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CEO's performance statement

This year Alan Kirkland as the Chief Executive Officer has led Legal Aid NSW through significant service expansion.

Key achievements of Legal Aid NSW in 2010–2011 include:

- establishing a Family Law Early Intervention Unit to bring together court duty services, outreach services and community legal education for those clients seeking initial legal assistance (page 21);
- developing new services models to divert people from the criminal justice system, through improved advice, minor assistance and referrals (pages 21, 33);
- expanding the Regional Outreach Clinic Program to deliver legal services to people in rural and remote communities (page 40);
- securing funding for a new Community Legal Centre on the mid-North Coast (page 35);
- establishing an alternative dispute resolution pilot project in the care and protection jurisdiction (page 21);
- establishing a family dispute resolution traineeship program to train 10 lawyers from culturally and linguistically diverse backgrounds who will work with Legal Aid NSW to improve access to family dispute resolution services (page 29);
- undertaking research to identify the highest service users across all practice areas of Legal Aid NSW to form an evidence base to improve services to clients with complex needs (page 14);
- negotiating a strategic research partnership with the NSW Law and Justice Foundation (page 43);
- expanding the Domestic Violence Practitioners Scheme at an additional 15 Local Courts in NSW to provide legal services to women and children experiencing domestic violence (page 34);
- developing a new website for Legal Aid NSW (page 52); and
- supporting initiatives to improve the mental health and well being of Legal Aid NSW staff (pages 46, 49)

CEO's membership on key committees

Internal Legal Aid NSW committees

Aboriginal Justice Committee
Access and Equity Committee
Domestic and Family Violence Committee
Peak Consultative Committee

External boards and committees

Australian Legal Assistance Forum
Department of Attorney General and Justice — Justice Executive
LawAccess NSW Board
Law Week Board
Legal Information Access Centre Advisory Board
NSW Legal Assistance Forum
National Legal Aid (Chair until February 2011)
National Legal Assistance Advisory Board (Chair)
Prime Minister's Council on Homelessness
Public Interest Advocacy Centre Board

Human resources information

Appendix 2

Central Sydney/Regional FTE staff as at 30 June 2011		FTE staff as at 30 June 2011	
Central Sydney	507.25	CEO/SES	6
Regional offices	373.03	Legal officers	437.95
Total Staff FTE	880.28	Legal and admin support staff	436.33
		Total staff FTE	880.28

Number of actual staff by employment type

Employment Type	2007–2008	2008–2009	2009–2010	2010–2011
Permanent Full Time	566	594	583	584
Permanent Part Time	112	123	141	154
Temporary Full Time	123	135	135	167
Temporary Part Time	45	54	45	61
Contract SES	6	5	5	6
Non - SES	0	0	0	0
Casual	0	1	0	0
Other	0	0	0	0
Total	852	912	909	972

Number of actual staff by work area

3 year comparison

	2008–2009	2009–2010	2010–2011
Legal officers	431	435	481
Administrative staff	481	474	491
Total	912	909	972

Number of executive positions

3 year comparison

SES Grade	2008–2009		2009–2010		2010–2011	
	Male	Female	Male	Female	Male	Female
Level 6*	1	0	1	0	1	
Level 4	2	0	2	0	1	1
Level 2	2	0	2	0	2	1
Total	5	0	5	0	4	2

*Alan Kirkland, CEO Legal Aid NSW, Annual Remuneration: \$295,000.00

EEO groups

Number of actual staff in different EEO groups

	2008-2009	2009-2010	2010-2011
Men	232	234	241
Women	680	675	731
Aboriginal people	30	38	41
People from racial, ethnic, ethno-religious minority groups	184	191	194
People whose first language is not English	125	130	148
People with a disability	46	41	52
People with a disability requiring a work-related adjustment	12	13	20
Total	912	909	972

Parliamentary annual report tables

A. Trends in the representation of EEO groups

% of total staff

EEO Group	Benchmark or target (%)	2008	2009	2010	2011
Women	50	74	74	75	76
Aboriginal people	2.6	3.0	3.3	4.0	5
People from racial, ethnic, ethno-religious minority groups	19	15	13	14.0	20
People with a disability	12	5	5	4.0	6
People with a disability requiring a work-related adjustment	7	1.4	1.2	1.3	3

B. Trends in the distribution of EEO group

Distribution index

EEO Group	Benchmark or target	2008	2009	2010	2011
Women	100	84	84	86	87
Aboriginal people and Torres Strait Islanders	100	83	79	80	82
People whose first language is not English	100	100	100	101	100
People with a disability	100	95	97	102	96
People with a disability requiring work-related adjustment	100	N/A	N/A	N/A	N/A

Notes:

- Staff numbers as at 30 June 2011.
- Excludes casual staff.
- A Distribution Index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels. The Distribution Index is automatically calculated by the software provided by ODEOPE.
- The Distribution Index is not calculated where EEO group or non-EEO group numbers are less than 20.
- Percentage of Aboriginal staff on page 47 is based on FTE staff.

Learning and development

Courses conducted 1 July 2010 to 30 June 2011

Appendix 4

Course title	Sessions	Attendance		
		Staff	External	Total
Internal training programs (most sessions attract MCLE points)				
Aboriginal Cultural Awareness Training	10	53	29	82
Aboriginal Staff Network Meeting/Job Seeking Skills Workshop	1	16	0	16
African Cultural Awareness Training, Coffs Harbour	1	9	4	13
Care and Protection for Grants Officers and Solicitors	1	10	0	10
Care and Protection Training	1	38	2	40
Caring for Elderly Parents or Family Members	1	35	0	35
Child Support for Grants Officers	1	14	0	14
Court Visit	6	60	8	68
Cross Cultural Communication & Using Interpreters	1	18	1	19
Demystifying Drugs & Alcohol	3	11	8	19
Demystifying Mental Illness	2	11	8	19
Diploma of Management	4	38	12	50
Disability Confidence for HR Professionals & Managers	1	7	0	7
District Court Sentencing Workshops	3	17	0	17
Family Law Early Intervention Facilitation Workshop	1	4	2	6
Family Law Training - Grants staff	3	36	0	36
FDRP Development and Supervision	1	10	54	64
FDRP Training Development Day	1	3	41	44
FDRS Staff Development Activity	1	17	21	38
General Employment Law Principle and Termination of Employment	1	30	9	39
Government Information (Public Access) Act Information Session	1	91	5	96
Grants Crime Training	1	41	0	41
Handling Difficult Calls	3	15	0	15
Individual Planning	1	38	0	38
Interpersonal Skills for Customer Service and Complaint Handling	2	7	3	16
Job Seeking Skills	1	9	1	10
Law Access Visit	2	34	1	35
Law For Non Lawyers	3	24	4	28
Library Training	4	50	0	50
Managers Workshop	2	193	2	195
Managing Aggressive & Violent Behaviour	2	10	7	17
Managing Psychological Injury	2	16	1	17
Media Skills	2	12	0	12
Merit Selection & Recruitment	1	6	0	6
Presentation Skills	1	5	1	6
Records Management in Legal Aid NSW (TRIM)	3	28	0	28
Resolving Workplace Conflict	3	24	3	27
Safety Leadership Executive Briefing	1	11	0	11
Social Networking Technology	2	17	2	19
Successfully Managing Stress	1	8	0	8
Team Building for a Respectful Workplace	2	23	0	23
Working Effectively with Refugee Survivors	1	8	6	14
Writing for Legal Aid	3	35	1	36
Total	88	1,142	236	1,384

Course title	Sessions	Attendance		
		Staff	External	Total
Induction				
Civil Law Induction	1	17	0	17
Corporate Induction	5	89	3	92
Policy & Planning Induction	1	4	0	4
Criminal Law Induction	2	21	2	23
Family Law Induction	1	7	0	7
Total	10	138	5	143
Internal legal seminars and conferences				
Care and Protection Conference 2010	1	98	121	219
Civil Law Conference 2010	1	101	14	115
Civil Law Division Forum	1	57	0	57
Criminal Legal Managers Conference	1	26	0	26
Criminal Law Conference 2011	1	277	163	440
Family In-house Conference 2010	1	169	0	169
Family Law Conference 2010	1	169	0	170
Immigration Law Day	1	25	37	62
Seminars	37	687	169	856
Total	45	1,609	619	2,228
Women's Domestic Violence Court Advocacy Program				
WDVCAS June Worker Forum	1	4	94	98
Core Training (3 days)	1	0	22	22
Specialist Domestic Violence Practitioner Training	1	0	74	74
Core Training	3	0	49	49
Seconded Worker Training	7	0	93	93
Network Training	3	0	68	68
Total	16	4	400	404
IT Training				
ATLAS/ CASES / LawDocs / Office 2007	59	612	0	612
Online learning				
MCLE	45	141	32	173
General	15	164	22	186
Induction	8	285	0	285
Total	68	590	54	644
External training (ie. not connected with Legal Aid NSW)				
Civil Law		33	0	33
Family Law		19	0	19
Criminal Law		35	0	35
General		117	0	117
Total		204	0	204

Women's Domestic Violence Court Advocacy Program funding

Appendix 5

As part of the program, we provided funding to 28 Women's Domestic Violence Court Advocacy Services (WDVCASs).

WDVCAS	Service provider	Total payments (\$)
Blue Mountains	Elizabeth Evatt Community Legal Centre	175,792
Burwood	Burwood Community Legal Centre	221,985
Central Coast	Central Coast Domestic Violence Court Advocacy Service	293,803
Central West	Central Tablelands Housing Association	172,734
Far South Coast	Southern Women's Group	174,985
Far West	Far West Community Legal Centre Inc	174,529
Hunter	Hunter Women's Domestic Violence Court Services Inc	364,963
Hunter Valley	Carrie's Place Women's and Children's Services Inc	247,320
Illawarra	Wollongong Women's Centre	286,838
Macarthur	Macarthur Legal Centre	251,547
Macquarie	Macquarie Legal Centre	268,478
Mid-North Coast	Mid-North Coast Women's Domestic Violence Court Advocacy Inc	218,660
New England	The Women's Shelter Armidale Inc	181,892
North Coast	Warrina Women's and Children's Refuge Co-operative Society Ltd	304,757
North West*	Moree Women's Domestic Violence Court Assistance Inc	13,495
North West	Moree Family Support Inc	148,440
North West Sydney	Hawkesbury Nepean Community Legal Centre	276,325
Northern Rivers	Northern Rivers Community Legal Centre	319,129
Northern Sydney	Centacare Broken Bay	258,144
Riverina	Kulkuna Cottage Women's Refuge Ltd	163,284
South Coast	YWCA Ltd	181,169
South Eastern	Molonglo Women's and Children's Services	170,572
South West Sydney	South West Sydney Legal Centre Inc	352,522
Southern	Women's Centre Albury-Wodonga Inc	158,169
Southern Sydney	Sutherland Shire Family Services Inc	352,441
Sydney	Redfern Legal Centre Inc	395,283
Wagga Wagga	Wagga Wagga Family Support Services Inc	196,744
Western**	Western Women's Domestic Violence Court Advocacy Service Inc	175,649
Western	Dubbo Emergency Accommodation Project Inc	121,845
Western Sydney	Penrith Women's Health Centre Inc	315,796
WDVCAP Network Inc	Peak body for Women's Domestic Violence Court Advocacy Services	33,334
Total		6,970,622

* a new service provider was engaged from 1 Feb 2011.

