		\$235,072
Central Coast LC	\$179,842	\$1,591	\$13,912	\$17,500	\$212,845
Combined CLC Group			\$220,177		\$220,177
Consumer Credit LC	\$124,136	\$5,059	\$103,759		\$232,954
Court Support Scheme	\$29,593		\$4,930	\$5,000	\$39,523
Domestic Violence Advocacy Service			\$344,774		\$344,774
Environmental Defender's Office	\$84,169	\$624	\$150,713	\$506,900	\$742,406
Far West CLC	\$223,251	\$455			\$223,706
Hawkesbury/Nepean CLC	\$124,270	\$6,491	\$100,781		\$231,542
HIV/AIDS LC	\$55,385	\$3,564	\$67,485		\$126,434
Hunter CLC	\$187,723		\$201,231	\$8,000	\$396,954
Illawarra LC	\$358,648	\$4,872	\$158,721	\$17,500	\$539,741
Immigration Advice & Rights Centre	\$87,529		\$191,182		\$278,711
Inner City LC	\$90,138	\$3,282	\$127,454		\$220,874
Kingsford LC	\$151,895	\$2,099	\$102,436		\$256,430
Macarthur LC	\$197,319	\$1,701	\$156,437	\$17,500	\$372,957
Macquarie LC	\$139,144	\$3,281	\$217,948	\$35,000	\$395,373
Marrickville LC	\$137,571	\$12,193	\$226,848		\$376,612
Mt Druitt & Area CLC	\$175,627	\$3,763	\$13,894		\$193,284
NSW Disability Discrimination LC	\$180,087	\$2,845	\$30,864		\$213,796
North & North West CLS	\$180,564	\$2,482	\$13,965		\$197,011
Northern Rivers CLC	\$245,473	\$3,636	\$18,895		\$268,004
Public Interest Advocacy Centre	\$102,344	\$1,810	\$96,754	\$475,783	\$676,691
Redfern Legal Centre	\$140,051	\$11,047	\$197,876		\$348,974
Shoalcoast CLC	\$224,510	\$5,804	\$96,221		\$326,535
South West Sydney LC	\$176,312	\$6,076	\$186,871		\$369,259
Tenants' Union of NSW	\$65,812	\$1,657	\$96,511		\$163,980
The Aged-care Rights Service	\$30,271		\$1,967		\$32,238
Welfare Rights Centre	\$203,713	\$968	\$97,462		\$302,143
Western NSW LC	\$248,691		\$19,120		\$267,811
Warringa Baiya AWLC			\$279,565		\$279,565
Women's Legal Service	\$761,182	\$1,623	\$255,677		\$1,018,482
TOTAL	\$4,995,390	\$92,374	\$3,934,753	\$1,083,183	\$10,105,700

* Community Legal Service Information System

** Public Purpose Fund

Courses Conducted 1 July 2003 to 30 June 2004

Course Title	Sessions	Participants	External Participants
Internal Training Programs (some sessions also attract MCLE points)			
Aboriginal Awareness	8	95	
Advocacy – Bail/Sentencing	4	31	
Business Writing Skills	1	8	
Corporate Induction Program	7	79	
Demystifying Mental Illness	7	111	
Diploma of Business (FLM)	33	497	
EEO Committee Training	1	10	
EEO & Anti Discrimination	3	34	
Interpersonal Skills	4	14	
Job Seeking Skills	5	38	
Job Seeking Follow-up	5	20	
Local Court Tours	2	11	
Managing Aggressive and Violent Behaviour	8	74	
Manual Handling	1	12	
More Effective Meetings	2	13	
New Managers & Supervisors	5	56	
Office Ergonomics	11	100	
OHS Generic	7	49	
OHS Induction	8	66	
Organising Conferences & Seminars	2	32	
Policy Process (The)	1	20	
Project Management	2	28	
Resolving Workplace Conflict	4	28	
Selection Techniques	8	62	
Selection Techniques Refresher	1	1	
Stress Management	2	20	
Team Development Workshops	6	145	
Time Management	1	11	
Train Small Groups	6	30	
Visiting Gaols Safely	1	16	
Subtotal	156	1711	
Mandatory Continuing Legal Education			
		Internal	External
Civil Law Seminars	3	81	21
Criminal Law Seminars	12	165	96
Family Law Seminars	2	41	6
ADR Chairpersons	21	151	129
Other Law Seminars	4	71	50
Subtotal	42	509	302
Conferences			
		Internal	External
Civil Law Conferences	-	-	-
Criminal Law Conferences	1	247	59
Family Law Conferences	2	198	0
OM & SIC Combined	1	76	0
WDVCAP Conference	1	163	159
Subtotal	5	684	218
External Programs			
Attendance at external training programs	21	39	
Attendance at external seminars	63	128	
Attendance at external conferences	11	24	
Subtotal	95	191	
Information Management and Technology			
Courtnet	8	32	
E-lodgement	19	72	
Excel (various)	7	22	
Internet Search skills sessions	6	16	
LA Office	12	16	
LA Office (new employees)	48	124	
Lawdocs	19	56	
Outlook	4	9	
PowerPoint	5	21	
One on one & other	35	71	
Subtotal	163	439	
Grants Officer Training			
Criminal Session	5	20	
E-lodgement (Grants Run)	2	5	
Family Clinic	30	12	
Family Session	4	8	
Veterans Session	10	8	
Subtotal	51	53	

