

Free legal advice
HERE
every week...same
time...same place



About this report

This annual report reviews and reports our performance, including what we set out to do in our Corporate Plan 2008-2009, based on four key goals.

A special focus this year is providing more services to priority client groups.

Reaching more people around New South Wales through community legal education and outreach programs is another focus, as is developing strong partnerships with other legal service providers.

In this report we refer to ourselves as Legal Aid NSW. Our organisation was established under the *Legal Aid Commission Act 1979*; however the Board endorsed the name Legal Aid NSW in 2006-2007.

Last year's annual report received a Gold Award from the Australasian Reporting Awards—our second Gold Award in two years.

The 2007-2008 report also won the Gold Award in the 2009 Premier's Public Service Awards.

This is our 30th annual report. Next year's report will mark 30 years of legal aid, coinciding with the start of operations in December 1979.

This report and other Legal Aid NSW publications can be downloaded from the Legal Aid NSW website at: www.legalaid.nsw.gov.au

A printed copy may be obtained by contacting us on 9219 5028.

OUR VISION

To ensure that people who are economically and socially disadvantaged can understand, protect and enforce their legal rights and interests.

OUR MISSION

To deliver a range of innovative, high quality legal services to our clients and the community, to assist them to resolve their legal problems.

OUR VALUES

Integrity Acting ethically at all times

Professionalism Providing high quality services

Efficiency Using resources responsibly

Equity Ensuring equal access to services

Innovation Finding better ways to do things



Wiradjuri Elders with Legal Aid NSW staff at a Stolen Wages community forum held at Wagga Wagga Gannambarra Enterprises, October 2008 (page 12).

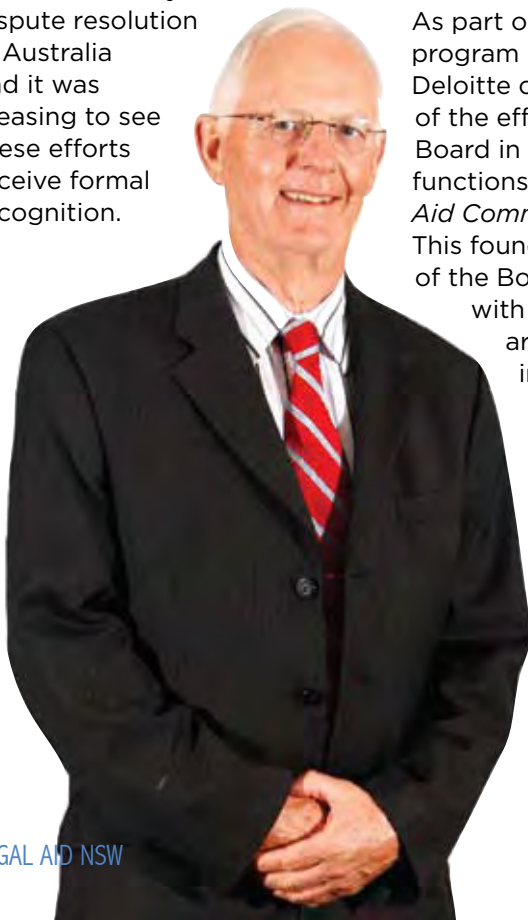
Chairperson's report

On behalf of the Board, I am pleased to introduce the Annual Report for 2008-2009.

During 2008-2009, the Board was briefed on a number of the significant developments detailed in this report.

These include outstanding achievements in community legal education, through innovative programs such as *Burn, Back on Track* and the work of the Older Persons' Legal and Education Program. These programs are excellent examples of providing early advice and education to assist vulnerable people to identify and resolve their legal problems.

Another highlight was the very positive assessment of family dispute resolution services provided by Legal Aid NSW, provided by KPMG as part of an evaluation of dispute resolution services in legal aid commissions across Australia. Legal Aid NSW has been one of the leaders in the use of family dispute resolution in Australia and it was pleasing to see these efforts receive formal recognition.



Making savings

Given growing demand for legal assistance in a tight budgetary environment, the Board was required to consider a number of management proposals for savings measures.

The Board subjected each of these proposals to close analysis, to ensure that they would deliver sustainable cost savings, whilst minimising the impact on services for the most disadvantaged members of the community. The Board was also keen to try to minimise any negative impacts on the many private lawyers across the State upon whom Legal Aid NSW depends in the delivery of legal assistance.

“I commend the staff of Legal Aid NSW for their continuing dedication to the administration of legal aid in NSW.”

Internal audit

As part of the internal audit program of Legal Aid NSW, Deloitte completed an audit of the effectiveness of the Board in carrying out its functions under the *Legal Aid Commission Act 1979*. This found the performance of the Board to be very high, with only a few minor areas identified for improvement.

The past financial year also saw the transition to a new Chief Executive Officer, with the appointment of Alan Kirkland from late July 2008.

I am grateful to Steve O'Connor for the contributions he made as Acting

Chief Executive Officer. I also appreciate the corporate knowledge that Steve continued to bring to the Board throughout the year.

I am delighted how well Alan has settled in as the new CEO. This reflects well not only on Alan's commitment and management skills, but also on the support he has received from the senior management team.

The term of the current Board ends on 30 October 2009 and I have advised the Attorney General that I will not be seeking reappointment.

I wish to record my thanks to the Board, all of whom have provided very valuable input to Legal Aid NSW, drawing on their differing backgrounds and experience.

I would also like to commend the staff of Legal Aid NSW for their continuing dedication to the administration of legal aid in NSW. They are passionate about the charter of Legal Aid NSW to provide equal access to justice and, as its 30th birthday draws near, I think both they and the community can be well pleased with their efforts.

I am proud to have had the opportunity to chair the Board of Legal Aid NSW over the last nine years and I wish it well for the future.

A handwritten signature in black ink that reads "Phillip Taylor".

**Phillip Taylor
Chairperson**

CEO's report

It is a pleasure to present the 2008–2009 Annual Report.

While it is risky to single out any individual highlights, two that deserve special mention are our new Statement of Cooperation with the Aboriginal Legal Service (ALS), which underlines our commitment to a strong, Aboriginal-controlled legal service, and the expansion of the Women's Domestic Violence Court Advocacy Program, which will significantly improve access to justice for women and children in domestic violence situations.

This report provides further detail on these and many other initiatives. It demonstrates our commitment to reporting transparently on our achievements, and on the areas in which we hope to do better over the next year.

“This annual report includes, for the first time, a set of service delivery targets for the coming year.”

Reporting on targets

Significantly, this annual report includes, for the first time, a set of service delivery targets for the coming year. The publication of targets was recommended by the Auditor General in his performance audit, completed in 2006, and supported by the Public Accounts Committee in its review of the performance audit in 2008. We have started with a small set of core targets, linked to strategies in our new corporate plan. Next year, we will report on our performance against these targets. We also hope to add

to the range of targets, as we improve data collection in other areas of service delivery.

Committed staff

Of course, reporting on achievements and targets in some ways obscures the work of the many individuals who make them possible. Every day across New South Wales, staff of Legal Aid NSW answer telephone calls from people in need, advise people on their legal rights, provide representation in court, handle applications for aid, or provide the support services that make all of this possible. Much of this work occurs in challenging circumstances, and I am personally grateful to our staff for their commitment and dedication to assisting disadvantaged people.

Two-year planning

Next year signals the start of a new, two-year corporate plan, with an emphasis on reducing social exclusion, improving access to justice, providing more integrated services for people with multiple needs, and increasing our ability to respond to changing needs. In recent years, Legal Aid NSW has led the way in developing new ways of assisting disadvantaged people, in partnership with community legal centres, the Aboriginal Legal Service, and private solicitors and barristers. I am excited about the possibility of taking some of these ideas further under the new corporate plan.

In closing, I must recognise the enormous effort that goes into the production of this report. Coordinated by a tiny, inhouse publications team, our last Annual Report was the recipient of two major awards: gold medals in the Australasian Reporting Awards and in the New South Wales Premier's Public Sector Awards. This was well deserved recognition for Miranda Jakich, who is the driving force behind this and many of our other high quality publications. This report is yet another example of her excellent work.

I hope that you enjoy reading this report.



Alan Kirkland
CEO



Fact file

Finance

Our total income was \$209.000 million and we spent \$215.928 million.

Of our total expenditure, 48.4% was spent in criminal law, 30.2% in family law, 10.7% in civil law and 10.7% in community programs (Community Legal Centres Funding Program and Women’s Domestic Violence Court Advocacy Program).

See page 62 for details about where our funds come from and how we spend them, and pages 130 and 131 for our community program funding.

People

We employed 912 staff (824.34 FTE), 403 in regional offices and the balance in the Central Sydney office. Of that total, 431 are lawyers and 481 are employed in non-legal roles.

Sixty-six lawyers have specialist accreditation (NSW Law Society qualifications for expertise in their field).

Divisions

Our organisation has four divisions: Legal Services; Strategic Planning and Policy; Grants; and Business and Client Services. See organisation chart on page 56.

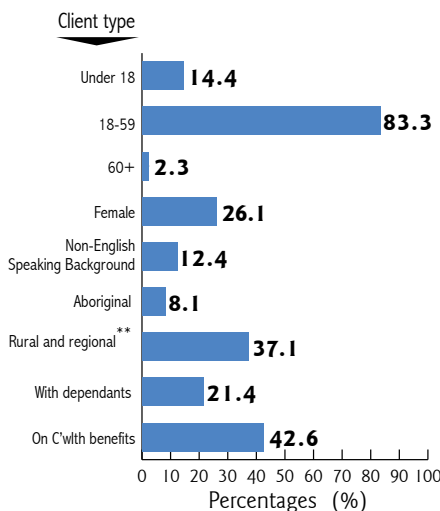
Within Legal Services there are three legal practices—civil law, family law and criminal law (pages 15–20). Each legal practice has a number of specialist services (page 7).

Clients

Our client profile has remained relatively stable in the last five years.

An independent survey of clients using civil law services showed an 86.5% satisfaction rating for our services (pages 10, 15). To improve customer satisfaction, we developed a new Client Service Charter explaining what clients can expect from us, as well as a new complaints brochure and form.

CLIENT PROFILE LEGAL AID NSW*
BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.

**Includes Newcastle and Wollongong

Performance

The operations of Legal Aid NSW are guided by a number of plans, including our corporate plan; results and services plan; information and communication technology strategic plan; total assets management plan; and divisional plans.

Our key performance indicators measure how we are performing in accomplishing our core business. See pages 8–9 for our corporate plan and summary of future goals, and page 10 for our indicators and targets.

Management

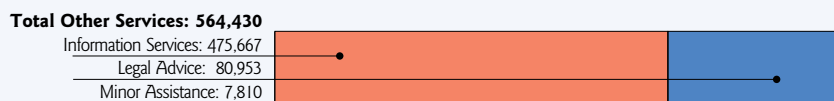
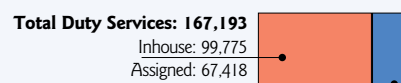
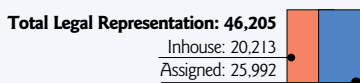
An independent board oversees our long-term strategic direction, whilst the day-to-day management is overseen by the Chief Executive Officer, assisted by an executive team of seven directors. See pages 55 and 57 for their profiles and achievements.

Private lawyers

In 2008–2009, 43.8% of our case and duty services were provided by private lawyers (page 142). These are called assigned matters.

**We provided
777,828 client
services.**

TOTAL CLIENT SERVICES IN 2008-2009: 777,828



Highlights & plans at a glance

Providing effective public legal services became even more crucial during a year of global financial crisis. Despite this climate, Legal Aid NSW still exceeded many of the key performance indicators and achieved the goals set by its Corporate Plan 2008-2009 and divisional plans. We responded with new programs that brought relief to people affected by the deepening crisis. Our work was underpinned by the concept of social inclusion—addressing the very problems that lead to people's disadvantage.