** a new service provider was engaged from 2 August 2010.

Community Legal Centres Program

We provided funding to 36 Community Legal Centres across NSW.

Community Legal Centre	Commonwealth funding (\$)	State funding (\$)	Public Purpose funding (\$)	Total payments (\$)
Central Coast Community Legal Centre	223,940	16,872	167,941	408,753
Community Legal Centres NSW		303,244	110,000	413,244
Consumer Credit Legal Centre NSW	208,528	386,356	46,662	641,546
Court Support Scheme	33,024	5,992	5,656	44,672
Domestic Violence Advocacy Service		420,048	-	420,048
Elizabeth Evatt Community Legal Service	128,284	170,920	61,500	360,704
Environmental Defender's Office (NSW)	93,928	183,680	1,602,076	1,879,684
Far West Community Legal Centre	249,136		66,624	315,760
Hawkesbury/Nepean Community Legal Centre	216,372	122,728	111,500	450,600
HIV/AIDS Legal Centre	127,732	82,212	133,250	343,194
Hume Riverina Community Legal Service			74,826	74,826
Hunter Community Legal Centre	488,874	245,104	19,869	753,847
Illawarra Legal Centre	430,872	193,228	105,191	729,291
Immigration Advice & Rights Centre	97,680	232,884	-	330,564
Inner City Legal Centre	178,282	155,240	61,500	395,022
Intellectual Disability Rights Service			203,930	203,930
Kingsford Legal Centre	256,508	124,844	-	381,352
Macarthur Legal Centre	297,892	190,508	105,191	593,591
Macquarie Legal Centre	241,462	265,504	220,763	727,729
Marrickville Legal Centre	251,216	276,320	-	527,536
Mid North Coast Community Legal Centre	200,000	110,000	-	310,000
Mt Druitt & Area Community Legal Centre	195,992	16,848	47,663	260,503
NSW Disability Discrimination Legal Centre	283,968	37,544	71,750	393,262
North & North West Community Legal Service	274,748	16,936	102,500	394,184
Northern Rivers Community Legal Centre	301,628	48,444	152,500	502,572
Public Interest Advocacy Centre	114,212	117,832	1,189,000	1,421,044
Redfern Legal Centre	156,288	241,164	-	397,452
Refugee Advice & Casework Service			102,500	102,500
Shoalcoast Community Legal Centre	303,232	217,136	50,000	570,368
South West Sydney Legal Centre	252,140	227,596	-	479,736
Tenants' Union of NSW		117,548	-	192,632
The Aged-care Rights Service	103,784	2,396	210,924	317,104
Welfare Rights Centre	227,336	118,656	-	345,992
Western NSW Community Legal Centre	355,218	48,716	102,500	506,434
Wirringa Baiya Aboriginal Women's Legal Centre		450,600	102,500	553,100
Women's Legal Services NSW	971,987	311,200	-	1,283,187
National Children's & Youth Law Centre (NCYLC)*	26,750		-	26,750
Grants for interpreter services		51,122	-	51,122
Total	7,366,097	5,509,422	5,228,316	18,103,835

* The NCYLC is not amongst the 36 CLCs that are generally funded through the CLC Program managed by Legal Aid NSW. NCYLC funding is generally managed by the Community Legal Services Program Branch in the Commonwealth Attorney-General's Department. A project grant was made to NCYLC by Legal Aid NSW this year as part of the CLC/Legal Aid NSW partnership program.

Legal practice operational statistics

Appendix 7

Legal Aid NSW totals	2008-09	2009-10	% change from previous year	2010-11	% change from previous year
Case Matters					
Applications Received	53,786	50,061	-6.9%	48,337	-3.4%
Applications Refused	9,677	9,316	-3.7%	8,962	-3.8%
In-house Grants	20,213	13,788	-31.8%	12,795	-7.2%
Assigned Grants	25,992	27,648	6.4%	26,073	-5.7%
Total Case Grants¹	46,205	41,436	-10.3%	38,868	-6.2%
Grant Rate					
Applications Determined	55,882	50,752	-9.2%	47,830	-5.8%
Applications Undetermined @ year end	1,861	1,292	-30.6%	1,871	44.8%
Grants Finalised	42,792	43,422	1.5%	35,412	-18.4%
Current Grants on Hand @ year end	43,571	41,635	-4.4%	47,960	15.2%
Duty Services					
In-house Duty Services	99,775	103,099	3.3%	103,630	0.5%
Assigned Duty Services	67,418	65,283	-3.2%	64,377	-1.4%
Total Duty Services	167,193	168,382	0.7%	168,007	-0.2%
Other Services					
Advice	80,953	84,884	4.9%	85,239	0.4%
Minor assistance	7,810	8,782	12.4%	12,076	37.5%
Information	475,667	497,872	4.7%	514,060	3.3%
Total Other Services	564,430	591,538	4.8%	611,375	3.4%
Total Client Services	777,828	801,356	3.0%	818,250	2.1%

Criminal Law

Case Matters					
Applications Received	30,275	26,994	-10.8%	27,431	1.6%
Applications Refused	2,755	3,086	12.0%	3,080	-0.2%
In-house Grants	15,473	9,789	-36.7%	9,313	-4.9%
Assigned Grants	14,058	14,388	2.3%	14,629	1.7%
Total Case Grants¹	29,531	24,177	-18.1%	23,942	-1.0%
Grant Rate					
Applications Determined	32,286	27,263	-15.6%	27,022	-0.9%
Applications Undetermined @ year end	643	419	-34.8%	886	111.5%
Grants Finalised	29,786	26,238	-11.9%	22,728	-13.4%
Current Grants on Hand @ year end	20,038	17,982	-10.3%	19,614	9.1%
Duty Services					
In-house Duty Services	89,184	94,735	6.2%	96,519	1.9%
Assigned Duty Services	51,933	49,738	-4.2%	53,791	8.1%
Total Duty Services	141,117	144,473	2.4%	150,310	4.0%
Other Services					
Advice	30,489	34,690	13.8%	31,711	-8.6%
Minor assistance	267	170	-36.3%	249	46.5%
Information	173,995	204,990	17.8%	219,232	6.9%
Total Other Services	204,751	239,850	17.1%	251,192	4.7%
Total Client Services	375,399	408,500	8.8%	425,444	4.1%

1. Because of a significant change to the counting of case grants which took effect from 1 July 2009, case figures for 2009-10 should not be compared directly with those for earlier years.

Family Law	2008-09	2009-10	% change from previous year	2010-11	% change from previous year
Case Matters					
Applications Received	20,470	20,078	-1.9%	18,077	-10.0%
Applications Refused	5,512	4,957	-10.1%	4,774	-3.7%
In-house Grants	3,263	2,802	-14.1%	2,489	-11.2%
Assigned Grants	11,435	12,730	11.3%	10,752	-15.5%
Total Case Grants¹	14,698	15,532	5.7%	13,241	-14.8%
Grant Rate	72.7%	75.8%	4.3%	73.5%	-3.0%
Applications Determined	20,210	20,489	1.4%	18,015	-12.1%
Applications Undetermined @ year end	1,076	728	-32.3%	781	7.3%
Grants Finalised	11,394	15,598	36.9%	11,133	-28.6%
Current Grants on Hand @ year end	20,833	20,778	-0.3%	25,252	21.5%
Duty Services					
In-house Duty Services	3,423	3,168	-7.4%	3,693	16.6%
Assigned Duty Services	2,708	1,757	-35.1%	1,705	-3.0%
Total Duty Services	6,131	4,925	-19.7%	5,398	9.6%
Other Services					
Advice	27,493	28,263	2.8%	28,987	2.6%
Minor assistance	3,662	4,493	22.7%	6,161	37.1%
Information	133,874	128,761	-3.8%	127,041	-1.3%
Total Other Services	165,029	161,517	-2.1%	162,189	0.4%
Total Client Services	185,858	181,974	-2.1%	180,828	-0.6%

Civil Law

Case Matters					
Applications Received	3,041	2,989	-1.7%	2,829	-5.4%
Applications Refused	1,410	1,273	-9.7%	1,108	-13.0%
In-house Grants	1,477	1,197	-19.0%	993	-17.0%
Assigned Grants	499	530	6.2%	692	30.6%
Total Case Grants¹	1,976	1,727	-12.6%	1,685	-2.4%
Grant Rate	58.4%	57.6%	-1.4%	60.3%	4.8%
Applications Determined	3,386	3,000	-11.4%	2,793	-6.9%
Applications Undetermined @ year end	142	145	2.1%	204	40.7%
Grants Finalised	1,612	1,586	-1.6%	1,551	-2.2%
Current Grants on Hand @ year end	2,700	2,875	6.5%	3,094	7.6%
Duty Services					
In-house Duty Services	7,168	5,196	-27.5%	3,418	-34.2%
Assigned Duty Services	12,777	13,788	7.9%	8,881	-35.6%
Total Duty Services	19,945	18,984	-4.8%	12,299	-35.2%
Other Services					
Advice	22,971	21,931	-4.5%	24,541	11.9%
Minor assistance	3,881	4,119	6.1%	5,666	37.6%
Information	167,798	164,121	-2.2%	167,787	2.2%
Total Other Services	194,650	190,171	-2.3%	197,994	4.1%
Total Client Services	216,571	210,882	-2.6%	211,978	0.5%

1. Because of a significant change to the counting of case grants which took effect from 1 July 2009, case figures for 2009-10 should not be compared directly with those for earlier years.