**Head office/regional (FTE) staff
as at 30 June 2004**

Head Office	414
Regional Offices	255
Total staff	669

**Equivalent full-time (FTE) staff
as at 30 June 2004**

CEO/SES	6
Legal Officers	312
Legal and Admin Support Staff	351
Total staff	669

Number of actual staff by employment basis

Work type	Total staff	Men	Women	ATSI	Minority ⁽¹⁾	1st language not English	PWD ⁽²⁾	PWD ⁽²⁾ Workplace adjustment
Permanent Full Time	492	171	321	5	113	86	35	11
Part-time	99	7	92	0	13	9	4	1
Temporary Full Time	98	28	70	4	16	10	5	3
Part-time	26	3	23	2	2	2	1	2
Contract SES	6	5	1	0	0	0	0	0
Non - SES	0	0	0	0	0	0	0	0
Casual	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	721	214	507	11	144	107	45	17
Staff Percentages	100%	29.68%	70.32%	1.53%	19.97%	14.84%	6.24%	2.36%

Number of actual staff by level

Salary Range	Total staff	Men	Women	ATSI	Minority ⁽¹⁾	1st language not English	PWD ⁽²⁾	PWD ⁽²⁾ Workplace adjustment
<\$30,146	5	0	5	2	2	2	1	1
\$30,146–\$39,593	172	13	159	2	33	21	12	2
\$39,594–\$44,264	26	8	18	0	9	8	4	3
\$44,265–\$56,012	124	21	103	5	26	22	4	2
\$56,013–\$72,434	227	81	146	1	46	36	14	5
\$72,435–\$90,543	149	80	69	1	27	17	10	4
> \$90,543 (non SES)	12	6	6	0	1	1	0	0
> \$90,543 (SES)	6	5	1	0	0	0	0	0
Total	721	214	507	11	144	107	45	17

Number of actual staff by area of work⁽³⁾

	Head Office	Regional	Total
Legal Officers	177	155	332
Administrative	258	131	389
Grand total	435	286	721

⁽¹⁾People from racial, ethnic, ethno-religious minority groups.

⁽²⁾ PWD - People with a disability

⁽³⁾Does not include leave without pay (LWOP), Maternity LWOP and staff seconded to other agencies where LAC is paying less than 50% of salary.

We participated in law reform debates, drawing on staff expertise.

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

The focus of our participation in these initiatives has been to advocate on behalf of our clients and to gain greater acknowledgement of the impact of law reform proposals on downstream justice system agencies. As a result, the Commission's views are increasingly being sought on justice system issues.

National submissions

We contributed to several joint National Legal Aid submissions including:

- Senate Inquiry into Access to Justice.
- Australian Law Reform Commission Inquiry into Protecting Classified Information (Discussion Paper No.67).
- Joint Committee of Public Accounts and Audit Indigenous Law and Justice Inquiry.
- Amendments to *Bankruptcy Act 1966* and *Family Law Act 1975*.
- Proposed Aboriginal and Torres Strait Islander Legal Services Tender Agreement.
- Comments on Aboriginal and Torres Strait Islander Legal Services Tendering Proposal.
- Federal Civil Justice Strategy Paper.
- Senate Veterans Inquiry.

Independent submissions

Aside from contributing to several joint National Legal Aid submissions, we also presented independent submissions to:

- Senate Inquiry into the *Australian Human Rights Commission Legislation Bill 2003*.
- Senate Inquiry into Access to Justice (also gave evidence).
- Australian Law Reform Commission Inquiry into Protecting Classified Information (Discussion Paper No.67).
- Joint Committee of Public Accounts and Audit Indigenous Law and Justice Inquiry (also gave evidence).

The Civil Law Division made submissions to:

- Human Rights and Equal Opportunity Commission Inquiry into Children in Detention.
- Senate Select Committee Inquiry on Ministerial Discretion in Migration Matters (also gave evidence).
- Standing Committee of Officials of Consumer Affairs Working Party on Unfair Contract terms.
- Review of the *Insurance Contracts Act 1984* (Commonwealth) undertaken by the Review Panel of the Australian Department of Treasury.
- Review of the cooling off provisions of the *Motor Dealers Act 1974 (NSW)*, conducted by the Office of Fair Trading.
- Review of the Introduction Agency Industry in New South Wales, conducted by the Office of Fair Trading.
- Regulatory Impact Statement in relation to the *Landlord and Tenant (Rental Bonds) Regulation 2003*, conducted by the Office of Fair Trading.
- Veteran and Military Compensation and Income Support Inquiry conducted by the Senate Finance and Public Administration Committee (also gave evidence).
- Review of the *Mental Health Act 1990 (NSW)*.
- Review of the *Protected Estates Act 1983 (NSW)* and regulations.
- Review of the *Inebriates Act 1912 (NSW)*.