Delivering quality services

- Provided 777,828 client services
- Implemented a mortgage rescue strategy (p 15)
- Assisted over 1,100 Aboriginal clients with Stolen Wages claims (p 12)
- Delivered best practice family dispute resolution services, according to a Commonwealth report (p 17)
- Increased our services for priority client groups (p 12-14)
- Expanded domestic violence services for women to 72 Local Courts (p 31)
- Delivered 215 crime prevention workshops to 7,037 young people (p 22)

Working with our partners

- Extended the Cooperative Legal Service Delivery Program to the Far West and South Coast areas (p 27)
- Increased grants of aid in some regions by 19%, through the Regional Solicitor Program (p 27)
- Signed a new Statement of Cooperation with the Aboriginal Legal Service (p 34)

Building organisational capability

- Launched new case and grants management systems (p 42)
- Completed strategies in our Corporate Plan 2008-2009 and developed our two-year Corporate Plan 2009-2011 (p 43, 58)
- Supported eight positions on the Aboriginal careers program (p 39)
- Implemented three staff reviews (p 41) and four service reviews to ensure continuous improvement (p 12, 19, 24, 31, 43)
- Delivered Aboriginal cultural awareness training to 145 staff and partners (p 37)

Financial management

- Our net financial result for the year was a deficit of \$6.580 million (p 64)
- We made payments of \$95.005 million to private lawyers, including disbursements to other professional services

Promoting fairness and opportunity

- Made 44 law reform submissions (p 51, 137)
- Completed a research project to identify Aboriginal legal needs (p 48)
- Rolled out a statewide legal education program for prisoners (p 49)
- Commissioned a report on our response to domestic violence (p 47)

The year ahead

We will focus on:

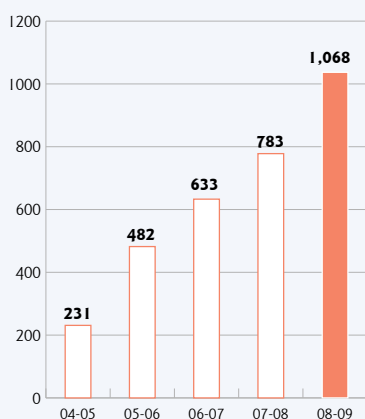
Social inclusion—prioritising services for those at greatest risk of social exclusion;

Access to justice—providing early access to legal help through information; community education and reforms to the legal system;

Integrated services—improving responses to the diverse needs of clients; and

Organisational flexibility—responding to changing legal needs.

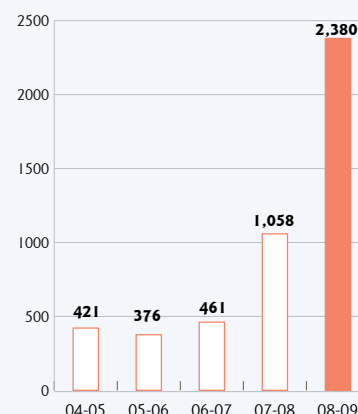
TOTAL COMMUNITY LEGAL EDUCATION SESSIONS 5 YEAR TREND



Community legal education (CLE) sessions rose by 36.4% on the previous year. CLE was a key strategy of our social inclusion program during a time of global financial crisis (p 22).

This substantial increase in the number of private lawyers on panels relates to the increases in panels and panel size (p 32).

LAWYERS ON PANELS 5 YEAR TREND



Our services at a glance

We provide information, legal advice, minor assistance, duty services, representation and community legal education to our clients.

These two pages are a snapshot of our client services. Details about our goals and achievements in client service delivery can be found in the Corporate Plan (pages 8-9) and summaries for Goals 1 to 4 (pages 11-52).

Information

Provided 475,667 information services, an increase from last year.

Our information services are free and can be accessed by the general community. Our staff can help with initial inquiries about a legal problem and legal processes, and provide written information to help clients understand their situation and the availability of legal aid. Our staff help clients work out what to do next, and the best place to go if they need further assistance.

Legal advice and minor assistance

Provided 88,763 advice and minor assistance services, an increase of 7.6% on last year (page 140).

Legal advice is available free to all our clients. Phone advice is available through LawAccess NSW (page 26).

Our lawyers will help clients to identify their problem, inform them of their legal rights and obligations and help them to understand what course of action can be taken.

Lawyers may also draft letters or other documents for clients and make telephone calls on their behalf to help resolve their problem.

Legal representation

Provided representation in 46,205 matters (20,213 inhouse and 25,992 assigned).

Legal Aid NSW provides legal representation in criminal law, family law and civil law matters to people who meet its eligibility tests. See Policies in Brief on pages 151-153.

Clients need to apply for legal aid using our application form. Generally, only people with income and assets below a certain level can obtain legal aid. Most people granted legal aid are required to pay a small contribution towards the costs of their legal representation.

Duty solicitor services

Provided a total of 167,193 duty services (99,775 of these were inhouse and 67,418 were by private lawyers). See table on page 140.

Legal Aid NSW provides lawyers (called duty solicitors) in various courts and tribunals throughout NSW.

Duty solicitors provide advice and/or representation to

people appearing before the Local and Children's Courts on criminal charges. Some matters are able to be finalised on the first appearance. Otherwise the duty solicitor can seek an adjournment for further advice, to arrange a grant of aid or to allow time for further preparation.

A duty solicitor is provided to all persons in custody for a first appearance bail application.

The duty solicitor service is free of charge.

Legal Aid NSW also provides duty solicitor services for people involved in proceedings under the *Family Law Act 1975* and child support legislation. These services include providing advice and information, completing standard documents, and representation based on the guidelines. These services are provided across the State in the Family and Federal Magistrates Courts.

Duty solicitor services are available for children and adults involved in care and protection matters at every specialist Children's Court in NSW, and at many regional courts when they sit as Children's Courts.

The Men's Shed backyard at Bonnyrigg was an opportunity for Matthew Hazard to give an informal talk to people on low incomes about contracts and borrowing money.



The duty solicitor acts for either the children or the parents (or other eligible adults) on the first day that the case is heard by the Magistrate and, wherever possible, applies for a grant of legal aid to continue to act as the lawyer for that client in the ongoing matter.

Legal Aid NSW also provides duty solicitor services for people with a mental illness. Our Mental Health Advocacy Service provides duty services before Magistrates in psychiatric hospitals and Mental Health Review Tribunals.

Publications and community legal education

Distributed almost 170,000 more publications than last year and increased our community legal education sessions by 36.4% (page 22).

We provide free publications and legal education kits to help people in NSW to understand their legal rights and responsibilities.

A full list of publications appears on page 132.

We conduct legal education sessions at venues across the State. These sessions can be tailored to suit the needs of particular groups (page 22).

Youth hotline

Answered 24,382 calls to the hotline, advising 9,908 young people about their legal rights, a 6% increase on last year (page 19).

Our telephone hotline provides legal advice to young people under 18, especially those in trouble with the police. The services operate from 9am to midnight on weekdays, with a 24-hour service from Friday to Sunday and on public holidays (page 20).



Lauren Finestone from the Older Persons' Legal and Education Program attends the Seniors Ball at Paddington Town Hall during Seniors Week 2009.

Family dispute resolution

Held 2,294 conferences, reaching full or partial settlement in 84.7% (full table on page 142).

We provide family dispute resolution conferences in family law matters to facilitate the resolution of disputes at an early stage (pages 17 and 142). Parties are given the opportunity to negotiate a settlement which suits them, without the need to go to court. If a settlement is reached, consent orders may be drafted and filed in the Family Court or Federal Magistrates Court.

FDR is also available for matters in late litigation. Before legal aid is granted for parties to be represented at a final hearing, and, if appropriate, the parties are referred to FDR.

At least one of the parties must have a grant of legal aid before a conference is organised.

Specialist services

Implemented recommendations from a review of the Children's Legal Service and provided prisoners with a more holistic service (pages 19, 49).

Our specialist services are staffed by lawyers who are experts in their field.

Services include:

- Adult Drug Court Service
- Child Support Service
- Care and Protection Legal Service
- Children's Legal Service (criminal matters)
- Client Assessment and Referral Unit
- Coronial Inquest Unit
- Mental Health Advocacy Service
- Older Persons' Legal and Education Program
- Prisoners Legal Service
- Veterans' Advocacy Service
- Youth Drug and Alcohol Court Service

Corporate Plan 2008–2009

CORPORATE PRIORITIES

1 Delivering quality services

Pages
11–24

- 1.1 Continue to improve our understanding of the legal needs of the most disadvantaged clients and priority groups and develop responses that best meet their needs.
- 1.2 Respond to the needs of unrepresented litigants.
- 1.3 Regularly review service delivery strategies and policies to ensure they meet client needs.
- 1.4 Develop and implement methods to advance the care and protection of children.

2 Working with our partners

Pages
25–34

- 2.1 Make better use of the web, to improve access to information on legal issues and services.
- 2.2 Develop and implement community legal education programs for emerging migrant and refugee communities.
- 2.3 Expand and improve outreach services in Aboriginal communities.
- 2.4 Contribute to reforms to the legal system, particularly in relation to dispute resolution, trial efficiency and diversion from the criminal justice system.

3 Building organisational capability

Pages
35–45

- 3.1 Finalise implementation of a new case management system (CASES), grants management system (ATLAS) and document management system (TRIM).
- 3.2 Continue to provide access to training for ongoing professional development.
- 3.3 Review and re-develop our internet and intranet sites.
- 3.4 Promote a healthy, fair and diverse work environment within Legal Aid NSW.
- 3.5 Review long-term strategic planning mechanisms within Legal Aid NSW.
- 3.6 Cost our business.
- 3.7 Promote new corporate identity for Legal Aid NSW.
- 3.8 Improve access to existing corporate information.

4 Promoting fairness and opportunity

Pages
46–52

- 4.1 Identify and participate in research, policy and service delivery initiatives that will uphold and strengthen the protection of people's legal rights.
- 4.2 Promote a better understanding of the legal needs of people in domestic violence matters.

CORPORATE ACTIONS

- 1.1.1 Implement approved recommendations of the civil law ALS outreach review and civil law policies review by 31 March 2009.
- 1.1.2 Establish an older persons' legal and education program by 30 June 2009.
- 1.1.3 Implement strategies to address the legal needs of people with mental illness.
- 1.2.1 Develop and deliver legal education programs for unrepresented litigants in civil, criminal and family law by 30 June 2009.
- 1.3.1 Implement approved recommendations of the Client Assessment & Referral, Children's Legal Service and Library reviews by 31 March 2009.
- 1.3.2 Implement the Aboriginal Justice Service Delivery Plan by 30 June 2009.
- 1.4.1 Develop responses to recommendations from the Special Commission of Inquiry into Child Protection Services in NSW and implement plan of action.
- 2.1.1 Review the fee structure; adopt a methodology for reviewing fees by 31 March 2009.
- 2.1.2 Increase training to private practitioners.
- 2.2.1 Investigate ways of working more effectively with non-legal service providers.
- 2.3.1 Develop a structured framework covering community legal education (CLE) and publications for Aboriginal clients by 30 June 2009.
- 2.4.1 In consultation with CLCs, identify and implement measures for providing improved services to clients in our priority groups.
- 3.1.1 Implement strategies for the successful introduction of:
 - ATLAS on 29 September 2008,
 - the new CASES functionality by 29 September 2008, and
 - the enhanced version of TRIM by 31 March 2009.
- 3.2.1 Implement approved recommendations from the Review of Training/Learning Initiatives and Related Staffing by 30 June 2009.
- 3.3.1 Develop and implement an intranet and internet strategy by 30 June 2009.
- 3.4.1 Deliver advanced Aboriginal cultural awareness training to staff by 30 June 2009.
- 3.4.2 Investigate practical options for improving staff amenity and wellbeing.
- 3.4.3 Implement agreed OH&S and injury management audit recommendations by 30 June 2009.
- 3.5.1 Review our performance measurement and integrate results across all strategic plans by March 2009.
- 3.6.1 Finalise a methodology for obtaining information on the cost of services delivered by our inhouse practices.
- 3.7.1 Incorporate re-branding across operational areas.
- 3.8.1 Develop a knowledge management strategy.
- 4.1.1 Develop service delivery strategies to meet the needs identified through the research project on civil and family law needs of Aboriginal people by 30 April 2009.
- 4.2.1 Implement a statewide service delivery strategy in response to domestic violence by 31 March 2009.