Legal practice operational statistics

Appendix 7

In-house and private lawyers allocation of legal work

	In-House lawyer	In-House lawyer%	Private lawyer	Private lawyer%	Total
Family law					
Duty Services	3,693	68.4%	1,705	31.6%	5,398
Grants of Legal Aid	2,489	18.8%	10,752	81.2%	13,241
Total	6,182	33.2%	12,457	66.8%	18,639

Criminal law					
Duty Services	96,519	64.2%	53,791	35.8%	150,310
Grants of Legal Aid	9,313	38.9%	14,629	61.1%	23,942
Total	105,832	60.7%	68,420	39.3%	174,252

Civil law					
Duty Services	3,418	27.8%	8,881	72.2%	12,299
Grants of Legal Aid	993	58.9%	692	41.1%	1,685
Total	4,411	31.5%	9,573	68.5%	13,984

Legal Aid NSW total					
Duty Services	103,630	61.7%	64,377	38.3%	168,007
Grants of Legal Aid	12,795	32.9%	26,073	67.1%	38,868
Total	116,425	56.3%	90,450	43.7%	206,875

Family dispute resolution family law	2008-09	2009-10	% change from previous year	2010-11	% change from previous year
Number of conferences	2,294	2,574	12.2%	2,486	-3.4%
Agreements reached	1,942	2,079	7.1%	2,000	-3.8%
Agreement rate	84.7%	80.8%	-4.6%	80.5%	-0.4%

Community legal education²

Criminal Law	297	242	-18.5%	424	75.2%
Family Law	443	759	71.3%	933	22.9%
Civil Law	328	424	29.3%	791	86.6%
Total	1,068	1,425	33.4%	2,148	50.7%

² Note: the tables at pages 141 and 142 do not include these services.

Commonwealth and State allocation of Legal Aid NSW services

	State matter	State matter %	Commonwealth matter	Commonwealth matter %	Total
Family law					
Grants	4,450	33.6%	8,791	66.4%	13,241
Duty Services	2,818	52.2%	2,580	47.8%	5,398
Advice	2,886	10.0%	26,101	90.0%	28,987
Minor assistance	462	7.5%	5,699	92.5%	6,161
Information Services	16,629	13.1%	110,412	86.9%	127,041
Total	27,245	15.1%	153,583	84.9%	180,828

Criminal law

Grants	23,207	96.9%	735	3.1%	23,942
Duty Services	146,219	97.3%	4,091	2.7%	150,310
Advice	31,010	97.8%	701	2.2%	31,711
Minor assistance	249	100.0%	-	0.0%	249
Information Services	208,279	95.0%	10,953	5.0%	219,232
Total	408,964	96.1%	16,480	3.9%	425,444

Civil law

Grants	1,189	70.6%	496	29.4%	1,685
Duty Services	12,293	100.0%	6	0.0%	12,299
Advice	17,375	70.8%	7,166	29.2%	24,541
Minor assistance	3,999	70.6%	1,667	29.4%	5,666
Information Services	123,608	73.7%	44,179	26.3%	167,787
Total	158,464	74.8%	53,514	25.2%	211,978

Legal Aid NSW total

Grants	28,846	74.2%	10,022	25.8%	38,868
Duty Services	161,330	96.0%	6,677	4.0%	168,007
Advice	51,271	60.1%	33,968	39.9%	85,239
Minor assistance	4,710	39.0%	7,366	61.0%	12,076
Information Services	348,516	67.8%	165,544	32.2%	514,060
Total	594,673	72.7%	223,577	27.3%	818,250

Law reform submissions

Appendix 8

In 2010–2011, Legal Aid NSW made 36 submissions to a variety of law reform bodies on a wide range of issues affecting our clients and the functions of Legal Aid NSW.

Submissions to the Attorney General of New South Wales

- Response to planned changes to the forum sentencing program (September 2010)
- Response to proposal to legislate for the use of family victim impact statements in homicide cases (June 2011)
- Submission on proposed amendments to *Children and Young Persons (Care and Protection) Act 1998* and the *Children and Young Persons (Care and Protection) Regulation 2000* in relation to the confidentiality of court ordered ADR (April 2011)

Submission to the Australian Law Reform Commission

- Submission on Family Violence: Improving Legal Frameworks (July 2010)

Submission to the Better Regulation Office and Department of Attorney General and Justice

- Submission on Review of the Debt Recovery Process (December 2010)

Submission to the Chief Magistrate of the Local Court of NSW

- Submission on Practice Note 2 of 2011 Domestic and Personal Violence proceedings (May 2011)

Submissions to the Children's Court of NSW

- Submission on contact guidelines for Magistrates (August 2010)
- Submission on proposed amendment to section 90 of *Children and Young Persons (Care and Protection) Act 1998* (February 2011)
- Submission on draft assessment order application (May 2011)
- Submission on statute law revision amendments to the *Children and Young Persons (Care and Protection) Act 1998* (May 2011)

Submissions to the Department of Attorney General and Justice

- Submission on the *Foreign Evidence Amendment Act 2010* (Cth) Application to proceedings under New South Wales law (September 2010)
- Submission on Bail Bill 2010 (October 2010)
- Submission on Criminal Procedure Amendment (Sexual Assault Communications Privilege) Bill 2010 (November 2010)
- Submission on *Crimes (Sentencing Procedure) Amendment Bill 2010* (November 2010)
- Submission on pre-trial diversion of offenders program (Cedar Cottage) (January 2011)
- Submission on monitoring detainee-lawyer communications under the *Terrorism (Police Powers) Act 2002* (February 2011)
- Submission on the proposal for new offences of death or previous bodily harm by negligent act or omission (March 2011)
- Submission on the reform of judicial review in NSW (April 2011)

Submission to the Family Court of Australia

- Submission on Family Violence: Best practice principles (May 2011)

Submission to the NSW Department of Human Services

- Submission on the review of impairment tables for Disability Support Pension (October 2010)

Submission to NSW Fair Trading

- Submission on the consultation draft of the Residential Tenancies Regulation 2010 (October 2010)

Submissions to the NSW Law Reform Commission

- Submission on people with cognitive and mental health impairments in the criminal justice system (July 2010)
- Submission on penalty notices (November 2010)
- Submission on young people with cognitive and mental health impairments in the criminal justice system (March 2011)

Submissions to the NSW Sentencing Council

- Submission on proposal to introduce standard non-parole periods for dangerous driving offences (September 2010)
- Submission on sentencing serious violent offenders (June 2011)

Submission to the Standing Committee of Attorneys-General

- Submission on harmonisation of criminal appeals legislation (November 2010)

Contributions to submissions by National Legal Aid

- Submissions to Attorney-General's Department
 - Forced and Servile Marriage – Discussion Paper (February 2011)
 - Children's Contact Services – Consultation Paper (May 2011)
- Submissions to the Australian Law Reform Commission
 - Family Violence and Commonwealth Laws: Immigration Law (ALRC Issues Paper No.37) (May 2011)
- Submissions to Commonwealth Treasury
 - Green Paper on National Credit Reform (August 2010)
 - Reforming Flood Insurance: Clearing the Waters discussion paper (May 2011)
- Submission to the Senate Standing Committee on Legal and Constitutional Affairs
 - Inquiry into the Civil Dispute Resolution Bill (October 2010)
 - Senate Inquiry into the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 (January 2011)
 - Family Violence and Commonwealth Laws: Social Security Law (ALRC Issues Paper No.39) (May 2011)
 - Family Violence and Commonwealth Laws: Child Support and Family Assistance (ALRC Issues Paper No.38) (June 2011)

Publications and resources

Appendix 9

We produce over 60 publications in 30 languages. Some of these are available in almost 30 other languages. In 2010-2011, we distributed 647,800 free publications to members of the community and other agencies.

Key for 2010-2011

- + New publications
- * New languages
- ^ Updated to comply with new laws, and part

About Legal Aid NSW

Client service charter
Do you have a legal problem? (also in Arabic, *Bengali, *Burmese, Traditional Chinese, Simplified Chinese, Croatian, *Farsi, Greek, Hindi, *Indonesian, Italian, Khmer, Korean, Laotian, Macedonian, Serbian, Spanish, Tamil, Turkish, Vietnamese; large print version)
Questions to ask your lawyer (also in *Arabic, *Simplified Chinese, *Greek, *Italian, *Vietnamese)
How to make a complaint
Children's Legal Service
^Mental Health Advocacy Service (also in Arabic, Traditional Chinese, Farsi, Korean, Spanish, Turkish, Vietnamese)
Child Support Service (also in Arabic, Simplified Chinese, Traditional Chinese, Farsi, Korean, Spanish, Turkish, Vietnamese)
Legal help for veterans and dependants
^Welcome to Legal Aid audio CD and ^translated fact sheets (^Amharic, ^Arabic, ^Dari/Farsi, ^Dinka, ^Pushto, ^Somali, ^Swahili, ^Tigrinya)
Prisoners Legal Service

Money, Debt and Fines

^Are you being squeezed for debt?
Turning the Tide: storms, floods, insurance and you (booklet and factsheet)
^Are you having problems with your home mortgage? (also in Arabic, Traditional Chinese, Farsi, Korean, Spanish, Turkish, Vietnamese)
^Mortgage stress handbook (2nd ed)
^Are you having problems with fines? (also in Arabic, Traditional Chinese, Farsi, Korean, Spanish, Turkish, Vietnamese)
^Fined out booklet (3rd ed)
+National Bulk Debt Project

Young people

^Get street smart (legal rights in public spaces)
^Youth Drug and Alcohol Court Program Super Cuz CD (a Koori superhero fights for justice)

HOW TO ORDER

Use our online ordering system:
www.legalaid.nsw.gov.au/pubsonline
Email: publications@legalaid.nsw.gov.au or phone our Publications Unit on 9219 5028.

Domestic violence

Are you experiencing domestic violence? (also in Arabic, Simplified Chinese, Vietnamese)
^Apprehended Violence Orders: for applicants (also in Arabic, Traditional Chinese, Vietnamese)
Is someone making an AVO against you? (also in Arabic, Traditional Chinese, Vietnamese)
Domestic violence offences: for defendants (also in Arabic, Traditional Chinese, Vietnamese)
^Advice about domestic violence and help at court (also in Arabic, Traditional Chinese, Simplified Chinese, Farsi, Indonesian, Korean, Spanish, Tagalog, Thai, Turkish, Vietnamese); ^Aboriginal version
So you want the violence to stop – wallet card; generic and Aboriginal versions

Government and Rights

Discrimination toolkit
+Have you been involuntarily admitted to a hospital?
^Connecting human rights to everyday people
+Appealing to the Social Security Appeals Tribunal
+Disability Support Pension (also in Arabic, Simplified Chinese, Farsi, Turkish, Vietnamese)

Families, Relationships and Children

What happens when your relationship ends? (also in Arabic, Traditional Chinese, Farsi, Korean, Spanish, Turkish, Vietnamese)
De facto relationships and family law
Working out what's best for my children – (also in Arabic, Traditional Chinese, Farsi, Korean, Spanish, Turkish, Vietnamese)
My ex-partner has taken our children without my permission... what can I do? (also in Arabic, Traditional Chinese, Vietnamese)
My ex-partner isn't following the court orders about our children. What can I do?