The Family Law Division made submissions to:

- Audit Report on the Family Court.
- Report on Duty Schemes in the Family Court and Federal Magistrates Court to the Family Court's Self Represented Litigants Group.
- Commonwealth Parliamentary Inquiry into Joint Residence Arrangements in the Event of Family Separation.
- Reforms to the *Child Support (Assessment) Act 1989*.

The Criminal Law Division made submissions to:

- Attorney General's Dept on:
 - the merits of establishing a Gun Court in NSW.
 - Review of *Evidence (Children) Act 1997*.

- Proposal to amend s31 of *Children (Criminal Proceedings) Act 1987*.
- Review of the *Evidence (Audio and Audio Visual Links) Act 1998*.
- Criminal Appeal Amendment (*Double Jeopardy*) Bill 2003.
- Proposed amendments to the *Criminal Appeal Act 1912*.
- Proposed increases in the Sentencing Jurisdiction of the Local Court.
- Victim Impacts Statements in the Local Court.
- Proposed changes to Court of Criminal Appeal Procedures.
- Proposed amendments to the *Criminal Appeal Act 1912*.
- Statutory Review of the *Criminal Procedure Amendment (Pre Trial Disclosure) Act 2001*.
- Impact Statement for the *Young Offenders Act*.
- NSW Sentencing Council on:
 - Firearms offences and the standard non parole sentencing scheme.
 - Consistency in Sentencing in the Local Court.
 - Proposal to abolish prison sentences of six months or less.
- Victorian Parliament's Law Reform Committee review (by way of public hearing at Parliament House) into the administration of justice offences.
- NSW Ombudsman on:
 - Discussion paper: *Crimes Legislation Amendment (Penalty Notice Offences) Act*.
 - Discussion paper: *Justice Legislation Amendment (Non Association and Place Restriction) Act*.
- Cabinet Office, Office of Drug and Alcohol Policy re Compulsory Drug Treatment Correctional Centre Bill.
- Committee Chair of the Standing Committee on Law and Justice, Legislative Council re enquiry into Pre Trial Disclosure.
- Legislative Council re enquiry into Pre Trial Disclosure at Parliament House. (Director, Criminal Law, Brian Sandland gave evidence at Parliament 7/6/2004).

Legal Aid Review Committees

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

They consider:

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

The committees allowed appeals in 155 of the 881 submitted matters. The table below shows further details of committee caseload and successful appeals by program areas.

Committee membership as at 30 June 2004:

Legal Aid Review Committee No 1

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

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

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

Legal Aid Review Committee No 2

Mr P Robinson, Chairperson, Minister's Nominee (alternates Mr D Norris and Ms G Fuller)

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

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

Legal Aid Review Committee No 3

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

Mr W Ball, Bar Association / Law Society Nominee (alternates Mr G Walsh and Mr D Scarlett)

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

Family Law Legal Aid Review Committee No 1

Ms D Ward, Chairperson, Minister's Nominee (alternates Ms C Goodhand and Ms A Tomlin)

Mr G Moore, Bar Association / Law Society Nominee (alternates Mr R Schonell and Ms A Rees)

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

Family Law Legal Aid Review Committee No 2

Ms Anina Johnson, Chairperson, Minister's Nominee (alternates Mr J

Committees played an important role in helping us achieve our aims in 2003–2004.

McDonnell and Ms A Stanizzo)

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

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

Committee Activities 2003–2004

- Legal Aid Review Committee No 1 met on 10 occasions and held 5 ad hoc meetings.
- Legal Aid Review Committee No 2 met on 9 occasions. No ad hoc meetings were held.
- Legal Aid Review Committee No 3 met on 6 occasions and held 4 ad hoc meetings.
- Family Law Committee No 1 met on 8 occasions and held 3 ad hoc meetings.
- Family Law Committee No 2 met on 10 occasions and held 1 ad hoc meeting.

Board Committees

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

In 2003–2004, a range of committees made recommendations to the Board in matters relating to the Commission's operations. In doing that, they each sought the advice of senior staff and considered all relative options as a pre-requisite to framing recommendations to the Board.

Committees that played a significant role during the year were:

Audit and Finance Committee

Made recommendations on accounting, budgetary and financial operations and matters of audit. The members are:

Robert Corben (Chair), Board Member
Phillip Taylor, Chair of the Board of Directors

Bill Grant, CEO and Board Member
Russell Cox, Deputy CEO Business and Client Services, LAC*

Stephen O'Malley, Director Corporate Finance, LAC*

Civil Law Sub-Committee

Made recommendations in relation to general law matters. The members are:

Anne Britton (Chair), Board Member

Simon Moran, Board Member

Anthony Payne, Bar Association

Pauline Wright, NSW Law Society

Stella Sykotis, Director, Civil Law Division, LAC*

Community Legal Centres Funding Sub-Committee

Advised the Board on funding for Community Legal Centres. The members are:

Rev Harry Herbert, (Chair) Board Member

Simon Moran, Board Member

Jane Cipants, Chairperson of the Combined CLC Group

Polly Porteous, Director of the Combined CLC Group

Anita Anderson, Director Strategic Policy and Planning, LAC*

Monique Hitter, Manager Service Delivery Planning and Evaluation, LAC*

Dennis Roach, Manager CLC Funding, LAC*

Criminal Law Sub-Committee

Made recommendations in relation to criminal law matters. The members are:

John North (Chair), Board Member

Jack Grahame, Board Member

Brett Thomas, NSW Law Society

Steven Odgers, SC, Bar Association

Brian Sandland, Director Criminal Law Division, LAC*

Appeals before Legal Aid Review Committee during 2003–2004

Program Area	Allowed	Disallowed	Withdrawn	Deferred	Total Appeals	Appeals Allowed (%)
Family Law	66	305	2	20	393	16.8
Criminal Law	64	193	3	22	282	22.7
Civil Law	25	148	1	32	206	12.1
Total	155	646	6	74	881	17.6

Family Law Sub-Committee

Made recommendations about family law matters regarding the concerns and operation of the Commission. The members are:

Geoff Lindsay, SC (Chair), Board Member
Denese Vale, NSW Law Society
Robert Lethbridge, Bar Association
Catherine Carney, Women's Legal Resources Centre
Judith Walker, Director, Family Law Division, LAC*

Grants Committee

Made recommendations to the Board in relation to the work of the Grants Division. The members are:

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

Advisory Committees

Cooperative Legal Service Delivery Model Steering Committee

Advised the CEO on the implementation of the CLSD pilot project (See page 12). The members are:

Monique Hitter, (Chair) Service Delivery Planning and Evaluation, LAC*
Alan Turner, Manager Operations, LAC*
Paul Hayes, Regional Program Coordinator Criminal, LAC*
Louise Blazejowska, Executive Officer
Genevieve Muir, Project Officer, LAC*
Kate Escobar, Solicitor In Charge, Parramatta Office, LAC*
Anne Cregan, Blake Dawson Waldron
Deborah Sharp, Community Justice Centres
Grant Arbuthnot, Tenants Advice Advocacy Program
Jane Cipants, NSW Community Legal Centres
Jenny Lovrich, National Pro Bono Resource Centre
John McKenzie, Coalition of Aboriginal Legal Services
Julie Baker, Attorney Generals Department
Julie Harrison, Local Courts
Kate Wandmaker, Western Community Legal Centre
Lauren Finestone, LawAccess NSW
Sandra Stevenson, Public Interest Law Clearinghouse
Sue Scott, NSW Law and Justice Foundation
Sue Walden, Legal Information Access Centre

Environmental Consultative Committee

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

The members are:

Professor David Farrier, University of Wollongong
Dr Alan Jones, Australian Museum
Professor Ben Boer, University of Sydney (alternate member)
Associate Professor Paul Adam, University of NSW (alternate member)
Andrew Kelly, University of Wollongong (alternate member)
Lyndsay Brooker, Review & Reform Unit, Strategic Planning & Policy, LAC*

Women's Domestic Violence Court Assistance Program Committee

Advised the CEO on the implementation, administration and guidelines of the Program, including funding priorities. The members are:

Monique Hitter, (Chair) Manager, Service Delivery Planning and Evaluation, LAC*
Deborah Sykes, Moree WDVCA Coordinator
Tracey Corbin-Matchett, Manager, WDVCA, LAC*
Cheryl Alexander, Penrith WDVCA Coordinator
Julie Harrison, Local Courts Attorney General's Department
Monica Neville, DV Advocacy Service
Catherine Carney, A/Principal Solicitor
Lyndal Gowland, Redfern WDVCA Coordinator
April Pham, VAW Specialist Unit, Attorney General's Department
Jacqui Lane, Project Officer, WDVCA, LAC*

Internal Committees

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

Equal Employment Opportunity (EEO) Steering Committee

Provided advice to the CEO on strategies to promote EEO within the Commission. The members are:

Richard Funston (Chair), Director, Grants
Bronwyn McCutcheon (Executive Officer), HRM
Lisa Staples (Committee Assistant), HRM
Kylie O'Neill (PSA representative), Wollongong Office
Alex Grosart (PSA rep), Civil Law
Carmel Caggagi (Access and Equity Coordinator), Strategic Planning and Policy
Christine Dawson, Inner City Local Courts
Julie Morgan, Grants
Laurel Russ (ATSI Officer), HRM
Loris Scahill, Parramatta Office
Deirdre Scott, IM&T
Edwina Hunter (Alternate PSA representative), Newcastle Office
Clinton Banfield-Briggs (resigned April

2004), Bankstown Office

John Sheldon (until February 2004), Civil Litigation

Members on Leave:

Sharonne Brainenberg, Grants
Helen Doyle, Grants
Sue Emery (PSA representative) Grants
Beth Jarman, Parramatta Office
Atousa Khadem, Civil Litigation
Elizabeth Watkins, Manly/Dubbo Offices

Occupational Health and Safety (OH&S) Committee

In accordance with s18 of the Occupational Health and Safety Act, the role of the OH&S Committee is to ensure the health, safety and welfare of persons in the workplace. The members are:

Susan Davitt, Chair and employee representative, Southern Region
Nohad Ghibely, Executive Officer
Employer Representatives:
Russell Cox (Executive)
Jennifer Bulkeley, **June Woolcott**, **Antony Townsend**, **Kate Escobar**

Employee Representatives:

Carolyn Dean, Northern Region
Paul Batley, Northern Region
Paul Gallagher, Northern Region
Kylie O'Neil, Southern Region
Adam Halstead, Metropolitan Region
Jacqueline Green, Metropolitan Region
Siobhan Mullany, Metropolitan Region
Elizabeth Sadlier, Alternate, Southern Region
Kathy Trajkovski, Alternate, Metropolitan Region

Other Committees

Throughout 2003–2004, a number of working parties and steering committees met regularly to discuss particular areas of the Commission's work. They included:

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

National Legal Aid Committees

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

Finance Directors Working Party:
Stephen O'Malley

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

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

Primary Dispute Resolution Working Group:
Elaine Harrison

Law Society of NSW Committees

Children's Legal Issues Committee:
Deborah de Fina, Teresa O'Sullivan,
Mia Prodigalidad

Criminal Law Committee: **Brian Sandland, Annemarie Lumsden, Brian Van Zuylen, Lester Fernandez**

Criminal Law Committee, NSW Young Lawyers: **Lester Fernandez, Simon Healy, Te'res Sia, Nerissa Keay, Angela Cook, Patricia Collins, Elissa Gordon, Sarah Ellison, Rosemarie Slip, Michelle Swift, Chris Brown, Katrina Sheen**

Criminal Law Specialist Accreditation Advisory Committee: **Pip Brown, Estelle Hawdon**

Family Law Committee: **Judith Walker, Norman O'Dowd**

Family Law Committee, NSW Young Lawyers: **Olivia Conolly, Anna Tydd, Alex Colquhoun**

Government Solicitors Committee:
Mary Whitehead

LawWeek Planning Committee: **Penny Adams**

NSW Government Interagency Committees

Standing Committee of Criminal Justice System CEOs: **Bill Grant**

NSW Aboriginal Justice Cluster Plan:
Louise Blazejowska

Aboriginal and Torres Strait Islander Legal Services

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

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

Working closely with other organisations in the community achieved better results for our clients

Civil Law Committees

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

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

Asylum Seekers Interagency: **Geraldine Read**

Asylum Seekers Interagency Working Party:
Phillipa Martin

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

Boarders and Lodgers Action Group:
Damien Hennessey

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

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

Health Department, Mental Health Review Systems Committee: **Robert Wheeler**

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

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

International Committee of Jurists:
Elizabeth Biok

Illawarra Forum, Mental Health Committee:
Mathew Turner

Mental Health Advocacy Network:
Robert Wheeler

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

Minister for Fair Trading, Residential Parks Consultative Committee: **Lynne Wilkins**

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

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

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

Office of Fair Trading, Uniform Consumer Credit Code Working Party: **David McMillan**

Park and Village Forum: **Lynne Wilkins**

Public Housing Issues Working Party:
Damien Hennessey

Refugee Review Tribunal Liaison Committee:
Geraldine Read

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

Temporary Protection Visa Project:
Phillipa Martin

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

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

Criminal Law Committees

Attorney General's Crime Prevention Division: **Matthew Greenaway**

Criminal Case Processing Committee:
Steve O'Connor

District Court Users Group:
Richard Kozanecki

E-Brief Steering Committee: **Brian Sandland, Steve O'Connor**

Intellectual Disability Rights Service – Court Support System: **Heather Anderson, Michelle Crowther**

Intensive Court Supervision Bourke & Brewarrina Project: **Matthew Greenaway**

Interdepartmental Committee Reviewing Mental Health (Criminal Procedure) Act:
Brian Sandland

Interdepartmental Working Group considering the recommendations of Professor Mark Findlay's independent review of the Crimes (Forensic Procedures) Act 2000:
Lester Fernandez

Macquarie Legal Centre: **Shalini Perera (Chair, Management Committee)**

Standing Interagency Committee on Court Security: **Brian Sandland, Russell Cox**

Sub-committee to the Sentencing Council advising on the abolition of sentences of six months or less: **Brian Sandland**

Supreme Court Users Group: **Brian Sandland, Estelle Hawdon, Narelle Marshall**

Cross Justice Agency Video-conferencing Steering Committee: **Brian Sandland, Russell Cox**

Western NSW Community Legal Centre:
Michelle Swift (Board member)

Youth Action Policy Association Board:
Mia Prodigalidad

Youth Justice Advisory Committee:

Teresa O'Sullivan

Youth Justice Coalition: **Mia Prodigalidad**

Youth Drug and Alcohol Court Project Team:

Matthew Greenaway

Family Law Committees

Child Support Legal Liaison Committee:

Ruth Pilkinton

Child Support Network: **Ruth Pilkinton,**

Karen Shea

Child Support Regional Registrars Advisory

Panel: **Ruth Pilkinton, Karen Shea**

Children's Court Advisory Committee:

Deborah de Fina

Children's Court Clinic Advisory Committee:

Deborah de Fina

Children's Law News Editorial Board:

Deborah de Fina

Family Court, Reference Group and Steering

Committee for Children's Cases Program:

Judith Walker

Family Court, Family Violence Reference

Group: **Judith Walker**

Family Law Council: **Michelle Giacomo,**

Clyllyn Sperling

HIV AIDS Legal Centre: **Paul Guterres**

(Volunteer)