WHAT WE ACHIEVED

- 1.1.1 Implemented recommendations from reviews, policies target people who are most at risk of being socially excluded. Implemented 90% of recommendations in review of civil law outreach services to Aboriginal communities.
 - 1.1.2 Provided 45 education sessions for 1,930 older people.
 - 1.1.3 Developed two online guides to mental health advocacy.
 - 1.2.1 Developed self-help resources on mortgage stress, understanding bail, police powers and recovery orders for children under the *Family Law Act*.
 - 1.3.1 Implemented 90% of recommendations from all three reports.
 - 1.3.2 Plan completed. Development of new plan commenced.
 - 1.4.1 Established a working party and proposed a model for use of alternative dispute resolution.
- 2.1.1 Developed a new framework for criminal law fees for further consultation in 2009-2010.
 - 2.1.2 1,316 private lawyers attended Legal Aid NSW training sessions, (up from 960 in 2007-2008).
 - 2.2.1 Expanded Aboriginal and homeless outreach services in partnership with non-legal service providers.
 - 2.3.1 Through the Aboriginal Services, Employment & Partnerships Plan 2009-2011, developed a strategy for CLE & publications.
 - 2.4.1 Developed partnership projects with CLCs for older people & homeless people. Established a joint Mortgage Stress Legal Support Program with the Consumer Credit Legal Centre.
- 3.1.1 ATLAS, integrated with CASES, introduced in March 2009 & problems arising are being addressed. Full TRIM implementation deferred to 2009-2010.
 - 3.2.1 Recommendations implemented, including an online one stop shop for staff development.
 - 3.3.1 New intranet developed. Internet architecture will be developed in 2009-2010.
 - 3.4.1 Ninety-nine people attended Aboriginal cultural awareness training.
 - 3.4.2 Conducted a staff health survey in June 2009.
 - 3.4.3 All audit recommendations were implemented.
 - 3.5.1 Performance measurement review postponed in line with changes to NSW Treasury's requirements for the Results and Services Plan.
 - 3.6.1 Conducted a cost survey of the inhouse practice; analysis to be completed in 2009-2010.
 - 3.7.1 Corporate rebranding deferred in context of budget pressures.
 - 3.8.1 A proposal for a knowledge manager role was developed and costed; to be pursued in 2009-2010.
- 4.1.1 Completed the survey on Aboriginal legal needs, findings integrated into new corporate plan & divisional plans.
 - 4.2.1 Completed a report on response to domestic violence in November 2008; planning for implementation commenced in June 2009.

FUTURE OUTLOOK

In 2008-2009, Legal Aid NSW developed a new Corporate Plan for 2009-2011. The period of the new plan aligns with the period of reporting of the current Results and Services Plan. This alignment of reporting will contribute to an integration of results across strategic plans.

Priorities identified in our Corporate Plan 2009-2011 reflect a determination within Legal Aid NSW to shape real change in four key areas:

Social inclusion
Prioritise services for those at greatest risk of social exclusion

Access to justice
Early access to legal help through information, community education and reforms to the legal system

Integrated services
Improved responses to the diverse needs of clients

Organisational flexibility
Better understanding of, and responsiveness to, changing legal needs

Measuring performance

Legal Aid NSW has again performed well across key performance indicators (KPIs) in 2008-2009.

These KPIs measure our overall performance in fulfilling our charter, and are distinct from our corporate plan which sets out what we intend to achieve by following identified strategies over a specified period. Legal Aid NSW will continue to review its performance measurement and future plans for 2009-2011, including the development of an integrated suite of demand, cost and efficiency indicators.

PERFORMANCE AREA	KEY PERFORMANCE INDICATORS		
	RESULT 06-07	RESULT 07-08	RESULT 08-09
Community awareness of legal rights and responsibilities			
Client satisfaction rating	N/A (survey not conducted during 2006-07)	N/A (survey not conducted during 2007-08)	86.5%*
Average waiting time for advice appointments	0.86 weeks	1 week	0.93 weeks
Number of information services provided	322,774	361,736	475,667
Rate per 100,000 of NSW population accessing information services	4,666	5,177	6,739
Number of advice and minor assistance services provided	84,122	82,469	88,763
Rate per 100,000 of NSW population accessing advice & minor assistance services	1,216	1,180	1,258
Number of publications distributed	368,888	382,405	548,203
Rate per 100,000 of people accessing publications	5,320	5,472	7,767
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	52.6%	60.9%	58.5%
Percentage of Local Court sittings serviced by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive inhouse file reviews	97%	96%	96%
Number of Legal Aid NSW lawyers with specialist accreditation	72	69	66
Number of Legal Aid NSW lawyer's attendances at training sessions	2,327	2,060	1,813
Number of private lawyer's attendances Legal Aid NSW training sessions	820	960	1,316

*Survey based on civil law clients only.

Service delivery targets

A recommendation of the Auditor General's report, *Distributing legal aid in NSW*, was that Legal Aid NSW extend its reporting to include the number of services delivered against targets. Although Legal Aid NSW reports against targets in key areas of service delivery in State Budget papers, this is the first time that we have identified service delivery targets for inclusion in the annual report.

The identification of targets for specific service delivery measures reflects corporate priorities identified for 2009-2011 and will assist us to plan and deliver better quality services.

Targets have been identified for the following measures:

Measure (total number)	Target 2009-2010
Legal advice services	81,000
Information services	480,000
Inhouse and assigned duty services	167,000
Conferences—family dispute resolution	2,350
Community legal education sessions	930
Outreach advice services	6,900
Locations with regular outreach	102
Locations with regular outreach for Aboriginal communities	14

The service delivery targets have taken into consideration increasing demand for Legal Aid NSW services, and reduced funding from the Commonwealth.

A conservative approach has been adopted as this is the first time we have set these targets. Our performance against them will be regularly monitored, and some adjustments may be made to the targets in future.



Lawyers Sally Bryant (left), Kimberlei Goodacre (centre) and Ting Lim providing homeless people in Kempsey with legal advice.

Photo courtesy of Colffs Coast Advocate



GOAL 1

DELIVERING QUALITY SERVICES

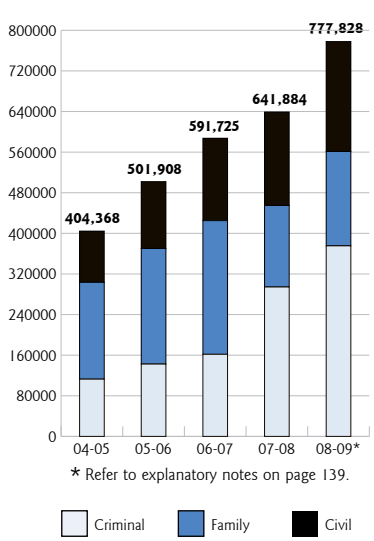
Key achievements

- Provided additional services for four priority client groups
- Expanded services in legal practices
- Conducted many successful cases

Provide consistent and equitable access to high quality services

We provided 777,828 client services**

TOTAL CLIENT SERVICES BY LAW TYPE 5 YEAR TREND



**Client services include legal advice, minor assistance, legal representation, duty services and information services (community legal education is excluded). Individual clients may have received more than one service in any given year (or across years).

IN THIS SECTION

Priority client groups 12

Legal practice highlights (civil, family, criminal)..... 15

Client diversity 21

Community legal education..... 22

Private lawyers 24

Priority client groups

In the Corporate Plan 2008-2009, Legal Aid NSW identified four priority client groups to improve our understanding of the range of legal problems faced by some of our most disadvantaged clients, so we could develop policies and programs to better meet their needs.

PRIORITY CLIENT GROUP 1

Aboriginal people

Improving legal services to Aboriginal clients became a key priority in 2006 when Legal Aid NSW established an Aboriginal Services Unit to guide our work in this area. In three years, Aboriginal service delivery has become a core part of all planning and service delivery initiatives.

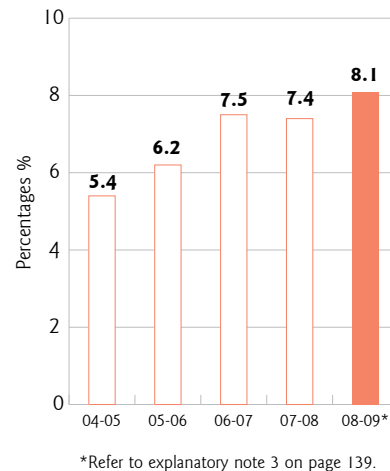
The 2008-2009 Corporate Plan has five Aboriginal-specific strategies, giving staff and management many opportunities to make a meaningful contribution.

An Aboriginal Justice Committee advises the CEO on Aboriginal justice initiatives, service delivery, employment strategies, and building strong partnerships with external bodies (membership on page 147).

The Aboriginal Justice Service Delivery Plan 2007-2009, which guided the implementation of our Aboriginal-specific initiatives, was successfully implemented. It will, along with the Aboriginal Employment and Career Development Strategy, form the basis for our new Aboriginal Services, Employment and Partnerships Plan 2009-2011, which seeks to further improve services to Aboriginal clients and support Aboriginal staff.

The Care and Protection Legal Service helped develop a Care Circles pilot at Nowra Children's Court, in partnership with the Attorney General's Department and the Department of Community Services. Care Circles allow Aboriginal community representatives to make recommendations to Children's Magistrates about Aboriginal children in care

PERCENTAGE OF TOTAL CASE AND INHOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS 5 YEAR TREND



*Refer to explanatory note 3 on page 139.

matters. We funded inhouse and panel lawyers to attend Care Circles for their clients and helped train inter-agency partners.

Almost all the recommendations made by a review of civil law outreach services to Aboriginal communities were implemented. Legal Aid NSW now conducts regular outreach

Stolen Wages claims

Legal Aid NSW staff assisted over 1,100 people to register for stolen wages claims.

Up until 1969, the NSW Government had legislative authority to place many Aboriginal workers' wages and other entitlements such as pensions and child endowment payments directly into trust fund accounts. When the trust fund accounts were abolished, the money was not returned to its rightful owners and instead went into consolidated revenue. The practice of withholding wages and other entitlements contributed to a legacy of poverty and disadvantage in many Aboriginal communities.

In 2005, the NSW Government established the Aboriginal Trust Fund Repayment Scheme (the Scheme) to repay Aboriginal people the wages and other monies that were held in trust and never repaid. The deadline for all Stolen Wages claims in NSW was 31 May 2009.

Legal Aid NSW was aware that many Aboriginal people did not know about the Scheme. In the lead up to the claims deadline, we presented community forums and conducted outreach to assist Stolen Wages claimants at a number of Aboriginal Legal Service offices and prisons — as well as 45 locations statewide.

Lawyers and support staff from most regional offices rearranged work priorities in order to get claims registered on time as the deadline approached. In a few short months Legal Aid NSW staff assisted more than 1,100 people to register for Stolen Wages claims across NSW.

We developed excellent contacts with Aboriginal communities particularly in remote areas and will draw upon these experiences as we try to improve the quality of our outreach services to Aboriginal communities in the year ahead.

for Aboriginal communities at a number of locations including Redfern, Blackett, Kempsey, Newcastle, Toronto, Lismore, Wollongong and Nowra.

A highly successful pilot program was launched in the Mt Druitt area, providing family law and care and protection advice and assistance to Aboriginal people.

Other achievements include a well-attended weekly family and civil law outreach service at the Marrin Weejali Aboriginal Corporation in Blackett and a family law outreach at the Holy Family Centre in Emerton.

We produced a series of radio plays for young Aboriginal people based on the adventures of a Koori superhero called 'Super Cuz', who fights for justice on issues such as bullying, discrimination, policing and consumer problems.



Matthew Hazard and Mary Lovelock help Aboriginal people at Toomelah fill out claims forms for recovering Stolen Wages.

The year ahead

Provide more community legal education and outreach advice clinics to Aboriginal communities throughout NSW.

Launch Super Cuz and use the radio plays in legal education workshops in high schools.

Key challenge

Working successfully with the Aboriginal Legal Service (NSW/ACT) and other Aboriginal organisations to ensure our services are integrated and easy for clients to find and use.

PRIORITY CLIENT GROUP 2

Older people

The Older Persons' Legal and Education Program aims to improve access to legal education, legal advice and casework for older people. It comprises a specialist unit within the civil law practice and is delivered in partnership with the Aged-care Rights Service.

This year, Legal Aid NSW conducted 45 legal information sessions on substitute decision-making, end-of-life planning, protecting assets and other legal issues. Just under 2,000 older people and community workers in NSW took part.

Three information forums were held in regional NSW, reaching 265 older people.

Legal Aid NSW also launched an inter-agency initiative, the *Planning Ahead Pilot Project*, in collaboration with the Law Society of NSW, the Benevolent Society and Central Coast Case Management Services. This project enables disadvantaged clients of those two services to obtain free legal advice and/or have wills, powers of attorney and enduring guardianship appointments drawn up by private lawyers.