Courts, Police and Crime

Going to court for defendants (also in Arabic, Traditional Chinese, Vietnamese)
Applying for Supreme Court bail (also in Arabic, Traditional Chinese, Vietnamese)
^Police powers, your rights and responsibilities – (also in Arabic, Traditional Chinese, Vietnamese)
Character references (also in *Arabic, *Traditional Chinese, *Vietnamese)
Reviewing Local Court decisions
^Appealing Local Court decisions
^Understanding bail (also in Arabic,

Traditional Chinese, Vietnamese)
Facing a committal
^Breaching parole

Traffic and driving

Pleading guilty to a drink driving charge (also in Arabic, Traditional Chinese, Vietnamese)
+Drugs, driving and you (also in Arabic, Simplified Chinese, Vietnamese)
^Have you crashed your car? (property damage)

Aboriginal

+Need any legal help?
+Legal help with mental health matters
+What happens when your relationship ends?
Caring for kids in Aboriginal families
+Are you having problems with fines?
+Got a problem with child support?
So you want the violence to stop. Getting an Apprehended Violence Order Super Cuz CD (a Koori superhero fights for justice)

Older people

^Are you experiencing violence or abuse? (also in Arabic, Traditional Chinese, Greek, Italian, Vietnamese)
^Helping your family financially? (also in Arabic, Traditional Chinese, Greek, Italian, Vietnamese)
Changing your accommodation arrangements?
^Moving in with the family? (also in Arabic, Traditional Chinese, Greek, Italian, Vietnamese)
^Who will decide for you if you can't decide for yourself? (also in Arabic, Traditional Chinese, Greek, Italian, Vietnamese)
Are you a grandparent?
Audio CD package – five CDs on legal issues for older people
+Why make a will? (also in Arabic, Traditional Chinese, Greek, Italian, Vietnamese)
+Speaking for myself
+They want me to leave

Posters and cards

So you want the violence to stop; (also in Aboriginal version)
Legal Aid NSW poster
Who's who in the Local Court
Youth hotline
Legal issues for older people
Youth hotline wallet card

Other

Bookmarks – online publications orders;
+Aboriginal resources, means test calculator

Right to information

Appendix 10

Statistical information about formal access applications under the *Government Information (Public Access) Act 2009*

Table A: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	1	1	0	0	0	0	0	1

*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

Table B: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	1	1	0	0	0	0	0	1
Access applications (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

*A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	No of applications
Application does not comply with formal requirements (section 41 of the Act)	
Application is for excluded information of the agency (section 43 of the Act)	
Application contravenes restraint order (section 110 of the Act)	
Total number of invalid applications received	0
Invalid applications that subsequently became valid applications	0

6 Appendices

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to the GIPA Act

Number of times consideration used*

Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	1
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of the GIPA Act

Number of occasions when application not successful

Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	1
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

Number of applications

Decided within the statutory timeframe (20 days plus any extensions)	3
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	3

Table G: Number of applications reviewed under Part 5 of the GIPA Act (by type of review and outcome)

Decision varied

Decision upheld

Total

Internal review	n/a	n/a	0
Review by Information Commissioner*	Not known pending review	Not known pending review	1
Internal review following recommendation under section 93 of the GIPA Act	n/a	n/a	0
Review by the Administrative Decisions Tribunal	n/a	n/a	0
Total	Not known pending review	Not known pending review	1

*The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker.

Table H: Applications for review under Part 5 of the GIPA Act (by type of applicant)

Number of applications for review

Applications by access applicants	1
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Disability Action Plan

Appendix 11

This is the final year of the current Disability Action Plan. A new plan will be developed for 2011-2013.

Legal Aid NSW is a Universal Service, defined under the Guidelines for disability action planning by NSW Government agencies. A universal service is a mainstream service accessed by large numbers of people with a disability. We are required to achieve five main outcomes, specified by Ageing, Disability and Home Care.

A summary of key performance highlights from the Disability Action Plan against these outcomes are:

Disability Action Plan 2010-2011

Outcomes	What we achieved
<p>1. Identify and remove barriers to services or people with a disability</p>	<ul style="list-style-type: none"> • Delivered more training to improve disability confidence in client support staff, to support clients with a disability. • Undertook over 400 client surveys to obtain information that will assist in the development of social exclusion indicators. • Improved services to clients with intellectual disability and mental health problems by developing a pilot in the Shoalhaven area to make the services of the Client Assessment & Referrals Service available to private lawyers acting for legally aided clients. • Updated the Legal Aid advice form to include information on disability. • Continued to promote successful client outcomes for people with a disability in the Legal Aid NSW newsletter. • Provided all managers with <i>A Manager's Guide: Disability in the Workplace</i>. • Provided a wide range of training and community legal education to 65 staff.
<p>2. Provide information and services in a range of accessible formats</p>	<ul style="list-style-type: none"> • Provided information in a range of accessible formats including large print and CDs. • Updated the Legal Aid application form in consultation with Vision Australia. An e-text version is on the internet and people using assistive technology such as screen readers can now complete the form online. • Produced a new Disability Support Pension Brochure to help people understand the qualifying criteria for DSP. • Incorporated accessibility information into the new website and in plain English. Introductory information about legal aid will be available in audio files in several languages.
<p>3. Make buildings and facilities physically accessible to people with disabilities</p>	<ul style="list-style-type: none"> • Undertook modifications at the Central Sydney office to install accessible toilets on four floors. • Developed specifications for fit out of the new training centre including several enhanced facilities for people with a disability.
<p>4. Assist people with a disability to take part in public consultations and to apply for and participate in government advisory boards and committees</p>	<ul style="list-style-type: none"> • Delivered community legal education to community workers working with people who have mental health issues. • Delivered 25 community legal education events for people with a disability and those with mental health issues.
<p>5. Increase employment participation and retention of people with a disability in the NSW public sector</p>	<ul style="list-style-type: none"> • Provided a mentoring and job placement opportunities for two people with a disability referred by external organisations. • Mental Health and Wellbeing Group developed new initiatives aimed at improving psychological injury management. It is currently preparing recommendations to introduce programs and activities aimed at achieving that result.

Multicultural Action Plan

A summary of key performance highlights from the Multicultural Action Plan.

Multicultural Action Plan 2010–2011

Outcomes	What we achieved
1. Responsiveness	<ul style="list-style-type: none"> Established a pilot that examined interpreter usage and costs in Community Legal Centres and provided funding for interpreter costs. Delivered 41 community legal education sessions to newly arrived migrants. Developed legal theatre scripts to assist in delivering community legal education to targeted, emerging communities. Developed new standard equity questions for inclusion in applications from private solicitors wishing to undertake legal aid work. Developed a culturally appropriate model for family dispute resolution through the establishment of cadetships for 10 lawyers from multicultural backgrounds.
2. Effective community engagement	<ul style="list-style-type: none"> Published key brochures in a range of languages for emerging communities. Participated in several community events across NSW, providing legal information and education to improve access to justice. Undertook a review of systems for reporting usage of the Community Languages Allowance Scheme.
3. Leadership	<ul style="list-style-type: none"> Monitored the implementation of the Multicultural Action Plan through the Access and Equity Committee. Promoted and raised awareness of access and equity issues for staff, clients and stakeholders through the work of the Access and Equity Committee, intranet, CEO's messages and quarterly newsletter. Provided a submission on <i>Family Violence: Improving legal frameworks to the Australian Law Reform Commission</i>
4. Cultural competence	<ul style="list-style-type: none"> Delivered several training sessions on <i>Cross Cultural Communication and Using Interpreters</i>. Reviewed the effectiveness of staff induction training on diversity and inclusive practices. Investigated scholarship programs for people from emerging or established communities to undertake justice related studies and identified a suitable program for emerging communities in New South Wales.

Significant committees

Appendix 13

Committees played an important role in helping us achieve our goals and deliver excellent outcomes to clients.

LEGAL AID REVIEW COMMITTEES

Legal Aid Review Committees are independent committees established under the *Legal Aid Commission Act 1979* (NSW) to ensure our clients have fair and equitable access to legal aid services. Six committees determine appeals relating to determinations of legal aid applications.

Committee membership as at 30 June 2011

Legal Aid Review Committee No. 1

Mr B Row - Chairperson, Minister's Nominee
(alternates Ms R Graham and Mr P Anet)
Ms P Wright, Bar Association/Law Society Nominee
(alternates Ms R Everett and Mr P Blacket SC)
Dr T Boyd-Caine, Community Member (alternate Mr J Terry)
Meetings held: 15 and 1 teleconference

Legal Aid Review Committee No. 2

Mr P Robinson - Chairperson, Minister's Nominee
(alternates Mr D Norris and Ms B Baker)
Mr W Terracini SC, Bar Association/Law Society Nominee
(alternates Mr P Menzies and Magistrate Buscombe)
Mr D Kelly, Community Member (alternate Dr W Porges)
Meetings held: 15 and 2 teleconferences

Legal Aid Review Committee No. 3

Mr K Garling - Chairperson, Minister's Nominee
(alternates Ms S Gordon and Ms Emma Bayley)
Mr J McCarthy QC, Bar Association/Law Society Nominee

(alternates Ms G Daley and Ms A Healey)
Ms T Heness - Community Member (alternate Mr D Kelly)
Meetings held: 12

Family Law Legal Aid Review Committee No. 1

Ms J Townsend - Chairperson, Minister's Nominee
(alternates Ms A Tomlin and Ms J Stevens)
Mr J Berry - Bar Association/Law Society Nominee
(alternates Mr R Schonell and Mr C Dunn)
Mr D Sword - Community Member (alternate Ms M Tunica)
Meetings held: 8 and 1 teleconference

Family Law Legal Aid Review Committee No. 2

Ms A Walsh - Chairperson, Minister's Nominee
(alternates Mr J McDonnell and Ms C Miller)
Mr J Dowd - Bar Association/Law Society Nominee
(alternates Mr J Levy and Ms M Nagle)
Ms M Faithfull, Community Member (alternate Ms M Good)
Meetings held: 8 and 1 teleconference

Family Law Legal Aid Review Committee No. 3

Ms C Drummy - Chairperson, Minister's Nominee
(alternates Ms C Samuels and Mr P Guterres)
Mr M Whelan - Bar Association/Law Society Nominee
(alternates Mr P Lewis and Ms K Rafton)
Dr S van der Mye, Community Member (alternate Ms K Gauthier)
Meetings held: 6 and 2 teleconferences

BOARD COMMITTEES

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

In 2009-2010, a range of committees made recommendations to the Board in matters relating to our operations.

Audit and Risk Committee (ARC)

Advised the Board about financial reporting practices, business ethics, policies and practices, accounting policies, and management and internal controls.