Immigration Advice and Rights Centre:

Katie Wrigley (Volunteer)

Manly Warringah Pittwater Interagency

Association: **Atoa Aiolupotea**

Marrickville Legal Centre: **Katie Wrigley**

(Volunteer)

Refugee Coalition Action Group:

Anne Himmelreich (Member)

St James Users Forum: **Karen Shea**

Other committees

Apprehended Violence Legal Issues

Committee: **Tracey Corbin-Matchett**

CHRIS User Group: **Stephen May**

Courtlink Interagency Reference Group:

Steve O'Connor, Robin Nahum,

Julie Morgan

Juvenile Justice Legal Aid Commission

Minimum Safety Standards Working Group:

Nohad Ghibely

Law and Justice Foundation, Legal Referral

Forum: **Steve Cassar**

NSW Community Legal Centres Community

Legal Education Working Group:

Penny Adams

Privacy Advisory Committee: **Bill Grant**

CEO

Public Interest Advocacy Centre: **Bill Grant**

(Board Member)

Shared Corporate Services Project

Management Committee: **Russell Cox,**

Stephen O'Malley

Parramatta Justice Precinct, Office Working

Party: **Russell Cox**

Stop Domestic Violence Day Committee:

Tracey Corbin-Matchett

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

CEO

We revised our Code of Conduct this year to reflect current organisational and government values, vision and mission.

1. Introduction

1.1 Commission's function and obligations

The Legal Aid Commission of New South Wales is an independent statutory body established under the *Legal Aid Commission Act 1979* to provide legal aid and other legal services to the people of NSW.

The Commission's Vision is:

"To ensure that the economically and socially disadvantaged can understand, protect and enforce their legal rights and interests"

The Commission's Mission is:

"To deliver a range of innovative and high quality legal services to our clients to assist them to resolve their legal problems"

The Commission's Values are:

Client focus
Integrity
Professionalism
Efficiency
Equity

The people of New South Wales have a right to expect our business to be conducted with efficiency, fairness, impartiality and integrity.

Commission staff are expected to behave in a manner which promotes and maintains community and government confidence in our work in accord with legislation, Commission's policies and procedures.

1.2 To whom does this Code apply?

The Code of Conduct applies to every person employed by the Commission, including permanent public servants, temporary staff or appointees, contractors and consultants.

The Code is designed to complement existing codes of conduct for Public Sector Executives.

1.3 Purpose of the Code

This Code of Conduct provides an ethical framework for the decisions, actions and

behaviour of all Commission staff. It identifies the principles underlying appropriate conduct and the minimum standards of behaviour expected of Commission staff. The Code incorporates the standard principles and requirements set out in the *Model Code of Conduct for NSW public agencies (1997)*, Section 8 of the Personnel Handbook.

The Code is not intended to be read as a set of rules, where each word is scrutinised for its legal meaning, rather, it is intended to convey in plain words the obligations and the behaviour expected of all Commission Staff.

Failure to comply

Staff who fail to comply with this Code of Conduct, any lawful directive, or the Commission's policies and procedures may be required to explain their actions. If staff conduct is contrary to the Code's requirements, a range of management options may be instituted including disciplinary action

Legislation

A number of the obligations and standards set out in the Commission's Code are based on legislative requirements including:

- *Legal Aid Commission Act 1979*
- *Public Sector Employment and Management Act 2002*
- *Public Finance and Audit Act 1983*
- *Legal Profession Act 1987*
- *Anti-Discrimination Act 1977*
- *Commonwealth Disability Discrimination Act 1992*
- *Crimes Act 1900*
- *Freedom of Information Act 1989*
- *Government and Related Staff Appeal Tribunal Act 1980*
- *Independent Commission Against Corruption Act 1988*
- *Industrial Relations Act 1996*
- *Crown Staff (Public Service Conditions of Employment 1997) Award*
- *Occupational Health and Safety Act 2000 and Regulations 2001*
- *Workplace Injury Management and Workers Compensation Act 1998*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Public Service of New South Wales Personnel Handbook*
- *Protected Disclosures Act 1994*

2. Principles

2.1 General ethical principles

The attitudes and behaviour expected of all Commission staff are:

*Client focus
Integrity
Professionalism
Efficiency
Equity*

2.2 Professional codes of ethics

All staff will comply with the codes of ethics and standards of conduct applicable to any professional group to which they may belong. Such Codes take precedence over this Code.

All solicitors employed by the Commission are obliged to abide by the professional ethics and standards of conduct which apply to all solicitors in their dealings with clients, the courts, and other members of the legal profession.

Where there is conflict, professional ethics and standards override the Code of Conduct. In the case of legal staff, it is recommended that staff refer to the NSW Solicitors Manual or the Ethics Committee of the Law Society of NSW for further information and assistance.

2.3 Responsibility to the State Government of the day

Commission staff are required to impartially implement the policies and decisions of the State Government. Staff must comply with any relevant legislative, industrial and administrative requirements, and Commission's policies and procedures.

2.4 Respect for people

Staff should treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their dignity, rights and obligations and at all times, behave with courtesy and respect for one another.