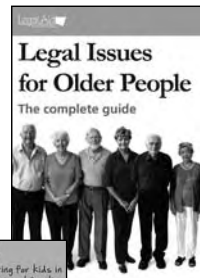
An extensive body of resources was developed this year, including a poster, seven plain language brochures on key legal issues for older people, information for Aboriginal grandparents, a multi-pack of audio brochures for libraries and residential facilities, and translations for Arabic, Chinese, Greek, Italian and Vietnamese older people.

The year ahead

Provide more education programs for culturally and linguistically diverse communities and Aboriginal older people using our new resources.

Key challenge

Enhance access to legal services for older people by developing projects with agencies that deliver support services to this target group.



An extensive body of resources was developed this year on key legal issues for older people, including a poster and several plain language brochures.

PRIORITY GROUP 3

Homeless people

Throughout 2008-2009, the civil law practice established a network of outreach clinics for homeless people throughout NSW.

Clinics provide advice, minor assistance and casework services to homeless people, as well as delivering community legal education to community workers on areas of law that particularly affect homeless people (e.g. fines, debt, housing, mental health orders and social security). These clinics also work closely with welfare agencies to ensure non-legal needs are addressed.

After increasing the number of homeless outreach clinics this year, we now have clinics in Blackett, Coffs Harbour, Kempsey, Grafton, Newcastle, Wollongong, Port Kembla, Nowra and Parramatta.

According to the 2006 Australian Bureau of Statistics Census figures, 39% of homeless people in NSW are under 25.

In May 2009, Legal Aid NSW, in collaboration with Southern Youth and Family Services, launched a service to help young homeless people deal with their legal issues, such as fines and other debt problems, in order to try to break the cycle of homelessness. The location at an existing youth service makes the service more accessible, overcoming the barrier of drawing homeless youth to a new location.

LOCAL NEWS

Legal help offered as homelessness rises

LEGAL AID NSW has a new service to help homeless people and those at risk of becoming homeless. The service includes weekly drop-in legal advice clinics in Coffs Harbour and Kempsey.

"Our experience is that issues like rising levels of debt and repossessions of homes have led to an increase in the number of people that are homeless or at risk of being homeless," senior civil law solicitor at Coffs Harbour Legal Aid Sally Bryant said.

These clinics are designed to overcome some of the fundamental barriers faced by homeless people in accessing legal services by providing face-to-face legal services in locations that are familiar and frequently visited by homeless people.

The Coffs Harbour clinic is held at the Uniting Church, next to the Soup Kitchen, every Tuesday between 11am and 1pm. It is a drop-in session and no appointments are necessary.

"Our aim is to assist homeless people deal with their legal issues, such as fines and other debt problems, in order to try and break the cycle of homelessness, or prevent circumstances leading to homelessness," Ms Bryant said.

The year ahead

Expand our homeless outreach program to more locations.

Work closely with other service providers to increase advice, education and casework services to homeless people.

Key challenge

Provide a more holistic approach to the needs of homeless people by integrating legal service delivery with non-legal support services.

PRIORITY CLIENT GROUP 4

Clients with a mental illness

The Mental Health Advocacy Service (MHAS) provides duty representation before Magistrates and the Mental Health Review Tribunal in 20 psychiatric units in metropolitan and central Sydney for people who are subject to involuntary treatment or detention under the *Mental Health Act 2007*.

The Service also coordinates assigned duty representation before the Mental Health Review Tribunal in 19 regional psychiatric units spread throughout NSW.

Its other core areas are representing forensic patients under the *Mental Health (Forensic Provisions) Act 1990*, and acting in proceedings before the Guardianship Tribunal.

Annually, MHAS represents over 300 forensic patients who are either in mental health facilities, prisons or released into the community, the majority of whom are found not guilty by way of mental illness.

In the news: Legal Aid NSW at the forefront of homeless assistance. Courtesy of *Coffs Harbour Advocate*.

This year the MHAS provided over 7,000 duty services. The Service successfully advocated on behalf of:

- an Aboriginal forensic patient to be released into supported accommodation, after being previously rejected for release;
- a client with an intellectual disability for revocation of a financial management order; and
- a patient with an intellectual disability being provided with supported accommodation and services in the community.

This year, we increased our community legal education sessions in hospitals and in the community, explaining legal aid policies in mental health law and practice.

The year ahead

Respond to changes to forensic practices under the *Mental Health (Forensic Provisions) Act 1990*.

Implement new service delivery practices in response to changes in the conduct of mental health inquiries.

Key challenge

Meet the increasing demands for representation of patients in mental health inquiries and the increasing number of applications for community treatment orders.

Civil law highlights

The civil law program provides legal advice, minor assistance, duty and casework services to people throughout NSW. It has unique expertise in delivering cost-effective services to disadvantaged communities in a broad range of general law.

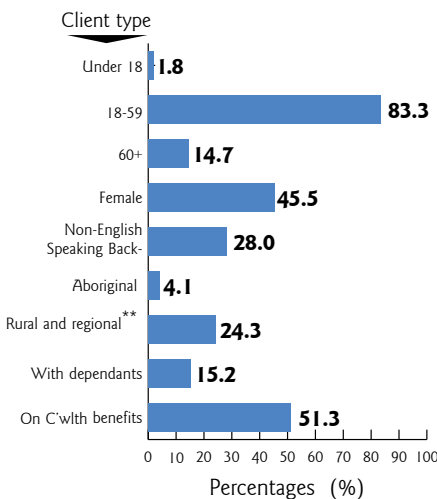
This practice is the largest civil law practice of all legal aid commissions in Australia, comprising a civil litigation practice based in the Central Sydney office and 13 smaller practices based in regional offices. The practice also has three specialist services: the Mental Health Advocacy Service; the Veterans' Advocacy Service; and the Coronial Inquest Unit.

Civil lawyers undertake community outreach work, particularly in areas where no civil law legal service is available, through clinics in more than 30 locations across NSW.

Total expenditure: \$23.209M
State: \$17.669M
Commonwealth: \$5.540M

10.7% of our overall budget was spent on civil law services.

CIVIL LAW CLIENT PROFILE*
BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.
 **Includes Newcastle and Wollongong

Major achievements

Client satisfaction

Legal Aid NSW commissioned Iris Research to survey clients using civil law services, consistent with Priority S8 of the NSW State Plan—*Increased customer satisfaction with Government services*.

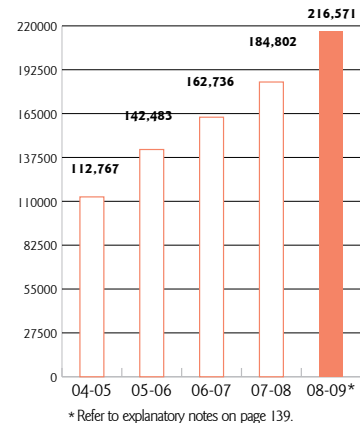
Iris surveyed 351 clients between October 2008 and March 2009. The majority surveyed (90.6%) said they would recommend the services of Legal Aid NSW to another person.

We began implementing recommendations from a review of civil law policies, making sure our policies target people who are most at risk of being socially excluded.

Mortgage rescue

Incidences of people under financial stress rose sharply this year. To meet the growing demand for assistance, mortgage stress information forums were held across NSW, explaining what people could do and where to find help. Forums were held in Newcastle, Dapto, Albury and Wagga Wagga, following on from Parramatta, Gosford and Rooty Hill in 2007-2008. Forums were conducted in partnership with the NSW Consumer Credit Legal Centre, the Office of Fair Trading and LawAccess NSW.

TOTAL CIVIL LAW CLIENT SERVICES 5 YEAR TREND



Legal Aid NSW also published a *Mortgage Stress Handbook*. The handbook has its own website at <http://www.legalaid.nsw.gov.au/mortgagestresshandbook/>. By 30 June 2009, close to 11,000 copies had been distributed and 3,700 visits were made to the website.

These strategies contributed to Priority F4 of the NSW State Plan: *Embedding the principle of prevention and early intervention into Government service delivery*.

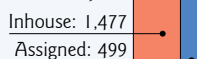
New legal service

The NSW Public Purpose Fund approved funding for a Mortgage Hardship Support Service to assist people taking action to solve their mortgage problems. This is a joint program with the NSW Consumer Credit Legal Centre (CCLC), which will see additional resources being placed at the CCLC and our Parramatta and Gosford regional offices. The program has two main objectives:

We increased our civil law advice and minor assistance services by 19.7%.

TOTAL CIVIL LAW CLIENT SERVICES IN 2008-2009: 216,571

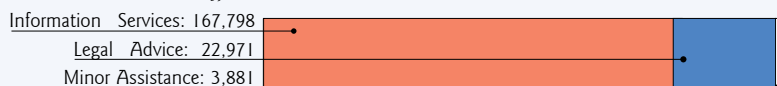
Total Legal Representation: 1,976



Total Duty Services: 19,945



Total Other Services: 194,650



assisting people experiencing mortgage stress to save their home; and, where appropriate, assisting people to leave their homes with minimal loss and disruption.

The new service also includes a duty service scheme at the NSW Supreme Court for unrepresented defendants facing repossession proceedings.

Civil law cases

Case 1 Financial abuse

An 87-year-old client had contributed \$555,000 towards the purchase of a property for herself and her nephew and his family. She did this through the sale of her unit and by withdrawing savings from bank accounts. Our client was not registered on the certificate of title. The relationship broke down and our client was forced to move into rented accommodation. The defendants claimed the money was a gift. We argued in the Supreme Court that the arrangement created a resulting trust, constructive trust or equitable charge. The case settled with the nephew agreeing to sell the property and the proceeds being split in accordance with the agreement reached by the parties.

Case 2 Homeless client

Our client was a ward of the State, abused while in care and highly disadvantaged. Her life included problems with drug use and moving from place to place. In this context she accumulated fines for riding a train without a ticket and unlicensed driving. Our client had seven outstanding penalty notice enforcement orders amounting to \$2,512. She also had three children whom she placed in temporary care while she went to drug rehabilitation.

On the basis of evidence setting out her life and recent history, we made compelling applications for the fines to be annulled.

Our client left court with no fines and no court costs, which means she can now arrange to renew her drivers licence and drive her children to and from school.

Case 3 Housing

Scicluna v NSW Land and Housing Corporation [2008] NSWCA 277

We acted for a housing tenant in the Supreme Court, appealing a decision to terminate his lease. The initial decision was not favourable but our appeal to the Court of Appeal was successful.

The case provides a clear judicial statement on the correct questions to decide in these cases.

The year ahead

Address social exclusion through our advice and legal practice as well as special projects. This will include:

- targeted outreach to locations experiencing high levels of disadvantage;
- further early intervention programs to help people in financial stress using new resources; and
- more outreach programs for homeless people and Aboriginal communities.

Key challenge

The global economic downturn is having a major impact on civil law services. Disadvantaged and broader communities are experiencing higher levels of debt and financial pressure. Our challenge is finding ways to meet this growing need. Our main method for addressing social exclusion caused by financial strain will be to work closely with non-legal support services to develop integrated service models.

Inquest raises safety issues

The Coronial Inquest Unit represented a widow at the coronial inquest into the death of her husband, whose car fell from the second level of the Carlton Crest car park in Thomas St Haymarket in 2006. Our client's husband was reversing his car into a car park whilst his wife was standing outside the car directing him.

Deputy State Coroner Dillon found that there was no evidence to support that the deceased was in any way at fault for the accident. The Coroner found that the car park did not meet the relevant building standards for vehicle or pedestrian safety.

The Coroner made wide-ranging recommendations including that the building be upgraded as a matter of urgency to meet the current standard. He also recommended that Ministers responsible for Local Government and Planning take steps by legislation or regulation to institute a system whereby Councils require an annual "green slip" type inspection by a structural engineer to be carried out by the owners or operators of above-ground car parks to ensure that vehicle and pedestrian safety barriers comply with relevant Australian Standards.

Family law highlights

The family law practice provides legal advice, minor assistance, duty services and representation in Commonwealth family law matters, including child support matters, and in State care and protection matters at 21 locations across the State.

Family dispute resolution conferences are provided across NSW. Specialist legal services are offered in care and protection and child support. Outreach services are provided in 45 locations, offering family law services in regional centres where there are no Legal Aid NSW offices. Community legal education and law reform work are also part of the practice's role.