It is responsible for overseeing the financial performance of Legal Aid NSW and the internal audit function. A report of the ARC is provided on page 62.

The members were:

	Meetings attended
Phillip Bickerstaff Chair & Board member	11
John Bordon, Board member	8
Kylie Beckhouse Non Independent, Executive Director Family Law	11
In attendance: Alan Kirkland, CEO & Board member	11
Clare Hamilton, Executive Director Corporate Finance	11
Russell Cox, Deputy CEO, Business & Client Services (until Dec 2010)	6
Patricia O'Farrell, Deputy CEO, Operations & Chief Audit Executive (from March 2011)	4
David Lunn, Management Accountant, Legal Aid NSW	2
Peter Coulogeorgiou, Audit Office	2
Steve Black, Audit Office	1

Meetings held: 11

Civil Law Sub-Committee

Provided advice to the Civil law Division and to the Board about civil law matters.

The members were:

- Andrea Durbach, Board member (Chair)
- Maria Girdler, Board member
- Amanda Tibbey, NSW Bar Association
- Mark Hodges, Law Society of NSW
- Monique Hitter, Legal Aid NSW
- Annmarie Lumsden, Legal Aid NSW
- Tim Smith, Legal Aid NSW
- Aideen McGarrigle, Legal Aid NSW

Meetings held: 3

Community Legal Centres (CLCs) Sub-Committee

Advised the Board on funding for CLCs.

The members were:

- Rev Harry Herbert, Board member (Chair)
- Maria Girdler, Board member
- Barbara Ramjan, Board member
- Helen Campbell, Chairperson of CLCNSW (2010)
- Anna Cody, Chairperson of CLCNSW (2011)
- Alastair McEwin, Director of CLCNSW
- Patrick O’Callaghan, Alternate Board member
- Legal Aid NSW staff members assisting the sub-committee include:
- Richard Funston, Executive Director Legal Services, Grants and Community Partnerships
- Bronwyn McCutcheon, Manager CLC Program
- Jane Cipants, Project and Policy Officer, CLC Program
- Timika Williams, CLC Project Officer

Meetings held: 4

Grants Sub-Committee

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

The members were:

- Mary Macken, Law Society of NSW (Chair)
- Ian McClintock SC, NSW Bar Association
- Richard Funston, Executive Director Grants & Community Partnerships

Annmarie Lumsden, Director, Grants

Meetings held: 2

ADVISORY COMMITTEES

Aboriginal Justice Committee

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

The members were:

Legal Aid NSW

- Scott Hawkins, Director, Aboriginal Services, (Chair)
- Alan Kirkland, CEO, Legal Aid NSW
- Patricia O’Farrell, Deputy CEO, Legal Aid NSW
- Richard Funston, Executive Director Grants & Community Partnerships
- Kylie Beckhouse, Executive Director, Family Law
- Brian Sandland, Executive Director, Criminal Law
- Annmarie Lumsden, Executive Director Grants, Strategic Policy, Planning & Management
- Monique Hitter, Director, Civil Law Division, Legal Aid NSW
- Jenny Lovric, CLSD Program Manager
- Janelle Clarke, Aboriginal Services Unit, Legal Aid NSW
- Lottie Ceissman, Aboriginal Services Unit, Legal Aid NSW

External partners

- Gerry Moore, Chief Executive Officer, Aboriginal Legal Service NSW/ACT
- John McKenzie, Principal Solicitor, Aboriginal Legal Service NSW/ACT
- Melissa Shorter, Aboriginal Staff Network Representative, Legal Aid NSW
- Rachael Martin, Principal Legal Officer, Wirringa Baiya
- Zachary Armytage, Aboriginal Legal Access Program Coordinator, Community Legal Centres NSW

Meetings held: 4

Children’s Court Assistance Scheme (CCAS) Advisory Group

Advised Legal Aid NSW on the operation of the Children’s Court Assistance Schemes and policy/guidelines issues.

The members were:

- Leah Cruickshank, Coordinator of Parramatta and Bidura CCASs and Aboriginal Coordinator for the Program
 - Stan Small, CCAS worker at Parramatta and Bidura CCASs
 - Sharon Callaghan, Coordinator of Port Kembla CCAS
 - Tracey Young, Coordinator of Wyong and Woy Woy CCASs
 - Barbara Simpson, Coordinator of Campbelltown CCAS
 - Lisette Daniels, Coordinator of Broadmeadow and Maitland CCASs (to April 2011)
 - Jason Holland, Coordinator of Broadmeadow and Maitland CCASs (from May 2011)
 - Timika Williams, CLC Project Officer, Legal Aid NSW
 - Bronwyn McCutcheon, Manager, Community Legal Centres Program
- Meetings held: 4*

Cooperative Legal Service Delivery (CLSD) Program Steering Committee

Provided guidance to the CLSD Program Unit.

The members were:

- Jenny Lovric (Chair), CLSD Program Unit, Legal Aid NSW
- Louise Blazejowska, Manager Legal Services Development, Legal Aid NSW
- Kim Gabler, CLSD Program Coordinator, Legal Aid NSW (to August 2010)
- Kirsten Cameron, A/G CLSD Program Coordinator, Legal Aid NSW (August 2010 – December 2011)
- Glenn Sofinowski, A/G CLSD Program Coordinator, Legal Aid NSW (from February 2011)
- Christine Johnson, Legal Aid NSW
- Grant Arbuthnot, Tenant’s Union NSW
- Ken Beilby, Tenant’s Union NSW
- Raymond Brazil, Aboriginal Legal Service (NSW/ACT) Limited
- John McKenzie, Aboriginal Legal Service (NSW/ACT) Limited
- Judith Levitan, NSW Legal Assistance Forum
- Jane Kenny, Law & Justice Foundation of NSW (from June 2010)
- Anne Cregan, Blake Dawson

Significant committees

Appendix 13

Amelia Davis, Blake Dawson
(to December 2010)
Heidi Fairhall, Blake Dawson
(from January 2011)
Mia Zahra, LawAccess NSW
John Pinnock, Public Interest Law
Clearing House
Kylie Nicholls, Court Services,
Department of Attorney General and
Justice
Angela Pollard, Northern Rivers
Community Legal Centre
Alastair McEwin, Community Legal
Centres NSW
Vicki Geraghty, Financial Counsellors
Association of NSW (to April 2011)
Jim Connolly, Financial Counsellors
Association of NSW (from April 2011)
Nerida Harvey, Law Society of NSW
Sue Walden, Legal Information Access
Centre, State Library of NSW
Catherine Bryant, Legal Information
Access Centre, State Library of NSW
Meetings held: 4

Environmental Consultative Committee

**Advised Legal Aid NSW on public
interest environmental law matters
and made recommendations on
whether grants of aid should be
made.**

The members were:

Professor David Farrier, University of
Wollongong (Chair)
Dr Alan Jones, Australian Museum
Nicola Franklin, University of Sydney
Dr Andrew Kelly, University of
Wollongong (alternate member)
Associate Professor Paul Adam,
University of NSW (alternate
member)
Professor Ben Boer, University of
Sydney (alternate member)
Thu-Ha Nguyen, Legal Aid NSW
Joshua Kulawiec, Legal Aid NSW

Meetings held: 4

Human Rights Committee

**Advised Legal Aid NSW on public
interest human rights matters and
made recommendations on whether
grants of legal aid should be made.
The committee considered 43
matters in 2010–2011 and funded 31.**

The members were:

Vedna Jivan, University of Technology
Sydney (Chair)
Nicole Watson, University of
Technology Sydney
Justine Nolan, University of NSW
Nicholas Poynder, Barrister (alternate
member)
Pauline Wright, Solicitor
Deborah Wilcox, Solicitor (alternate
member)
Paul Batley, Barrister
Alex Grosart, Legal Aid NSW
(Executive Officer to October 2010)
Lyn Payne (Executive Officer October
2010 to July 2011)

Meetings held: 11

Older Persons Legal and Education Program (OPLEP) Steering Committee

**Advised the Program on strategic
direction, new services, initiatives
and research.**

The members were:

Richard Funston, Legal Aid NSW
(Chair)
Russell Westacott, CEO, The Aged-
care Rights Service (TARS)
Tom Cowen, Principal Solicitor, Older
Persons Legal Service, TARS
Alastair McEwin, Director, Community
Legal Centres NSW
Sue Field, NSW Trustee and Guardian
Fellow in Elder Law, School of Law,
University of Western Sydney
Sue Walden, Legal Information Access
Centre, State Library of NSW
Jane Pritchard, Director, LawAccess
NSW
Julianne Evans, A/Director,
LawAccess NSW
Monique Hitter, Executive Director,
Civil Law, Legal Aid NSW
Lauren Finestone, Solicitor, Older
Persons Legal and Education Unit,
Legal Aid NSW
Bronwyn McCutcheon, Manager,
Community Legal Centres Program,
Legal Aid NSW
Ian Day, CEO, Council on the Ageing
NSW
Millie Ingram, Wyanga Aboriginal
Community Aged Care Program
Annmarie Elias, Senior Policy Adviser,
Office of the Hon Andrew Constance

MP, Minister for Ageing
Kate Finlayson, Media and
Community Information Officer,
Aboriginal Legal Service (NSW/ACT)
Zachary Armytage, ALAP Community
Development Worker, Community
Legal Centres NSW
Scott Hawkins, Director, Aboriginal
Services, Legal Aid NSW

Meetings held: 3

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

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

The members were:

Michelle Jones, Manager WDVCAP,
Legal Aid NSW
Bev Lazarou, Project Officer,
WDVCAP, Legal Aid NSW
Rachelle Johnston, Project Officer,
WDVCAP, Legal Aid NSW
Elly Raffo, WDVCAP Network Inc
Representative
Danielle Neves, WDVCAP Network
Inc Representative (Rural)
Kaleesha Morris, WDVCAP Network
Inc Representative (Aboriginal
Specialist Worker)
Tatya Hastie, WDVCAP Network
Inc Representative (CALD Specialist
Worker)
Maria Girdler, Legal Aid NSW Board
Representative
Robyn Auld, Senior Programs Officer,
Policy and Programs, NSW Police
Force
Christine Robinson, Coordinator,
Wirringa Baiya Aboriginal Women's
Centre
Samantha Chung, Policy Officer,
Multicultural Disability Advocacy
Association (from March 2010)
Alex Faraguna, Intellectual Disability
Rights Service Inc
Janet Loughman Principal Solicitor,
Women's Legal Services NSW (to
November 2011)
Helen Campbell, Executive Officer,
Women's Legal Services NSW (from
November 2010)
Kylie Nicholls, A/Assistant Director,

Court Services, NSW Attorney
General's Department

Meetings held: 4

INTERNAL COMMITTEES

Access and Equity Committee

Monitored the implementation of the Disability Action Plan and Multicultural Action Plan as well as identified matters for specific attention.

