

Appendix 10 Appealing decisions about legal aid

Independent reviews of decisions made by Legal Aid NSW ensure procedural fairness for our clients. Six independent Legal Aid Review Committees review our decisions to ensure procedural fairness. The Legal Aid Review Committee Secretariat facilitates their work.

The committees are established under the *Legal Aid Commission Act 1979* (NSW). They determine appeals relating to legal aid applications that have been refused and grants of legal aid that have been terminated. The work of the committees is integral to our appeal process. Committee members helped deliver excellent outcomes for Legal Aid NSW clients in 2023–24, and their work builds confidence in the integrity of our decision-making.

Legal Aid Review Committee members 2023–24

Legal Aid Review Committee One

- Angela Stewart
- Anna Buduls
- Anna Johnson
- Helen Maamary
- Jane Sanders
- Kellie Stares
- Lucy Pinnock
- Paul Blacket SC

Legal Aid Review Committee Two

- Andrew Boog
- Anna Buduls
- Anne Healey
- Brett Thomson
- Donald Sword
- Karen McLean
- Kathleen Hainsworth
- Stephanie Koch

Legal Aid Review Committee Three

- Anna Buduls
- Ellyse McGee
- Hannah Roberts
- Jonathan Prowse
- Nicholas Broadbent
- Philip O’Keefe
- Richard Pontello SC
- Tram Nguyen

Family Law Legal Aid Review Committee One

- Christopher Frommer
- Elena Berrocal Capdevila
- Emma Moss
- Gregory Kenny
- Greta Bromwich
- Lina Rapone
- Lorelle Longbottom
- Michelle Hayward

Family Law Legal Aid Review Committee Two

- Christopher Othen
- Emily Azar
- Hannah Fordham
- Joplin Higgins
- Kathleen Lamoureux
- Melanie Faithfull
- Michelle Meares
- Nick Mitrevski

Family Law Legal Aid Review Committee Three

- Claire Cantrall
- David Nguyen (until December 2023)
- Kayte Lewis
- Lina Rapone
- Martha Barnett
- Nicole Hailstone
- Patrick Mullane
- Stephen van der Mye

Trend in appeals received by Legal Aid Review Committees

During the 2023–24 financial year, the total number of appeals lodged with the Legal Aid Review Committee (LARC) remained consistent with the previous year. We received 557 appeals in both 2022–23 and 2023–24.

Appeals disallowed and deferred by Legal Aid Review Committees

There was an increase in the number of appeals disallowed in 2023–24, rising from 367 last year to 407 this year, indicating a higher rate of appeals not satisfying Legal Aid NSW policies and guidelines.

The number of appeals deferred decreased significantly, dropping from 37 in 2022–23 to 12 in 2023–24. This reduction suggests a more streamlined process and fewer instances of committee members requiring additional time and further information or clarification.

Appeals and outcomes in 2023–24

Law type	Allowed	Disallowed	Deferred	Not Appellable	Withdrawn	Total appeals	Appeals allowed
Civil	2	70	1	0	4	77	2.60%
Criminal	16	161	4	106	3	290	5.52%
Family	6	176	7	0	1	190	3.16%
Total	24	407	12	106	8	557	4.31%

Appeals and outcomes over five years

Review outcome	2019–20	2020–21	2021–22	2022–23	2023–24
Appeal allowed	45	34	18	27	24
Appeal disallowed	786	681	461	367	407
Deferred	37	32	28	37	12
Not appellable	96	92	96	105	106
Withdrawn	31	21	11	21	8
Total	995	860	614	557	557

The year ahead

Amendments to the *Legal Aid Commission Act 1979* (NSW) were passed by NSW Parliament on 8 February 2024. These changes aim to streamline our appeals process, ensure transparency in selecting external review panel members, and enhance our efficiency and responsiveness to clients' needs.

A key aspect of these reforms is transitioning to Legal Aid Review Panels. The amendments will deliver faster outcomes for clients by allowing Legal Aid NSW to draw from a pool of qualified legal professionals to efficiently determine appeals and ensure business efficiencies whilst also continuing impartiality in decision-making. Until the new panels commence on 1 December 2024, the Legal Aid Review Committees will remain operational.