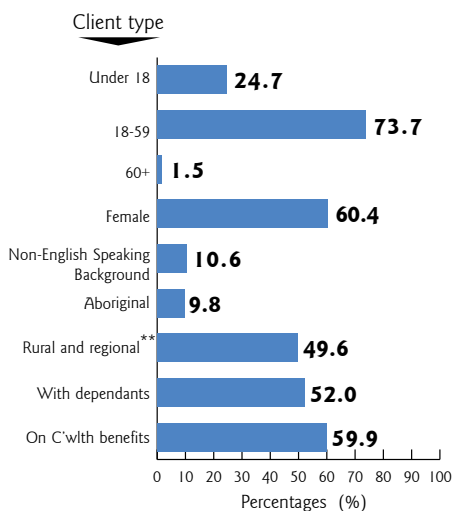
Total expenditure: \$65.239M

State: \$22.159M

Commonwealth: \$43.080M

30.2% of our overall budget was spent on family law services.

FAMILY LAW CLIENT PROFILE* BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.
**Includes Newcastle and Wollongong

Major achievements

Resolving family disputes

Legal Aid NSW is a designated family dispute resolution provider.

In 2008-2009, our Family Dispute Resolution (FDR) Unit held more mediations (conferences) than any other Australian legal aid commission: 2,294 with a full or partial settlement rate of 84.7%.

In April 2009, the Commonwealth Attorney-General released an evaluation report on dispute resolution services in legal aid commissions across Australia. The evaluation identified a number of strengths of the Legal Aid NSW model as well as opportunities for improvement. It found that Legal Aid NSW provides a highly cost-effective model. The \$26 million invested into the FDR program is estimated to generate over \$42 million of savings in court events.

In November 2008, FDR services expanded to provide a specialist mediation model for matters already in courts called 'late litigation'. Before aid is granted for a final hearing, these matters are now referred for dispute resolution if one of the parties is legally aided and the matter is appropriate.

Traineeships were introduced for Aboriginal mediators so we can provide culturally appropriate mediation services for Aboriginal clients. Three mediators successfully gained accreditation and joined our mediation panel.



Aboriginal mediator Tony Amatto and mediation conference organiser Juan Samiento plan the scope of statewide Aboriginal mediation services.

New resources

We published two resources during Law Week to help families obtain recovery orders in family law situations. The online versions can be viewed at: www.legalaid.nsw.gov.au/pubsonline

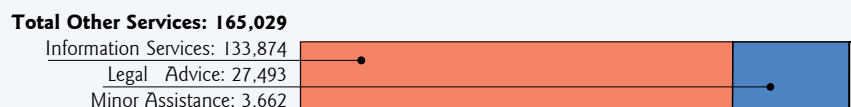
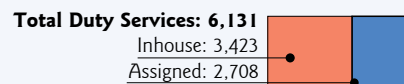
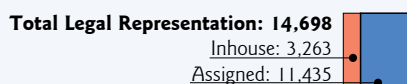
Work was completed on a new self-help guide for people involved in contravention proceedings.

Child support

A duty scheme for child support matters was launched at the Parramatta and Sydney registries of the Federal Magistrates Court. Each registry has increased the number of days that the Court deals with child support

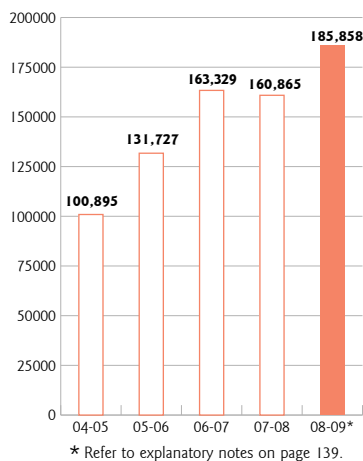
We provided legal advice and minor assistance in 31,155 family law matters, an increase of 8.8% on last year.

TOTAL FAMILY LAW CLIENT SERVICES IN 2008-2009: 185,858



matters. Our Child Support Service met this demand by providing specialist lawyers on days when child support matters are listed.

TOTAL FAMILY LAW CLIENT SERVICES 5 YEAR TREND



Family law cases

Case 1 High Court allows mother's appeal

We acted on behalf of a mother who was the respondent to an application under the Hague Convention on International Child Abduction. She was granted legal aid after the case had been determined at first instance and on appeal by the Full Court of the Family Court. On both occasions, the Court made orders requiring the mother to return overseas with the children. She then sought and was granted special leave to appeal to the High Court.

The matter proceeded to a hearing before the Full Court of the High Court in February 2009. The main issue on appeal was how the Court should determine whether children are "habitually resident" in a particular country and, especially, whether the Court should follow Australian and English authorities or more recent New Zealand authorities.

The High Court delivered an unanimous judgment on 11 March 2009, allowing our client's appeal with costs. The Court approved the New Zealand approach to the determination of habitual residence and found that the children were not habitually resident overseas at the time of being kept in Australia.

Case 2 A mediation first

The Family Dispute Resolution Unit trialed an unusual mediation with a successful outcome. Legal Aid NSW was representing a parent in a Hague Convention child abduction matter. The Family Court ordered that both parents attend mediation through a video linkup, in an attempt to resolve their differences and avoid a court hearing. It was the first time our Court Dispute Resolution Program was chosen as the channel for mediation in a matter of this type.

The conference involved both parents and their lawyers. The parent living overseas took part by video link, courtesy of the Family Court and its staff.

Both parents were able to express their main concerns and proposals. The conference settled within the two hours allocated by the Court.

The parenting agreement led to final court orders and the withdrawal of the Hague application for the return of the child. Both parties were saved a significant amount of time, stress and money.



Photo courtesy of Law Society Journal

Parramatta duty lawyer, Anna Boldiston at the launch of the self-help kit for parents during Law Week.

Changing laws and amendments

We established a working party to focus on implementing changes resulting from the Wood Report from the Special Commission of Inquiry into Child Protection Services. The working party developed Legal Aid NSW responses to recommendations, commented on legislative amendments, and participated in specialist focus groups.

The year ahead

Continue the work resulting from the Wood Report.

Improve our family dispute resolution service using the findings from the external evaluation.

Conduct more mediations for Aboriginal clients with the help of our new accredited Aboriginal mediators.

Launch the self-help kit on contravention orders and use it to conduct community legal education sessions at Family Court registries.

Key challenge

Responding to continued growth in demand for family law services in the context of no additional Commonwealth funding.

Criminal law highlights

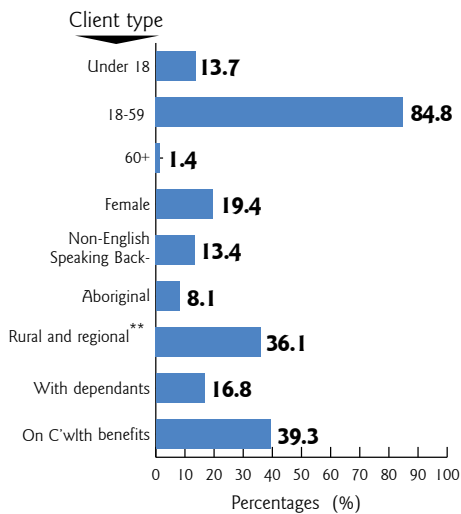
The criminal law practice provides legal advice, minor assistance, duty services and representation in all criminal courts from the Legal Aid NSW Central Sydney Office and 19 regional offices. It also provides legal representation and other legal services at specialist courts including Children's Courts, the Parole Authority, the Adult Drug Court and the Youth Drug and Alcohol Court.

The services provided across NSW include representation in all jurisdictions from the Children's and Local Courts to the High Court. The practice provides community legal education and outreach and advice clinics as well as participating in law reform.

Total expenditure: \$104.411M
State: \$94.292M
Commonwealth: \$10.119M

48.4% of our overall budget was spent on criminal law services.

CRIMINAL LAW CLIENT PROFILE* BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.
 **Includes Newcastle and Wollongong

Major achievements

Young people—service review

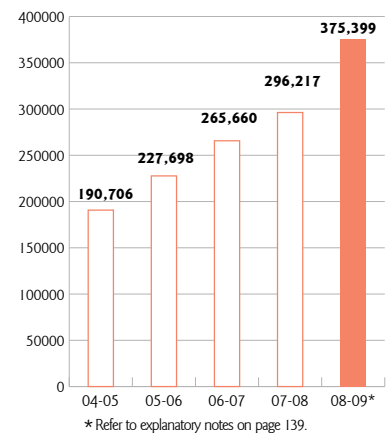
One of the key targets of the Corporate Plan 2008-2009 was to implement recommendations from a review of the Children's Legal Service. These included:

- relocating our staff to Parramatta Justice Precinct to service the large new multi-court complex;
- employing more staff to roll out our crime prevention program to schools around the State (page 22); and
- recruiting skilled lawyers to assist young people charged with serious offences; and
- training private lawyers in regional areas who work in children's law and are rostered on our Youth Hotline.

Young people—service increase

Two of our key services for young people in trouble with the law – the Youth Hotline and the Visiting Legal Service in juvenile justice centres, experienced a large increase in demand. This year, the hotline received 24,382 calls, a 6% increase on last year (22,996 calls), advising 9,908

TOTAL CRIMINAL LAW CLIENT SERVICES 5 YEAR TREND



young people about their legal rights. Lawyers provided 1,561 advice services to young detainees, compared to 1,078 in 2007-2008.

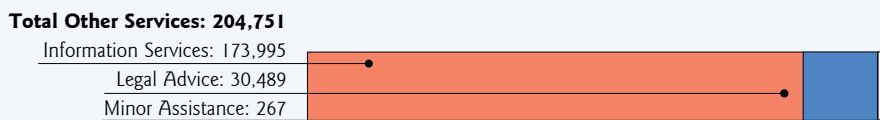
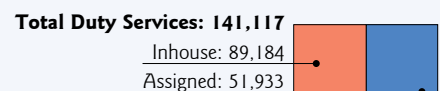
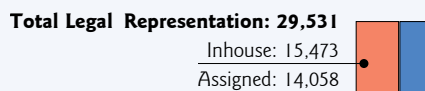
Reducing crime

Although this practice's main role is to provide advice and representation services for people charged with criminal offences who appear in criminal courts, we also contribute to crime prevention and diversionary programs aimed at reducing re-offending.

We took part in diversionary programs, including circle sentencing for Aboriginal offenders; forum sentencing, bringing together offenders and victims; the Magistrates Early Referral into Treatment drug treatment and rehabilitation program; and the Rural Alcohol Diversion Program, that provides adults with alcohol abuse or dependence problems the opportunity of rehabilitation as part of the bail process.

We provided 30,756 criminal law advice and minor assistance services to our clients.

TOTAL CRIMINAL LAW CLIENT SERVICES IN 2008-2009: 375,399



Young people were provided with alternatives to custodial sentences through the Youth Drug and Alcohol Court and Youth Justice Conferencing programs.

Legal Aid NSW is a member of the inter-disciplinary NSW Adult Drug Court team, providing legal assistance to all defendants appearing before the Court.

In February 2009 the Drug Court marked its 10th anniversary. This year, 317 participants were referred to the Adult Drug Court and 65 to the Compulsory Drug Treatment Correctional Centre. In total, 43% of participants received a non-custodial sentence*.

*Source: NSW Attorney General's Department.

Criminal law cases

Case 1 Miscarriage of justice

Director of Public Prosecutions v Emanuel [2009] NSWCA 42

Our client was charged with various offences to which he intended to plead not guilty. The matter was set down for hearing in the Local Court. The grant of aid was terminated for this client. He appealed to the Legal Aid Review Committee (LARC) against the decision terminating his grant of aid. He was unrepresented when he appeared in the Local Court. He applied for an adjournment in the Local Court on the date the matter was listed for hearing so that his LARC appeal could be determined. The application was refused and the matter proceeded without the client being represented. He was found guilty and sentenced.

He lodged a District Court appeal, but the issue of whether the Local Court properly determined his adjournment application ended

up being heard in the Court of Appeal.

The Court of Appeal determined that the Local Court did not properly consider his application for an adjournment as it did not consider the factors outlined in s57 of the *Legal Aid Commission Act 1979*.

In sending the matter back to the Local Court to be heard afresh by a new Magistrate, the Chief Justice of the Supreme Court said:

"Whereas here, an accused may have a statutory entitlement to an adjournment for the purpose of obtaining legal aid, there has been a denial of a reasonable opportunity to present his case...Accordingly he did not receive a fair trial".

Case 2 Beneficial interpretation

In representing a client appearing in the Drug Court, we ran an important argument seeking to clarify eligibility for our clients taking part in the Drug Court Program under s54(1)(b) of the *Drug Court Act 1998*.