The members were:

Alan Kirkland, CEO (Chair)
Richard Funston, Executive Director,
Grants & Community Partnerships
Dora Dimos, Manager, Professional
Practices
Pam King, Manager, Planning &
Business Reporting
Jan Pittard, Senior Learning &
Development Consultant
Christine Johnson, Regional
Administrative Coordinator, Legal
Services
Rania Saab, Lawyer, Family Law
Bankstown
Vaughan Roles, Criminal Law Legal
Education Solicitor, Grants
Rouada El-Ayoubi, Lawyer, Family
Litigation
Matthew Greenaway, Regional
Program Coordinator, Criminal Law
David Norman, Lawyer, Mental Health
Advocacy Service, Legal Aid NSW
June Woolcott, Director Operational
Support

Meetings held: 2

Occupational Health and Safety (OH&S) Committee

In accordance with s18 of the Occupational Health and Safety Act 2000, the committee's role is to ensure the health, safety and welfare of people in the workplace. The OH&S Committee ensured representation and active review of OH&S issues.

Legal Aid NSW has met the targets required under the Working Together Strategy ensuring continuous improvement to our OH&S and injury management processes.

The members were:

Employer representatives

Russell Cox, Executive (until 31
December 2010)
Annmarie Lumsden (from 1 February
2011)
Jennifer Bulkeley, Human Resources
(until 30 June 2011)
Nohad Ghibely, Executive Officer
June Woolcott, Business & Client
Services
Christine Johnson, Executive
Robert Wheeler, Civil Law Division

Employee representatives

Shirl Acland, Metropolitan Region
(Chair)
Sevda Cranston, Metropolitan Region
(until 20 November 2010)
Amanda Zerbst, Metropolitan Region
Diganta Kumar, Metropolitan Region
Fiona Pace, Northern Region
Wendy Kilroy, Northern Region
Michael Brian, Northern Region
Laura Camac, Northern Region
Allyson Watson, Southern Region

Meetings held: 5

Peak Consultative Committee

Meets bi-monthly to discuss issues affecting Legal Aid NSW in accordance with the Premier's Consultative Arrangements.

The members were:

Legal Aid NSW

Alan Kirkland, CEO
Russell Cox, Deputy CEO, Business
and Client Services (until 31 December
2010)
Jennifer Bulkeley, Director Human
Resources
Nohad Ghibely, Senior HRM
Consultant

Public Service Association

Rae Cameron (from 1 October 2010)
Sue Emery (until 30 August 2010)
John Moratelli
Stephen Spencer (until 30 October
2010)
Thane Pearce (from 1 February 2011)

Meetings held: 5

OTHER INTERNAL COMMITTEES

ATLAS Consultative Committee
Civil Law Advice (Central Sydney)
Review Committee
Civil Law Fees Reference Group
Community Legal Education Steering
Committee
Domestic and Family Violence
Committee
Executive Meeting Group
E-Recruitment Working Party
Expensive Criminal Cases Committee
Family Dispute Resolution Reference
Group
Family Violence Specialist Network
Family Violence Consultative
Committee
Grants Civil Law Liaison Committee
Grants Division ATLAS Working
Group
Grants Family Law Meeting
Grants Issues Register Committee
Grants OHS Sub-Committee
Grants Professional Practices Branch
Meeting
Grants Senior Managers Meeting
Grants Team Leaders Meeting
Human Rights Sub-Committee
ICT Steering Committee
IT/Strategic Planning and Policy/
Grants Meeting
Learning Management System
Contributors Group
Learning and Development Executive
Committee
Legal Information and Referral Project
Reference Group
Library Consultation Committee
Legal Management Group Meeting
Means Test and Contribution Policy
Review – Project Reference Group
Mental Health and Wellbeing Group
Regional Rural and Remote Working
Group
Savings Implementation Plan
Committee
Service Desk Implementation
Committee
Social Inclusion Consultation
Committee
Start-Up Grants Committee
Systems Meeting Working Group
Telephone Working Group
Trial Efficiency Working Group

Working with other organisations

Appendix 14

Legal Aid NSW staff were members of over 130 inter-agency committees that contributed to improving access to justice for disadvantaged communities.

Legal Aid NSW staff were members of over 130 inter-agency committees that contributed to improving access to justice for disadvantaged communities.

NATIONAL LEGAL AID COMMITTEES

Child Support Network
Criminal Law Working Group
Consumer Law Working Group
Dispute Resolution Working Group
Family Law Working Group
Grants and National Statistics Working Group
Human Resources Working Group
National Legal Aid Directors

NSW LEGAL ASSISTANCE FORUM (NLAFF)

Availability of Lawyers for Disadvantaged People in Regional, Rural and Remote NSW
Domestic Violence Working Party
Employment Law Services Working Group
Prisoners Working Group
Training Reference Group

LAW SOCIETY OF NSW COMMITTEES

Criminal Law Committee
Elder Law and Succession Committee
Family Law Issues
Juvenile Justice Committee
Law Week Board
Law Week Planning Committee
Young Lawyers Family Law

ABORIGINAL FORUMS

Aboriginal Community Justice Groups, (Campbelltown and Mt Druitt and regional forums)
Aboriginal Family Planning Circle
Good Service Forum (multi-NSW Government agency)
Tharawal (Campbelltown) Local Aboriginal Land Council and Medical Service

CIVIL LAW COMMITTEES

Administrative Appeals Tribunal
Migration User Group
Administrative Appeals Tribunal users meetings for social security and veterans affairs
Asylum Seeker Interagency meetings
Australian Securities and Investments Commission Insurance Advisory Panel
Centrelink Homelessness Interagency
Client Reference Group for NSW, Department of Immigration & Citizenship
Consumer, Trader & Tenancy Tribunal's Tenancy Division Consultative Forums
Financial Ombudsman Service Board
Financial Ombudsman Service's General Insurance and Insurance Broking Advisory Committee
Housing Interagencies (Clarence Valley, Coffs Harbour, Kempsey)
Insurance Council of Australia
Consumer Reference Group
Mental Health Inquiries Monitoring Group
National Older Persons Legal Services Network

NSW Asylum Seeker and Refugee Forum, Department of Immigration & Citizenship
Older Persons Legal Education Program Steering Committee
Parks Legal Working Group
Planning for Later Life Interagency Forum
Possession List Users Group, Supreme Court
Public Interest Law Clearing House Board
Refugee Advice & Casework Service's Management Committee
Refugee Review Tribunal community consultations
Regional Homelessness Action Plan Committees (South East, Western Sydney, Riverina Murray, Western Riverina, North Coast, Illawarra)
Residential Parks Forum
Retirement Villages Advisory Council
Riverina Murray Homeless Operation Group
Riverina Youth Interagency
Shoalhaven Homelessness Interagency Committee
Tenancy Legal Working Party
Treasury Equity Release Working Group
University of NSW Law School (curriculum development)
Welfare Rights Centre Board
Women's Advisory Council, Corrective Services NSW
Work and Development Order Monitoring Committee

CRIMINAL LAW COMMITTEES

Bail Roundtable
 Children’s Court Assistance Scheme Advisory Committee
 Commonwealth Director of Public Prosecutions/Legal Aid NSW Liaison Meeting
 Court Referral of Eligible Defendants into Treatment (CREDIT), Department of Attorney General & Justice
 Intellectual Disability Rights Service/Legal Aid Steering Committee
 Local Courts Users Forums at various locations
 Magistrates Early Referral into Treatment Steering Committee (Downing Centre & Waverley)
 Pacific Islander Community Outreach Project (Campbelltown), Department of Justice and Attorney General
 Sexual Offences Working Party
 Trial Efficiencies Working Group

DOMESTIC VIOLENCE COMMITTEES

Apprehended Violence Orders Legal Issues Coordinating Committee (AVLICC), Department of Attorney General & Justice
 Better Court Support, Department of Attorney General & Justice
 Cross Agency Risk Assessment (CARAM), NSW Health
 Domestic Violence Liaison Committee (Bankstown, Lismore, Tamworth)
 Domestic Violence Court Intervention Model Program Management Group, Department of Attorney General & Justice
 Domestic Violence Senior Officer’s Group, Department of Premier and Cabinet

Family Law Domestic Violence Consultative Committee
 Family Violence Specialist Network
 Intersectoral Domestic and Family Violence Workforce Training (IDFVW), NSW Health
 Minimum Standards for Men’s Behaviour Group Programs Advisory Group
 NSW Standardised Domestic Violence Package, Department of Justice and Attorney General
 NSW Community Services, Staying Home, Leaving Violence Project
 Safe Relationships Advisory Meeting, Inner City Legal Centre

FAMILY LAW COMMITTEES

Anglicare Shoalhaven
 Australian Dispute Resolution Association (NSW)
 Ballina/Byron Family Centre
 Bankstown Community Advisory Committee
 Blacktown Community Interagency
 CatholicCare, Wollongong
 Child Support State Stakeholder Group
 Child Support Liaison Group
 Child Support National Stakeholder Engagement Group
 Children’s Court Advisory Committee
 Children’s Court Working Party
 Children’s Law News Editorial Board
 Commonwealth Ombudsman Child Support Issues Network
 Community Interagency Network (Blacktown, Wagga)
 Court Users Forums in various locations
 Expert Advisory Committee on ADR, Department of Justice & Attorney General
 Family Contact Centre Steering

Committee (Newcastle)
 Family Relationship Centres Legal Services Steering Committee
 Family Relationship Centres Community Reference Groups (Dubbo, Newcastle, Northern Rivers, Sydney South, Wagga Wagga, Wollongong)
 Family Pathways Groups (Coffs Harbour, Hunter, Illawarra, Lismore, Northern Rivers, Riverina, Ryde, Albury Wodonga)
 Family Contact Centre Steering Committee (Newcastle)
 Greater Sydney Families in Transition Network Group
 Griffith Neighbourhood Group
 Jean’s Place Refuge (management committee)
 Magellan Program, Family Court Steering Committee
 National Mediation Accreditation Committee
 Newcastle Interrelate
 Shoalcoast Legal Centre Management Committee
 South Coast Consultative Committee
 Tweed Shire Integrated Response to Domestic and Family Violence Committee
 Women in the Local Macarthur Area (women’s health service)
 Youth Connections, Housing NSW

GENERAL COMMITTEES

Human Resource and Training Working Group, Department of Attorney General and Justice

Human Resource Policy Sub-Committee, Department of Attorney General and Justice

Joined Up Justice Governance Committee

Joined Up Justice Project Team (Public Prosecutions and Legal Aid NSW)

Joint Outreach Initiative Network (JOIN), NSW & Commonwealth Ombudsman

Justice Executive, Department of Attorney General and Justice

Justice (Libraries) Consortium

Justice Sector Information Exchange Communication Committee, Department of Attorney General and Justice

Law Access (Board membership)

Learning and Development Managers Forum (across Public Sector)

Legal Information Access Centre Advisory Board

Legal Information and Referral Forum, Law & Justice Foundation of NSW

Mid Size Agencies OH&S and Injury Management Forum (MIDAS)

National Justice CEOs Group on Mental Illness and Cognitive Disability

Prime Minister's Council on Homelessness

Public Interest Advocacy Centre (Board membership)

Public Sector CHRIS User Group

State Program Managers/ Commonwealth Attorney General's Department Community Legal Services Program Meetings Group

Training Working Group, Department of Attorney General and Justice

Policies in brief

Legal Aid NSW has eligibility policies to ensure our services are fair and consistent and that we achieve our aim of targeting our services to the socially and economically disadvantaged. In deciding whether an applicant is eligible for legal aid, Legal Aid NSW may apply the following four tests which are summarised below.