Staff are obliged to perform their duties in a professional and responsible manner. Staff should ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances. Decisions shall be based on a consideration of all the relevant facts, supported by adequate documentation, and comply with the Commission's policies and procedures.

2.5 Integrity and public interest

Staff should promote confidence in the integrity of public administration, acting in the public interest and not in their private interest.

Staff are not to engage in activities, at work or outside work, that would bring the Commission into disrepute.

2.6 Responsive service

Staff should provide a relevant and responsive service to their clients providing necessary and appropriate assistance whilst fulfilling the Commission's service performance standards.

Staff should provide information promptly and in a format that is easy for the recipient to understand ensuring the information is clear, accurate, and relevant.

2.7 Economy and efficiency

Staff should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of public administration.

The Commission is obliged to ensure that adequate resources and training are provided to maintain and enhance individual expertise and practice standards.

3. Guide to ethical decision making

To assist in fostering a climate of ethical awareness, conduct and decision-making in the Commission. Staff may find it useful to refer to or consider, either by themselves or in consultation with others, such as their peers or supervisor, the following points:

1. Is the decision or conduct ethical?
2. Is the decision or conduct consistent with Government policy and in line with the Commission's objectives, Code of Conduct, policies and procedures?
3. Are the outcomes for the staff member, work colleagues, the Commission, and other parties, fair and equitable?
4. Do these outcomes raise a conflict of interest or lead to private gain at public expense?
5. Is the decision or conduct in the public interest?
6. Is the conduct lawful?

3.1 Conflicts of Interest

Conflicts of interest exist when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty.

Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

Some personal interests that may give rise to a conflict of interest include:

- financial interests in a matter the Commission deals with or having friends or relatives with such an interest that the employee is aware of;
- personal beliefs or attitudes that influence the impartiality of advice given;
- personal relationships that go beyond the level of a professional working relationship; and
- secondary employment that compromises the integrity of the staff member and/or the Commission.

An individual staff member may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to their supervisor or other senior staff.

If staff are uncertain whether a conflict exists, they should discuss the matter with their supervisor and attempt to resolve any conflicts of interest that may exist.

To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include:

- recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- the employee relinquishing the personal interest; and/or
- the employee transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task where the conflict arises.

3.2 Acceptance of gifts or benefits

Staff should not accept a gift or benefit that is intended to, or likely to, or be perceived to cause them to act in a partial manner in the course of their duties.

Directors may approve the acceptance of token gifts or benefits under certain circumstances provided that there is no possibility that the recipient might be, or might appear to be, compromised in the process.

Staff should advise an appropriate senior member of staff if they believe they have been offered a bribe or if they have been offered or received a favour or benefit.

Staff dealing with or having access to sensitive matters or commercially or legally sensitive information should be particularly alert to inappropriate attempts to influence them.

4. Discrimination and harassment

Staff must not harass or discriminate against their colleagues or members of the public on the grounds of sex, pregnancy, marital status, race, colour, nationality, ethnic or national origin, ethno-religious identity, descent, age, disability, sexual preference, transgender identity or carers' responsibilities. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*.

Staff must not harass or discriminate on the grounds of political conviction.

Supervisors must make sure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that staff they supervise are informed of these principles. Supervisors should take all necessary steps, such as training and other active measures, to prevent and deal with harassment and discrimination in their work area.

If you consider that you have experienced or are experiencing harassment or discrimination you can discuss with or seek advice from either your supervisor, Director, Manager HRM or a senior HRM consultant.

5. Public comment on the work of the Commission

Staff, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. There are some circumstances in which this is inappropriate. For example, situations when the public comment, although made in a private capacity, may appear to be an official comment on behalf of the Commission. In such circumstances, staff should preface their remarks with a comment that they are made in a private or union capacity and do not represent the official view of the Commission.

Commission staff must not make any public comment on matters relating to the Commission or its work unless they are authorised to do so by the Chief Executive Officer.

Comments made on matters pertaining to union business by members of unions in their capacity as a local delegate within the Commission or by union office holders employed by the Commission are permissible under this Code.

6. Protecting confidential information

All Commission staff who have access to any confidential or sensitive personal, commercial or political information must take special precautions to ensure that it is not disclosed or used without clear authority.

Official information must only be used for the work-related purpose intended and not for personal benefit.

Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage. The integrity and credibility of the Commission may be damaged if it appears unable to keep its information secure.

Staff must make sure that confidential information, in any form (e.g. client files, computer files) cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the agency, who are authorised to have access to it.

Any formal request to produce information or documents (e.g. by subpoena or under the *Freedom of Information Act 1989*) should be referred to the relevant Director and to the Commission Solicitor, Legal Policy Unit.

7. Use of official equipment and facilities

Staff are expected to be efficient and economical in their use and management of public resources, including their own work time.

Official facilities and equipment should only be used for private purposes when official permission has been given. This may include limited private local telephone calls private use of facsimile, email and internet facilities that does not disrupt official work. Staff should be aware of the Commission's Use of Email and Internet Policy and Procedures and abide by its provisions

Directors may also approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which staff are volunteers as long as there is no significant cost to the Commission.