The Drug Court Program applies both to people who are seeking admission to the program before sentence and, under the Compulsory Drug Treatment Correctional Centre Program (CDTCC) and, to those people who are in custody having been sentenced. The *Drug Court Act* is beneficial legislation in that it aims to address the causes of offending behaviour, where such behaviour contributes to or is caused by drug addiction. The same applies to the CDTCC.

On a strict view of the relevant legislation, this client was not entitled to be admitted to the program as he had received a fixed term of imprisonment, rather than a sentence involving a parole period.

The Drug Court however decided that this client should be eligible given his long-standing drug addiction and many previous sentences of imprisonment. This interpretation was consistent with the principle that any ambiguity in beneficial legislation such as this, should be construed generously.

This interpretation should result in other worthy applicants becoming part of the Drug Court Program.

Changing laws

In 2007, the Government introduced laws to prevent accused persons from making repeat applications for bail in the absence of new facts or circumstances. This has changed the advice given by lawyers in bail applications. To help people understand these changes, we published plain English brochures and translated them into Arabic, Chinese and Vietnamese.

The year ahead

Develop more resources for unrepresented litigants.

Expand community legal education to disadvantaged client groups.

Take part in new diversionary programs to help reduce clients' offending behaviour.

Better assist clients with mental health issues and intellectual disabilities to be diverted from the criminal justice system through rehabilitative treatment plans.

Key challenge

Allocating extra lawyers and support staff to the Parramatta area to match the concentration of courts at the Parramatta Justice Precinct.

Client diversity

Our Ethnic Affairs Priority Statement (EAPS) Forward Plan and Disability Action Plan guide our ongoing improvements in providing inclusive services to our clients from culturally and linguistically diverse (CALD) communities and people of all abilities. Our initiatives for women are aligned with the NSW Government Action Plan for Women.

Legal Aid NSW was one of four participating agencies in the Community Relations Commission review of the Ethnic Affairs Priority Statement Standards Framework.

We are currently developing our Cultural Diversity Plan, incorporating our Multicultural Policies and Services Program (formerly EAPS) for 2009-2011.

Major achievements

Clients from many cultures

We translated 15 different brochures into a number of community languages, providing information on going to court, legal issues for older people, family law, domestic violence and mortgage problems. Details of translated brochures are on page 132.

We made extensive use of interpreters, both face to face and telephone, for professional interviews, community legal education sessions and court hearings. Expenditure for the year was \$787,525, an increase from the previous year (\$686,461).

Enthusiastic staff took part in community activities, spreading the word about our services and distributing multilingual resources. These included the annual Ashfield Carnival of Cultures, Brazilian Ritmo festival and African workshops at Lismore and Wagga Wagga. Free legal workshops for newly arrived migrants were held in Newcastle, Auburn, Canley Vale and Campbelltown.

Diversity profile

- 26.1% of our case and inhouse duty clients are women.
- 12.4% of our case and inhouse duty clients are from culturally and linguistically diverse communities.

Clients of all abilities

A guideline for the use of communication devices for people who are deaf or have hearing or speech impairments was prepared to improve accessibility to Legal Aid NSW services and programs. This includes installing Superprint TTY phones at key Legal Aid NSW sites: Central Sydney, Parramatta Justice Precinct and the Mental Health Advocacy Service in Burwood, which will facilitate greater efficiency and confidentiality for our clients. Staff in key areas were trained in using the new phones.

Before developing our new *Disability Action Plan 2009-2011*, we consulted widely. In March 2009 we chaired a meeting of the Attorney General's Justice Disability Advisory Council to capture the views of people with a disability and experts in the sector, and consulted with the Disability Council of NSW. A staff survey was conducted in May 2009 to draw out people's views on our current practices, policies and organisational culture.

Legal Aid NSW supported the Deaf Society to develop a web-based legal information resource for people who are hearing impaired. *Going to Court* consists of short instructional films offering information on the law and the court system in Australian Sign Language, with

information presented in plain English. The project was made possible by a grant from the Law and Justice Foundation (LJF) of NSW.

Gender focus

Our community legal education programs provided targeted information to women about domestic violence, migration and family law matters.

We provided 44,233 services to women seeking protection from domestic violence through the courts (page 31) and commenced developing a statewide service delivery strategy in response to domestic violence (page 48).

Learning opportunities

A range of training was provided to develop our capacity to work inclusively and to support staff and clients. These included *Cross Cultural Awareness and Interpreters* that was completed by 43 staff, *Demystifying Mental Illness* completed by 33 staff and *Dual Diagnosis and Drug Dependence* completed by 123 staff.

The year ahead

Complete our Disability Action Plan and Cultural Diversity Plan to guide us through to 2011, and continue implementing the strategies.

Conduct an accessibility audit of our Central Sydney office and a regional site to identify any barriers to access for people with disabilities.

Develop Disability Disclosure Guidelines to support staff with a disability, and assist recruiters in running fair and inclusive recruitment processes for prospective staff.

Develop a Language Services Guide to complement the *Policy on the Use of Interpreters* and to assist staff in using interpreters and translators.

Community legal education

Legal Aid NSW has a strong history of providing information and legal education as part of its core services to the public. The Community Legal Education (CLE) Program focuses on providing innovative programs for priority client groups and strategic programs for those people not eligible for legal aid, including unrepresented litigants.

Major achievements

During 2008–2009, the focus of the CLE Program has been three fold: development, delivery and responsiveness.

Development

In accordance with the initiatives set out in the corporate plan, we have developed new educational resources for unrepresented litigants in each practice area.

We have also conducted strategic programs for priority client groups including young people, prisoners, people seeking to separate and divorce, older people, Aboriginal people and newly arrived migrants.

We have responded to emerging events in the community, including natural disasters such as floods and storms, mortgage stress and the Stolen Wages claim deadline.

Three new CLE solicitor positions appointed in 2007–2008 provided a significant boost to our capacity to provide strategic community legal education programs.

Our community legal education sessions increased by 36.4% compared to last year.

Delivery

A statewide community legal education program for prisoners in partnership with the Department of Corrective Services was launched in September 2008. *Back On Track*, a series of six DVDs, contributes to Priority R2 of the NSW State Plan – *Reducing re-offending* – by providing information and education to prisoners on debt, fines, tenancy, care and protection

and understanding the legal system so they can identify legal issues and seek assistance in resolving problems prior to release (page 49).

Legal Aid NSW commissioned a short film with a crime prevention message as part of CLE for young people.

BURN was launched by the Attorney General in August 2008.

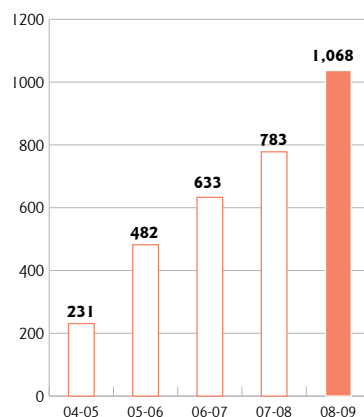
We delivered crime prevention workshops to 7,037 young people.

The film contributes to Priority R1 in the NSW State Plan—*Reduced rates of crime*—by educating young people about the consequences of group offending.

It was nominated for the Best Short Fiction Award at the Sydney Film Festival in 2009.

BURN is available for viewing on the internet at www.BURN-movie.com.au

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS 5 YEAR TREND



The film was used in 215 workshops at schools, juvenile justice centres and youth centres involving 7,037 young people and 1,297 workers.

Aboriginal people learned about the law and the legal system by attending regional *Law for Non-Lawyers* training (page 34).

During Law Week, 11-17 May 2009, we provided education sessions for seniors at several locations in NSW on wills and power of attorney, the importance of advanced care and end-of-life planning.

Brochures and audio CDs on legal issues for older people were released in 2009 in many languages.





Community legal education services increased by 36.4% on last year.

Responsiveness

Staff across Legal Aid NSW rallied to do an outstanding amount of promotion and outreach in the lead up to the Stolen Wages claims deadline of 31 May 2009 (page 12).

The numbers of people under financial stress increased this year as the global economic downturn reached Australia. Repossession proceedings in NSW rose and over 4,000 homes were repossessed in 2008 (Australian Bureau of Statistics). Legal Aid NSW responded with a series of public forums and developed new resources to equip people under financial stress, part of a new rescue package in our civil law practice (page 15).

We also responded swiftly to floods in Lismore, Coffs Harbour, Tamworth and Bourke, attending recovery centres to give legal advice and information to flood-affected communities.

The year ahead

Increase CLE sessions to Aboriginal people, reflecting recommendations from the report on *The Civil and Family Law Needs of Aboriginal People in NSW* (page 47).

Develop and deliver innovative legal education to newly arrived migrants utilising bilingual community workers.

Launch a web-based CLE management system that will interface with the Legal Aid NSW web site. This new web based application will provide new functionality such as an online calendar of workshops and seminars.

Deliver workshops to priority client groups using new innovative resources such as DVDs and radio plays.

Resources

We developed new resources that will be used widely to support CLE programs, including:

- a resource kit for parents seeking recovery orders in the Family Court in English, Arabic, Chinese and Vietnamese (page 17);
- a *Mortgage Rescue* package including a website, handbook and DVD (page 15);
- *Understanding bail* resources in Arabic, English, Chinese and Vietnamese to help people understand changes to bail laws (page 20);
- brochures and audio CDs on legal issues for older people (page 13); and
- radio plays for young Aboriginal people (page 13).

A full list of resources appears on page 132.

Kai Wu (below, right) attended forums in Bourke (December 2008) and Tamworth (February 2009) giving legal advice to flood victims.



Left: Resources in several languages will help unrepresented parents appearing before the Family Court.

Providing holistic services

Legal Aid NSW social workers work collaboratively with lawyers to ensure the best possible outcomes for clients. They do this by addressing the complex range of social difficulties underlying people's legal problems.

Major achievements

During the year the Client Assessment and Referral Unit assisted with 391 referrals by providing a range of social work services to improve outcomes for Legal Aid NSW clients, the majority of whom were at particular social or economic disadvantage.

The Unit was reviewed during 2007-2008 as one of the key objectives of the 2007-2008 Corporate Plan. In March 2009, Board members were advised of a number of recommendations to improve service delivery. Recommendations from the review are being implemented through the establishment of protocols between the Unit and legal practice areas.

The year ahead

Provide more assistance to priority clients groups and those with high and complex needs.

Assist clients who need more intensive support and assistance to access community services.

Private lawyers

We work in partnership with private lawyers, who receive funding from Legal Aid NSW to represent legally aided clients in assigned matters. In 2008-2009, private lawyers provided 43.8% of our case and duty services.

Private lawyers working on assigned cases achieve many positive outcomes for individual or client groups. The cases below, involving children, demonstrate how private lawyers contribute to assisting some of our most vulnerable clients.

Case 1 Personal injury claim

A young girl, now aged 12, tripped and fell down the steps at a hall where she attended dancing lessons. The fall took place when she was seven and happened because there was no light provided in the hall area. She suffered facial injuries and needed substantial dental work. Legal action was brought against the dance studio and the building owner. The two defendants would not settle on the initial offer, and the District Court awarded damages and costs.

Case 2 Professional medical negligence

Legal Aid NSW assisted a young boy, now aged 11, in proceedings for professional medical negligence against a cardiac specialist who was treating the young boy after birth. It was alleged the specialist failed to diagnose a cardiac abnormality until the boy was nine months old. Because of the late diagnosis, the boy was left with irreversible pulmonary hypertension requiring continuous oxygen therapy, and resulting in reduced life expectancy.

The case took many years to resolve due to its complexity. One aspect of the case created a precedent relating to the request for access to treating specialists by the defendant's legal representatives. After lengthy litigation, the matter was successfully settled.

Duty services in Local Courts

Private lawyers are an important part of the Duty Solicitor Scheme administered by Legal Aid NSW. The scheme coordinates the involvement of private lawyers in Local Court criminal duty matters. Duty lawyers service the majority of Local Courts throughout NSW, and appear for clients on their first appearance and for pleas of guilty, mentions and bail applications. The scheme provides a valuable service to the courts and owes its success to the support and cooperation of the private profession. Out of 167,193 duty services, just under half (67,418) were provided by private lawyers.

The year ahead

We will support private lawyers in providing quality services to clients through regular surveys and audits that identify and address their training and information needs.