1. Jurisdiction test

The jurisdiction test looks at whether legal aid is available in that jurisdiction and area of law. Legal aid is available for the following types of matters:

Family law: State

- Property settlement matters
- Adoption proceedings in exceptional circumstances
- Care and Protection matters
- Compulsory schooling order proceedings in the Children's Court

Family law: Commonwealth

- Parenting matters (separate representation for children also available)
- Matters relating to the location and/or recovery of a child
- Property settlement matters
- Spousal and de facto maintenance matters
- Child support and child maintenance matters
- Dissolution and nullity of marriage matters in limited circumstances
- International child abduction matters in limited circumstances
- Contempt of court and breach of court orders proceedings where the applicant for legal aid is the respondent in limited circumstances
- Proceedings in the Family Court concerning a special

medical procedure for a child

Civil law: State

- Matters where it is likely the applicant will lose his or her home
- Consumer protection matters
- Tenancy matters
- Matters involving loss of civil liberties, e.g. false imprisonment, malicious prosecution
- Preventative detention matters
- Discrimination matters before the Equal Opportunity Division of the Administrative Decisions Tribunal
- Matters under prohibited employment legislation (working with children)
- Trustee and guardianship matters
- Matters relating to the making or review of a Public Health order
- Coronial Inquest matters in limited circumstances
- Public interest environment matters
- Public interest human rights matters
- Proceedings concerning a special medical procedure in the Guardianship Tribunal

Civil law: State: Mental health

- Proceedings before the Mental Health Review Tribunal including Magistrate's inquiries
- Community Treatment Order matters
- Trustee and guardianship matters
- Appeals to the Mental Health Review Tribunal and Supreme Court
- Matters where the applicant is a forensic patient
- Matters under the *Mental Health (Forensic Provisions) Act 1990*

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- Protected estate order matters, including proceedings in the Administrative Decisions Tribunal
- Matters relating to dependency certificates and appeals under the Drug and Alcohol Treatment Act 2007 pilot program

Civil law: State: Applicants at special disadvantage

Legal aid is also available for a wider range of state civil law matters where the applicant is at 'special disadvantage'.

A person at special disadvantage is: a child or an applicant acting on behalf of a child; or a person who has substantial difficulty in dealing with the legal system by reason of a substantial psychiatric condition, developmental disability, intellectual impairment or a physical disability.

Civil law: Commonwealth Matters arising under a Commonwealth Act, limited to:

- A decision affecting the receipt or amount of a Commonwealth employee's compensation or a Commonwealth pension, benefit or allowance
- A decision or action by the Commonwealth in relation to a person that has a real prospect of affecting the person's capacity to continue in their usual occupation
- Discrimination matters
- Migration matters
- Consumer protection matters
- Proceeds of crime matters
- Extradition proceedings
- Public Interest Human Rights matters
- Certain appeals from decisions of the Veterans' Review Board; for example, those in relation to war-caused disability pension entitlement or assessment claims, and claims that relate to warlike or non-warlike service

Criminal law: Local Court matters

- Most matters commenced by a police court attendance notice, except for drink driving and related offences unless there is a real possibility of gaol or exceptional circumstances exist
- Most matters commenced other than by a police charge if there is a real possibility of gaol or exceptional circumstances exist
- Bail applications
- Applications for an annulment of conviction or sentence
- Matters where the applicant is contesting a forensic procedure application
- Some matters where the applicant is participating in a restorative justice program
- Committal proceedings
- Domestic violence proceedings
- Drug court matters

Criminal law: District, Supreme, Court of Criminal Appeal and High Court matters

- Indictable matters
- Appeals
- Bail applications
- Matters where the DPP has applied for an acquitted person to be retried
- Petitions for review of a conviction or sentence, inquiries into a conviction or sentence, and applications to a review panel to review a conviction or sentence
- Matters where a conviction is to be quashed following a free pardon or inquiry

- Matters where the applicant is the defendant in a prosecution in the Land and Environment Court under environmental protection legislation, in limited circumstances
- Preventative detention order matters
- Extended supervision order, continuing detention order and control order matters, including matters under the *Crimes (Serious Sex Offenders) Act 2006*

Criminal Law: Children's criminal matters

- Proceedings in the Children's Court including committals
- Trials and sentence matters in the District and Supreme Courts
- Appeals
- Matters where the child is participating in a restorative justice program
- Matters where the child is acting as an informant, in limited circumstances

Criminal Law: Prisoners matters

- Visiting justice proceedings
- Life re-sentencing applications
- Parole Board Review hearings
- Reviews of segregation directions

2. Means test

Legal Aid NSW applies a means test which looks at an applicant's income and assets to:

- (a) assess whether that person is eligible to receive legal aid; and
- (b) determine how much contribution an applicant will pay towards the cost of providing the service.

The means test consists of three sub-tests:

1. Income test

The income test is applied to the applicant's net assessable income, which is the applicant's gross assessable income less allowable deductions. Allowable deductions include income tax paid, housing costs, an allowance for dependants, child support and childcare costs. Applicants for legal aid receiving one of the eligible Centrelink income support payments at the maximum rate will satisfy the income part of the means test.

2. Assets test

The assets test is applied to the applicant's net assessable assets, which are the applicant's gross assessable assets less excluded assets. Examples of excluded assets are household furniture, clothing, work tools, lump sum payments, and home, motor vehicle and farm/business equity up to a certain value.

3. Ability to pay legal costs test

Legal Aid NSW also considers the applicant's ability to pay legal costs, having regard to his or her general assets and ability to realise or secure a loan. The application will be refused where the applicant's lifestyle, activities and/or interests suggest that s/he has access to sufficient means to be able to pay for legal costs.

Policies in brief

Contributions

If you are granted legal aid, you may be required to make an initial contribution based on income and assets. Certain cases are exempt. At the conclusion of the case or the legal aid grant, Legal Aid NSW may recover the total costs of a matter where the applicant has recovered a sum of money or other asset or there is a substantial improvement in financial circumstances.

The means test is applied to all matters, except:

- Legal advice and minor assistance services
- Family, care and protection and civil law duty matters
- Children in Children's Court matters
- Children in care matters
- Children participating in restorative justice programs
- Children represented by an independent children's lawyer after an order of the Family Court
- Children in Family Court proceedings concerning a special medical procedure
- First appearance bail applications in the Local Court
- Some Mental Health Advocacy Service matters
- *Veterans' Entitlements Act 1986* matters for ex-service personnel and their dependants (except for war service pension claims and appeals from the AAT)
- Disabled persons in matters before the Guardianship Tribunal
- Drug Court matters
- Drug and Alcohol Treatment Act 2007 matters (except for appeals)

3. Merit test

There are two merit tests: Merit Test A, used for all criminal and civil law matters and State family law matters, and Merit Test B, used for Commonwealth family law matters.

In State law matters, Legal Aid NSW considers whether it is reasonable in all the circumstances to grant legal aid taking into account, among other criteria, whether the applicant has reasonable prospects of success and whether providing legal assistance will benefit the applicant.

In Commonwealth family law matters, the applicant must satisfy the following three criteria:

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

A merit test is applied to:

- Most non-criminal matters (civil, family, care and protection, administrative law and veterans' matters)
- Appeals in criminal matters
- Supreme Court bail matters
- Some matters associated with Children's Court proceedings (e.g. appeals from the Children's Court to the District Court).

A merit test is not applied to:

- Criminal law matters (except appeals and Supreme Court bail applications)
- Children in the Children's Court
- Disabled persons in matters before the Guardianship Tribunal
- Children represented by an independent children's lawyer after an order of the Family Court
- Most Mental Health Act 2007 matters.

4. Availability of funds test

Legal aid will only be granted if Legal Aid NSW determines that sufficient funds are available.

Contact: For further details about Legal Aid NSW policies, go to Policy Online at www.legalaid.nsw.gov.au or contact the Legal Policy Branch on 9219 5034.

June 2011

Glossary

Advice

Legal advice provided to a client by Legal Aid NSW lawyers and LawAccess NSW. Includes advice given over the telephone.

Applications approved/granted

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

Barrister panel

A Specialist Barrister Panel was developed to provide advices to Legal Aid NSW on the merit of criminal appeals to the Court of Criminal Appeal (CCA) and the High Court; and prepare and conduct appeals before the Supreme Court, the CCA and the High Court.

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 yet been made, including applications which are pending (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.

ATLAS

The Legal Aid NSW grants management system.

CASES

The Legal Aid NSW case management system.

Casework

Civil, family, and criminal 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 been granted but not 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.

Disability Action Plan (DAP)

A plan of action by Legal Aid NSW to provide inclusive services to people with a disability.

Duty services

Legal advice and representation provided at a court or tribunal for some matters not requiring a grant of aid.

EEO

Equal Employment Opportunity.

Family dispute resolution (FDR)

A dispute resolution conference (mediation) facilitated by a neutral third party, that resolves disputes by consensus.

Family law conference

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

FTE

Full-time equivalent. Represents the number of staff positions equating to 35 hours per week.

Grants of aid

See **Applications approved/granted**.

Information

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

In-house

Refers to any legal or other service provided by employees of Legal Aid NSW.

Means test

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

Merit test

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

Minor assistance

Work done in advice sessions (eg. simple correspondence, phone call) but not where a formal legal aid application is submitted.

Multicultural Action Plan (MAP)

A plan showing the actions we are taking to enhance and promote multiculturalism within Legal Aid NSW.

Reporting period

From 1 July 2010 to 30 June 2011.