Union delegates and official are to be given access to official facilities and equipment in accordance with relevant industrial instruments, sector-wide guidelines and organisation-level agreements.

8. Secondary employment

Commission Staff must have the approval of the Chief Executive Officer before they engage in any form of paid employment outside their official duties.

The CEO will usually approve secondary employment that is not in conflict with the Commission's Mission.

Staff must also carefully consider whether the organisation offering them secondary employment may adversely affect the performance of their Public Service duties and responsibilities or give rise to a conflict of interest. This applies whether they are working full time, part time or only temporarily employed.

9. Political and community participation

Staff must make sure that any participation in party political activities

does not conflict with their primary duty as a public employee to serve the government of the day in a politically neutral manner.

This is important because of the need to maintain Ministerial and public confidence in the impartiality of the actions taken and advice given by staff. What is considered appropriate by the Chief Executive Officer in any particular case will depend on the nature of the issue, the position held by the employee, the extent of the employee's participation, and their public prominence.

If staff become aware that a potential conflict of interest has arisen or might arise, they should inform the Chief Executive Officer and may have to stop the political activity or withdraw from the areas of their work where a conflict exists.

Special arrangements apply to staff who are contesting State or Federal elections. Details of these arrangements are in the *Personnel Handbook 5–10 Staff contesting Federal and State elections*.

Within the context of the requirements of this Code, staff are free to fully participate in voluntary community organisations and charities and in professional associations providing their participation does not have the potential to bring the Commission into disrepute.

10. Reporting corrupt conduct, maladministration and waste

Employees are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources.

The *Protected Disclosures Act 1994* provides certain protections against reprisals for employees who voluntarily report such matters either to the Chief Executive Officer or one of the Divisional Directors, or to one of the three investigative bodies: the ICAC, the Auditor General or the Ombudsman. (Such protections do not apply in cases of vexatious or malicious allegations.)

Where disclosures are made to an external investigating body, those concerning corrupt conduct should be made to the ICAC, disclosures concerning maladministration should be made to the Ombudsman, and

disclosures concerning substantial waste of public money should be made to the Auditor General.

In addition, under circumstances specified in this *Act*, protected disclosures may be made to a Member of Parliament or a journalist.

Corrupt conduct is defined in the *Independent Commission Against Corruption Act 1988*. The key notion is the misuse of public office. Commonly it involves the dishonest or biased exercise of official functions or the misuse of information or material that has been acquired in the course of official functions. The *Independent Commission Against Corruption Act 1988*, requires that the Commission report all instances of suspected corrupt conduct to the Independent Commission Against Corruption (ICAC). Failure to report corrupt conduct or suspected corrupt conduct may itself be regarded as a form of corruption.

Managers must ensure that all employees have information about the Commission's internal reporting procedures as detailed in the Commission's Protected Disclosures policy/procedural document. The person dealing with the protected disclosure should notify the employee who made the disclosure of the action taken or proposed to be taken in relation to the disclosure and the outcome of such action.

The Commission is committed to ensuring that there will be no recriminations against those who report suspected corrupt conduct, maladministration or serious and substantial waste. In the case of a "protected disclosure" recriminations are unlawful. If you feel that you are being subjected to recriminations, you should report it directly to the Chief Executive Officer.

More information about protected disclosures is available in Premier's Memorandum 96-24 and the Ombudsman's Protected Disclosures Guidelines and in the Commission's Protected Disclosures Policy/procedural document.

11. Future employment and use of confidential information

Staff should not use their position to obtain opportunities for future employment. Staff are not to not allow themselves or their work to be influenced by plans for, or offers of, employment outside the Commission. If they do, there is a conflict of interest and the integrity of the employee and their Commission is at risk.

Former staff should not use, or take advantage of, confidential information that may lead to gain or profit obtained in the course of their official duties until it has become publicly available.

All staff should be careful in their dealings with former staff of the Commission and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

12. Review

The Code of Conduct will be reviewed by the PCC 12 months from the implementation date 04/02/2004.

HRM will provide a Report annually to the PCC on the operation of The Code.

Dated: January 2004.

Aboriginal and Torres Strait Islander (ATSI)

A person who identifies as Aboriginal or Torres Strait Islander.

Advice

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

Alternate Dispute Resolution (ADR)

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

Applications approved/granted

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

Applications determined

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

Applications received

Applications for legal aid received within this reporting period.

Applications refused

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

Applications undetermined

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

Assigned

Refers to legal services performed by private lawyers.

CALD

Clients from culturally and linguistically diverse backgrounds.

Casework

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

Community Legal Education (CLE)

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

Current applications on hand

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

Dependant

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

Determination date

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

Duty appearances

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

EAPS

Ethnic Affairs Priority Statement.

EEO

Equal Employment Opportunity.

EFT

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

E-Lodgement

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

Grants of aid

Approval for casework matters, including s33 authorisations.

Information

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

Inhouse

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

Means test

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

MERIT (Magistrates Early Referral Into Treatment)

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

Merit test

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

Minor assistance

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

NESB

Non English-Speaking Background

Reporting period

From 1 July 2003 to 30 June 2004.

Section 33 authorisations

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

Total assistance

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

TTY

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

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