Gerry Moore (left), Chief Executive Officer, Aboriginal Legal Service (NSW/ACT) and Alan Kirkland, CEO Legal Aid NSW sign a three-year agreement (page 34).

GOAL 2

WORKING WITH OUR PARTNERS

Key achievements

- Increased our services to people living in regional areas through partnerships with private lawyers and community legal centres
- Provided more services to Aboriginal people by working with the Aboriginal Legal Service
- Private lawyers provided 93,410 case and duty services
- Domestic violence program provided 44,233 services to 15,895 women

Develop our relationships with other organisations to improve access to justice

IN THIS SECTION

We provided more services in rural and regional areas through strong and evolving partnerships.

Key partners	26
Regional partnerships	27
Community programs	29
Partnerships with private lawyers	32
Aboriginal partnerships	34
Inter-agency networks	34

Key partners at a glance

Although we are the main provider of legal aid services in NSW, we also work closely with other agencies to ensure clients receive the most appropriate services to help resolve their particular legal needs.

LawAccess NSW

LawAccess NSW referred 24,658 enquiries to Legal Aid NSW offices.

People in NSW receive assistance over the phone by calling LawAccess NSW – a free legal information, referral and advice service administered by the Department of Justice and Attorney General, and partly funded by Legal Aid NSW. The main areas people sought help with in 2008–2009 were shared parenting arrangements, debt, traffic offences, property settlements and Apprehended Domestic Violence Orders.

NSW Legal Assistance Forum (NLAFF)

NLAFF established a working group to address the legal needs of prisoners (page 49).

This forum brings agencies responsible for legal service delivery together to work as members of targeted working groups, to improve legal services for disadvantaged people in NSW (page 52).

Aboriginal Legal Service (NSW/ACT)

Legal Aid NSW provided 8.1% of its case and inhouse duty services to Aboriginal people.

Legal Aid NSW and the Aboriginal Legal Service entered into a new Statement of Cooperation in December 2008 (page 34). The Aboriginal Legal Service was a member of our Aboriginal Justice Committee (page 147) which met four times this year.

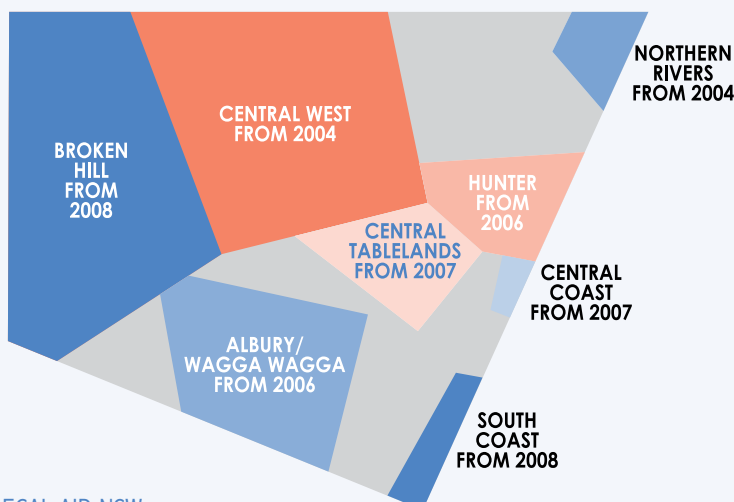
Cooperative Legal Service Delivery (CLSD) Program

The Program was extended to the Far West and South Coast regions of NSW, making a total of eight regional partnerships.

CLSD is a regionally based approach to legal service delivery. It develops partnerships between regionally based legal, community and government agencies by working on initiatives to increase access to legal assistance and services (page 27, 147).

This map shows the regions where the Cooperative Legal Service Delivery Program operates (page 27).

Cooperative Legal Service Delivery 2004-2009



Community Legal Centres

Community Legal Centres referred 4,725 clients to Legal Aid NSW and received 2,403 client referrals from Legal Aid NSW.

There are 35 Community Legal Centres whose funding is administered by Legal Aid NSW, complementing our own services (page 29, 130).

Women's Domestic Violence Court Advocacy Program

The Program delivered 44,233 services to women in NSW.

This Program works collaboratively with the NSW Police Force, Local Courts and legal, health, welfare and accommodation services in the community to provide an integrated response to domestic violence. A report on expanding services was completed (page 30, 131).

Private lawyers

Private lawyers provided 43.8% of all Legal Aid NSW case and duty services.

We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients (pages 24, 32, 142).

Law and Justice Foundation of NSW

An interim National Legal Needs Survey report was completed and an overview of the findings presented to the Board.

The final National Legal Needs Survey report will be available in 2011. Work continued on the Foundation's Data Digest Online project which will assist the public legal sector to improve planning and delivery of legal services in NSW.

Regional partnerships

Geographic isolation remains a real obstacle for people accessing legal services. By strengthening our partnerships, we have improved access for rural clients to our services.

REGIONAL SOLICITOR PROGRAM

The Regional Solicitor Program, run by Legal Aid NSW as a two-year pilot, commencing in 2007, addresses shortages of lawyers undertaking legal aid work in remote, rural and regional areas of NSW.

Private law firms receive salary subsidies and other incentives to employ an additional lawyer on the basis that the lawyer will undertake an agreed amount of legal aid work.

During the past two years, lawyers were placed in Batemans Bay, Bega, Moree, Tweed Heads/Murwillumbah, Taree, Broken Hill, Cowra, Young and Dubbo. As at June 2009, there were six firms still participating in the program.

An interim external evaluation was conducted in July 2008 and a final evaluation is scheduled to commence in late 2009.

The number of grants of legal aid increased by 19% in regional areas.

The interim evaluation showed that a significant amount of legal aid work has been undertaken in the selected areas as a result of the program. The number of grants of legal aid increased by 19% from the previous year, showing the program has had a positive impact on firms and clients.

In 2008–2009 Legal Aid NSW received funding under the Commonwealth Regional Innovations Program in Legal Services to expand the Regional Solicitor Program to four more areas in NSW.

The year ahead

Expand the Program to the Far South West of NSW, the Central Tablelands, the New England Region and the Southern Riverina area. This expansion will provide increased access to legal aid services for communities in Wentworth, Balranald, Dareton, Buronga, Gol Gol, Bathurst, Lithgow, Orange, Oberon, Blayney, Tamworth and Albury.

Key challenge

Providing greater incentives, such as more training and professional development, for participating firms and lawyers.

REGIONAL COALITIONS

The Cooperative Legal Service Delivery (CLSD) Program consists of partnerships between public legal sector and community agencies.

These include regional Legal Aid NSW offices; community legal centres; the Aboriginal Legal Service; Local Courts; tenancy, domestic violence and financial counselling services; neighbourhood and community centres; pro bono lawyers; and government departments.

The partners work collaboratively on joint agency training, workshops, community legal education and coordinated outreach initiatives that respond to locally identified, emerging and unmet legal needs.

While CLSD partnerships operate on a local level, the CLSD Program Unit is increasingly working with our justice sector partners on cross-sector systemic justice sector issues.

These partners include the NSW Legal Assistance Forum, the Law and Justice Foundation of NSW, Community Legal Centres NSW, LawAccess NSW and pro bono providers.

This year, using empirical evidence from regional CLSD partners, the program contributed to submissions on Parliamentary inquiries into homelessness, the effect of the global financial crisis on regional communities and reforms to consumer laws.

The program's contribution to improving outcomes for disadvantaged communities under State Plan priorities was recognised by the receipt of a Commended Award in the 2008 NSW Premier's Public Sector Awards.

Major achievements

The program now includes the Far West and South Coast regions of NSW, bringing the total number of partnerships to eight. The map on page 26 shows all the regions that are now covered by this program. The Hunter CLSD established a free weekly legal advice clinic for disadvantaged people in Taree. Given the high demand for the service, partners have agreed to continue the clinic for another 12 months.

Central West, Far West and Albury/Wagga Wagga CLSD partnerships supported Legal Aid NSW inhouse lawyers to conduct targeted outreach to remote parts of NSW to get registrations for Stolen Wages before the 31 May deadline (page 12).

The South Coast CLSD commenced a series of “Fines Day” workshops to help people experiencing financial hardship. Other CLSD regions are planning similar workshops for 2009–2010.

Hunter and Albury/Wagga Wagga CLSD partnerships have supported Mortgage/Financial Stress Forums in their regions (page 15). Other CLSD partnerships are also planning similar forums in the next 12 months.

Central West CLSD teamed up with Western NSW Community Legal Centre for consultations with Aboriginal elders and others in Bourke and Brewarrina to discuss issues of concern around young people and policing.

The year ahead

Determine suitable regions for further roll out and consolidate the current regions.

Convene a statewide workshop for CLSD coordinators to focus on strategic planning, shared resources, and better cross-agency training.

Key projects will be:

- legal information forums in regional areas for community workers and non-lawyers;
- training on fines matters, including work and development orders in regional areas;
- new best practice guidelines for developing and delivering outreach services in regional areas with assistance from the Law and Justice Foundation of NSW; and
- discrimination workshops for community workers working with Aboriginal people in the Northern Rivers region.

Key challenge

One of the main challenges for regional legal service providers is how to deliver quality services to remote locations where there is high socio-economic disadvantage, high unmet legal need and few permanent on-the-ground services. CLSD will collaborate with our justice sector partners to gather empirical evidence on unmet and emerging needs and develop initiatives to meet those needs.

RURAL AND REGIONAL OUTREACH PROGRAMS

Recognising the needs of people who live long distances from a Legal Aid NSW office, our lawyers conduct regular outreach visits throughout the State, providing legal advice and assistance.

Most Legal Aid NSW offices undertake outreach work with partner agencies and non-legal agencies.

An outreach visit usually consists of a free legal advice clinic, minor assistance, a community legal education session and an information stall. Some outreach is in metropolitan areas but mostly the focus is on rural and regional areas.

Major achievements

We increased our outreach clinics for priority client groups to 10 locations for Aboriginal communities and 10 locations for homeless people after implementing recommendations from last year’s review of outreach services (page 12, 14).

Lismore family lawyers expanded their already wide outreach activities to include new advice clinics in Grafton, Yamba and Maclean.

Our Child Support Service expanded its extensive community outreach program to Batemans Bay and the Wollongong area.

In August 2008, 24 legal advice sessions on fines in West Kempsey resulted in 14 people getting back their drivers licences and 10 entering time to pay arrangements.

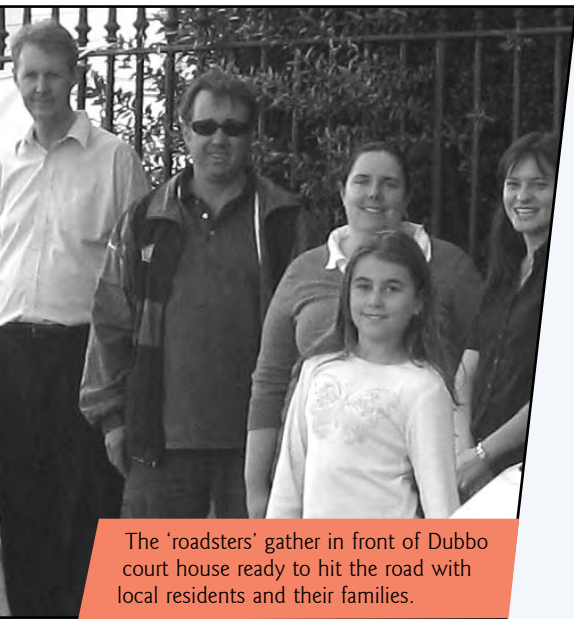
As Moree and neighbouring areas have a high demand for free legal services, we conducted three outreach visits this year and strengthened our relationship with local service providers. The last visit was extended by several days to accommodate the demand for Stolen Wages advice among surrounding Aboriginal communities.

The year ahead

Launch the Regional Outreach Clinic Program, a partnership between local legal service providers and Legal Aid NSW, opening advice clinics in Moree and Brewarrina in the north west of NSW; Macksville and Bowraville on the mid north coast; Wentworth and Dareton in the far south west; and Lithgow in the central tablelands. Clinics will also be conducted on family and civil law matters in prisons near some of these locations.



Community programs



The 'roadsters' gather in front of Dubbo court house ready to hit the road with local residents and their families.