Social exclusion/inclusion

A situation in which some members of society do not feel part of society because of a range of factors, such as poverty and low income, unemployment, poor skills, isolation, poor health, family breakdown, crime, inadequate housing. Lack of access to reliable legal assistance can be a contributing factor in creating and maintaining social exclusion.

TRIM

Legal Aid NSW records management system.

Financial glossary

Public purpose fund

The Public Purpose Fund has been established under the *Legal Profession Act 2004*, (the Act). The fund is administered by the Law Society of NSW under the direction of its four trustees, three of whom are appointed by the Attorney General, and the fourth being the Director General of the Attorney General's Department. Payments from this fund may be made in respect of costs and expenses incurred by the Law Society, a Council (the Law Society Council or the Bar Council) and the Legal Services Commissioner in connection with the exercise of their functions under the Act.

Payments may also be made from the Fund for certain purposes, including the supplementation of the Legal Aid Fund, the Fidelity Fund and the Law Foundation Fund. Payments may also be made for legal education programs, law reform and improving access to legal information for the people of NSW.

Client contributions

In many cases Legal Aid NSW requires an initial contribution based on income and assets from a person granted legal aid. Certain cases are exempt.

At the conclusion of the case or the legal aid grant, Legal Aid NSW may recover the total costs of a matter where the applicant has recovered a sum of money or other asset or there is a substantial improvement in their financial circumstances.

Community programs

Legal Aid NSW provides funding for the Community Legal Centres Funding Program and the Women's Domestic Violence Court Advocacy Program (pages 35–8, 137–8).

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Note: Entries in bold are reported in accordance with the Annual Reports (Departments) Regulation 2010, Annual Reports (Statutory Bodies) Regulation 2010 and the Commonwealth, State, and Territory Disability Agreement.

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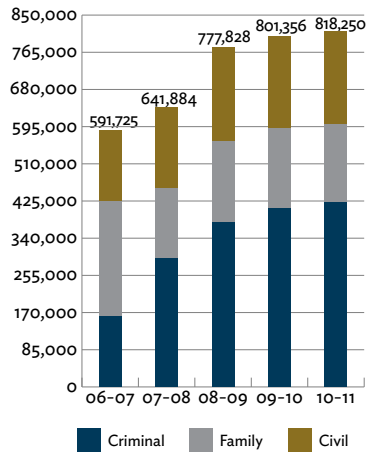
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Five year performance trends

There has been a steady increase in client services

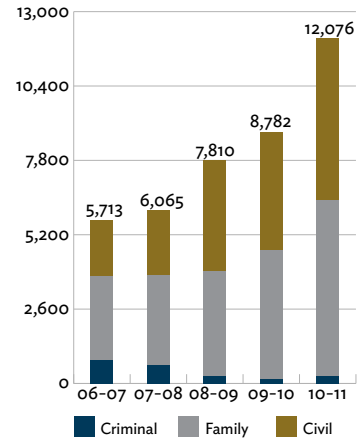
TOTAL CLIENT SERVICES BY LAW TYPE



Client services include legal advice, minor assistance, legal representation, duty services and information services (pages 10, 13-25). Community legal education sessions are excluded.

Minor assistance services have continued to grow significantly

MINOR ASSISTANCE SERVICES

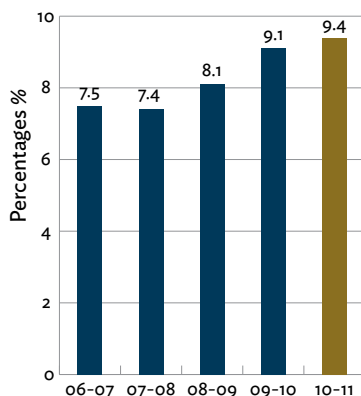


Work done in advice sessions, like letter writing and phone calls, helps people who cannot resolve their problem alone (pages 21, 23).

PRIORITY 1: SOCIAL INCLUSION

We have increased our services to Aboriginal clients

PERCENTAGE OF TOTAL CASE AND IN-HOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS

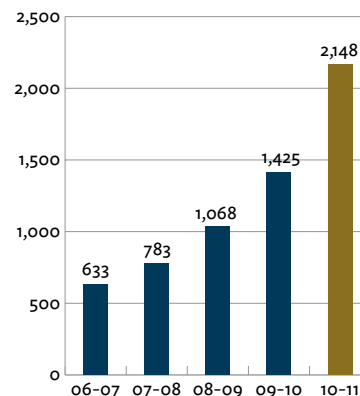


Services to Aboriginal people have increased over five years in all practice areas, with family law now having the largest percentage of Aboriginal clients at 12.7% (pages 15, 22).

PRIORITY 2: ACCESS TO JUSTICE

Community legal education sessions have increased significantly in five years

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS

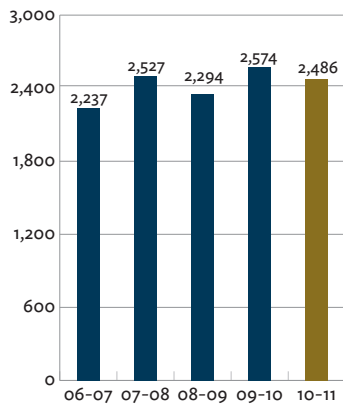


The significant increase in community legal education sessions is a combination of better reporting, coordination and more structured and strategic programs (page 27).

PRIORITY 2: ACCESS TO JUSTICE

Conferences have grown by 11.1% over five years.

TOTAL MEDIATION CONFERENCES IN FAMILY LAW

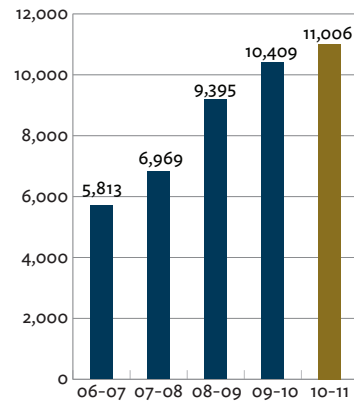


We continue to assist growing numbers of clients to resolve their family law disputes without going to court (page 21).

PRIORITY 2: ACCESS TO JUSTICE

A significant increase in AVL use since inception

AVL CONFERENCES HELD

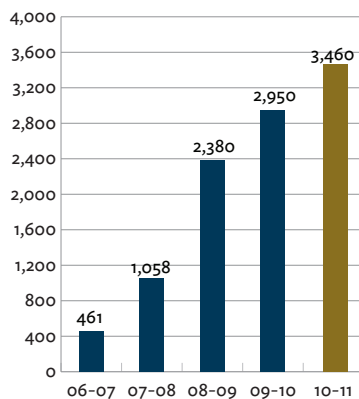


Legal Aid NSW staff use audio-visual link services to conduct interviews and bail applications (page 53).

PRIORITY 3: INTEGRATED SERVICES

There has been a substantial increase in lawyers on panels over five years

LAWYER APPOINTMENTS ON PANELS

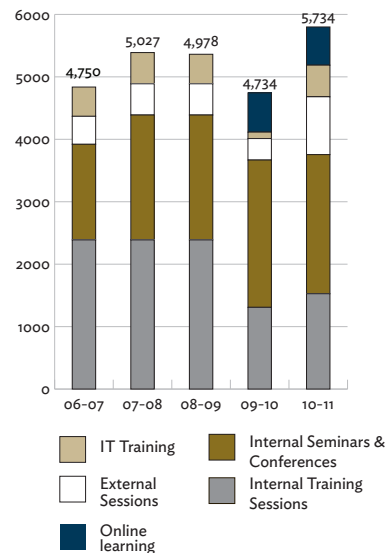


This substantial increase in the number of private lawyers on panels relates to the increases in panels and panel size (page 33).

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

High participation in learning

COURSE ATTENDANCES



Access to the Learning Management System for private lawyers and other external partners has seen a 17% increase in course attendances. See page 48.

Legal Aid NSW offices

Call LawAccess NSW on 1300 888 529 for help over the phone, or your nearest Legal Aid office to arrange a free advice interview.

Central Sydney

323 Castlereagh St
SYDNEY NSW 2000
Tel: 9219 5000
TTY: 9219 5126

METROPOLITAN OFFICES

Bankstown

Level 8, Civic Tower
66–72 Rickard Rd
BANKSTOWN 2200
Tel: 9707 4555

Blacktown

Suite 36–37,
'Kildare Court', Level 2
13–17 Kildare Rd
BLACKTOWN 2148
Tel: 9621 4800

Burwood

Level 4, 74–76 Burwood Rd
BURWOOD 2134
Tel: 9747 6155

Campbelltown

Suite 1, Level 4,
171–179 Queen St
CAMPBELLTOWN 2560
Tel: 4628 2922

Fairfield

Suite 1, Level 2,
25 Smart St
FAIRFIELD 2165
Tel: 9727 3777

Liverpool

Level 4 Interdell Centre
47 Scott St
LIVERPOOL 2170
Tel: 9601 1200

Manly

Ground Floor
39 East Esplanade
MANLY 2095
Tel: 9977 1479

Parramatta

Civil & Family Law

Level 5, 91 Phillip St
PARRAMATTA 2150
Tel: 9891 1600

Criminal Law

Parramatta Justice Precinct
Level 1, 160 Marsden St
PARRAMATTA 2150
Tel: 8688 3800

Penrith

95 Henry St
PENRITH 2750
Tel: 4732 3077

Sutherland

Ground Floor,
3–5 Stapleton Ave
SUTHERLAND 2232
Tel: 9521 3733

REGIONAL OFFICES

Coffs Harbour

41 Little St
COFFS HARBOUR 2450
Tel: 6651 7899

Dubbo

64 Talbragar St
DUBBO 2830
Tel: 6885 4233

Gosford

Level 2, 37 William St
GOSFORD 2250
Tel: 4324 5611

Lismore

Suite 6, Level 4,
29 Molesworth St
LISMORE 2480
Tel: 6621 2082

Newcastle

Level 2, 51–55 Bolton St
NEWCASTLE 2300
Tel: 4929 5482

Nowra

Suite 1, Level 2,
55–57 Berry St
NOWRA 2541
Tel: 4422 4351

Orange

Suite 4, 95 Byng St
ORANGE 2800
Tel: 6362 8022

Tamworth

Level 1, 424–426 Peel St
TAMWORTH 2340
Tel: 6766 6322

Wagga Wagga

Ground Floor, Suite F,
Best Place, Morrow St
WAGGA WAGGA 2650
Tel: 6921 6588

Wollongong

Ground floor
73 Church St
WOLLONGONG 2500
Tel: 4228 8299

Office hours:

Central Sydney:
8.30am to 5.30pm

All other offices:
9.00am to 5.00pm



People who are hearing or speech impaired can communicate with us by calling the National Relay Service (NRS) on 133 677.