North West NSW Road Show

In the 2007 report, *Dropping off the edge: Mapping the distribution of disadvantage in Australia, Brewarrina, Walgett and Bourke were listed as areas of NSW experiencing severe disadvantage.**

During Law Week 2009, Legal Aid NSW visited these towns, teaming up with LawAccess NSW, Western NSW Community Legal Centre, Victims Services Bureau, The Aged-care Rights Service, Tenancy Advice and Rights Service and Family Violence Prevention Services. The mobile legal service offered talks for seniors, open days at court houses, films for young people and assistance with Stolen Wages claims.

*Professor Tony Vinson, University of Sydney

COMMUNITY LEGAL CENTRES FUNDING PROGRAM

Legal Aid NSW administers State and Commonwealth funding for 35 Community Legal Centres (CLCs) throughout NSW through the Community Legal Centres Funding Program (CLC Program).

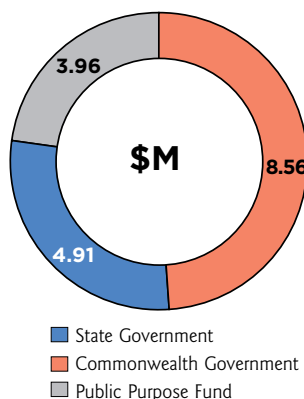
CLCs are independent, non-profit organisations with most being managed by an independent board or committee. The Community Legal Centres Board Sub-Committee advises the Legal Aid NSW Board about CLCs. See page 146 for details. CLCs provide a range of free legal services to address the specific needs of disadvantaged sectors of the community.

Five community legal centres also receive funding from a sub-program called the Children's Court Assistance Scheme (CCAS) at six Children's Court locations. The schemes provide a roster of trained youth workers in Children's Court criminal matters, to assist young people and their families going to court.

Funding in 2008-2009

Total: \$17,428,031

COMMUNITY LEGAL CENTRES FUNDING PROGRAM



For details see page 130.

In July 2008, the Public Purpose Fund provided an additional \$1,321,000 per annum to 15 CLCs. This includes three CLCs new to the NSW CLC Program: Intellectual Disability Rights Service, the Refugee Advice and Casework Service and the Albury Wodonga Community Legal Service. The Commonwealth Attorney-General has provided NSW CLCs with additional one-off funding of \$3,212,321 in two stages: \$2,202,231 paid to CLCs in July 2008 and \$1,010,000 paid to CLCs in June 2009. This additional funding has enabled CLCs to offer salary improvements, which has assisted with recruiting and retaining staff.

Major achievements

More services

Community legal centres continued to maintain service delivery levels to the community in 2008-2009. New cases opened increased by 9%, cases involving dispute resolution increased by 94%, and community legal education increased by 31%. The significant increases are reflective of CLCs working closely with Legal Aid NSW and other community service providers.

Joint projects

In partnership with CLCs, Legal Aid NSW held a number of community forums for unemployed people, newly arrived migrants, and people having difficulty with mortgages (page 15) or suffering flood damage.

Advocates in Tenants Advice and Advocacy Services were given advanced training so they are better equipped to assist their clients.

Legal Aid NSW and the Consumer Credit Legal Centre



Community legal centres provided legal services to 39,223 clients.

(CCLC) established a joint Mortgage Stress Legal Support Program for people taking action to solve their mortgage problems (page 15).

CCLC manages the Pilot Insurance Service Project as part of the National Insurance Information and Advice Project (NIIAP). The centre provides a National Insurance Hotline advice service, funded by Legal Aid NSW to develop education materials for consumers, conduct strategic casework and participate in policy and law reform initiatives. A review of this project found it met or exceeded all its objectives. The Commonwealth provided \$200,000 in 2008-2009 to enable this project to continue into 2009-2010.

Radio

North and North West Community Legal Service Inc. hosts an hour long, weekly radio program, *Law Matters*, on the Community Radio Station, 2ARM 92.1FM. A recent program discussed aspects of constitutional law. Other topics have included human rights consultation, aspects of family law, tenancy issues, aged-care rights, credit and debt matters, civil claims and road and traffic offences. The station broadcasts to a potential audience of some 30,000 people.

The year ahead

Improve services for priority client groups in collaboration with partner organisations.

Develop new Strategic Plans for service delivery in the next triennium.

Develop a performance framework as part of the new three-year Service Agreement being negotiated by the Commonwealth, State and CLC peak bodies.

Develop a workable model for funding interpreter services in community legal centres.

Key challenge

Most CLCs in NSW pay salaries linked to the Social and Community Services Employees (State) Award. The Australian Services Union is undertaking a campaign over the next three years for pay rates that reflect the value and complexity of work and that will close the gap between public and community sector wage rates. This campaign could result in significant wage increases (as happened in Queensland) with significant salary cost increases.

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM

In 2008-2009, Legal Aid NSW administered NSW Government funding for 33 Women's Domestic Violence Court Advocacy Services (WDVCASs) providing services in 72 Local Courts around New South Wales.

These services help women and children experiencing domestic violence to obtain effective legal protection from NSW Local Courts through applications for Apprehended Domestic Violence Orders (ADVOs). They provide information, assistance, referral and court advocacy services to their clients.

A committee with representatives from a cross-section of agencies advises the Legal Aid NSW Board about the program's activities. See page 147 for details.

Funding in 2008-2009

Total: \$4,300,390

Funding is provided to incorporated, not for profit non-government service provider organisations through a triennial Service Agreement with Legal Aid NSW.

Details of grant allocations are on page 131.

Major achievements

Service increase

During 2008-2009, services were expanded to an additional 10 Local Courts- Narooma, Cobar, Nyngan, Narromine, Warren, Boggabilla, Mungindi, Narrandera, Picton and Gilgandra. WDVCSs across NSW delivered 44,233 services to 15,895 women.

The program provided 44,233 services, a 4.9% increase on last year.

Review recommendations

A review of the Women's Domestic Violence Court Advocacy Program (WDVCAP) was completed. Recommendations include developing a new service agreement between Legal Aid NSW and the WDVCSs for 2009-2012, a new funding formula for allocating funding to Services and an evaluation of all WDVCS positions, resulting in an increase in award gradings.

Expansion

From 1 July 2009, the structure and coverage of WDVCAP services will change as a result of a funding increase of \$2.7M from the NSW Government. The WDVCAP Advisory Committee advised Legal Aid NSW on the best way to allocate this funding increase.

In February 2009, the WDVCAP Advisory Committee finalised a draft expansion proposal in consultation with existing WDVCS service providers. The final expansion proposal was approved in March 2009 and resulted in the establishment of 28 new WDVCSs. The selection of service providers began in April 2009 and in early May appointments were made in relation to 27 out of 28 WDVCSs.

The year ahead

Increase the number of courts serviced from 72 to 108 and establish outreach offices in services covering large geographical areas.

Increase capacity to respond to the needs of Aboriginal and culturally and linguistically diverse (CALD) clients by creating a number of specialist Aboriginal and CALD worker positions.

Build the capacity of the new services to provide clients with effective access to legal services.

Enhance partnerships with other legal service providers to improve outcomes for victims of domestic violence in the justice system, especially clients with multiple needs.

Key challenge

The number of courts serviced has risen from 72 to 108. Our challenge will be to maintain high quality, consistent services across this broader range of Local Courts.

Bev Lazarou and Louise Blazejowska launch new resources on White Ribbon Day, hoping to send an affirmative message to women experiencing domestic violence.



Photo: Dani Pontes

Partnerships with private lawyers

Our Grants Division works in partnership with private lawyers to provide representation to legally aided clients in assigned matters.

The Grants Division makes decisions on the granting of legal aid and allocates matters to inhouse and private lawyers. In 2008–2009, private lawyers provided 43.8% of all legally aided case and duty services. This year the Division received 36,151 applications for legal aid, comprising:

- 14,768 applications for legal aid in criminal law
- 20,067 applications for legal aid in family law
- 1,316 applications for legal aid in civil law

Grants Division staff also administered funding for 68,063 duty appearances conducted by private lawyers at courts in NSW.

Supporting our partners

In recognition of the assistance private lawyers provide to legal aid clients and to Legal Aid NSW, we reviewed the fee structure for private lawyers—a process that will continue throughout 2009–2010.

Staff attended regional Law Society and Bar Association meetings to provide information and training to members on the new Grants Online system and changes to grants policies and guidelines, and to receive feedback from lawyers on the services we provide to them.

We ran presentations on changes to mental health procedures to increase the level of understanding of people suffering a mental illness and to better prepare private lawyers to address the needs of people with a mental illness.

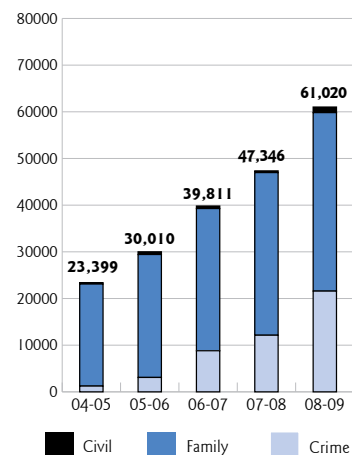
Legal Aid NSW provided private lawyers with two new resources: *The Mental Health Practice and Procedure Manual* and the *Advocates Practice Kit*. These plain English resources provide a step-by-step guide to mental health advocacy in a web-friendly format, which makes them accessible to our partners.

Electronic lodgement

Since the advent of our new grants management system, ATLAS (page 42), electronic lodgement of applications is now available in all areas of law. Through the Grants Online facility introduced with ATLAS, the new system supports an enhanced e-business environment between Legal Aid NSW, private lawyers and applicants for legal aid. This includes full electronic lodgement of applications and claims, and electronic communication between Legal Aid NSW, private lawyers and clients. It also gives private lawyers online access to additional information about legally aided matters and the ability to accept offers of work online. By managing information on practitioner panels, ATLAS allows us to allocate work to private lawyers in a fair and reasonable manner, and to quickly find private lawyers to assist unrepresented clients, particularly in rural and remote areas.

A training program has been implemented for Grants staff and private lawyers to familiarise them with the new system. Specific training for solicitors, barristers and their staff was provided from April to June 2009 in Sydney and regional areas.

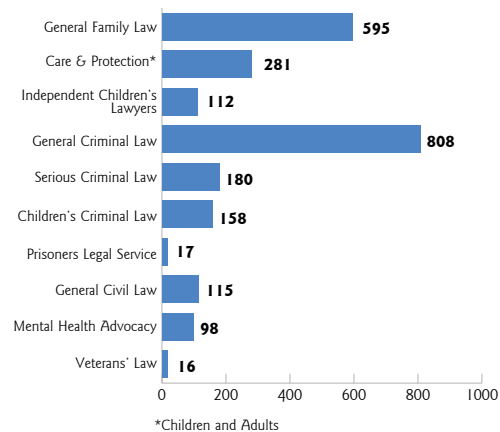
LEGAL AID REQUESTS LODGED ONLINE 5 YEAR TREND



Panels

All private lawyers undertaking legal aid work must be appointed to a panel unless there are exceptional circumstances. These panels are an important initiative aimed at improving the delivery of legal aid services to the community as well as our relationship with private lawyers. Panels have been implemented across all law areas. On appointment to a panel, lawyers sign a service agreement and agree to comply with practice standards and audit arrangements. They are then able to undertake legal aid work in the areas of law covered by the respective panel.

LAWYERS ON PANELS 2008–2009



Panels strengthen our relationship with the private profession by ensuring transparency in the assignment process and agreement on the terms on which our relationship is conducted. Having practice standards in place for panels ensures the delivery of quality legal aid services to our clients.

During 2008–2009, existing panels operated in Children’s Criminal Law (specialist Children’s Courts), Care and Protection, Court of Criminal Appeal, Veteran’s Law, Independent Children’s Lawyers and General Family Law.

Five new panels were established during the year, bringing the number of panels to 10.

In March 2009, two new criminal law panels were established. The General Criminal Law Panel became the largest panel to be implemented by Legal Aid NSW. A total of 808 lawyers in metropolitan and regional NSW have been appointed to this panel. A total of 180 lawyers have been appointed to the second panel – the Serious Criminal Law Panel.

There are 2,380 private lawyers doing legal aid work on 10 panels.

Three new panels were implemented in the areas of General Civil Law, Mental Health Advocacy and Prisoners Legal Service. The Children’s Criminal Law Panel was also renewed in May 2009.

Mark Castle, Leanne Spiteri and Glenn Sofinowski helped administer the growth of private lawyer panels in a record year.

File review and audits

The Legal Aid NSW Panel Practitioner Audit Strategy was developed to assist in the effective targeting of limited audit resources according to risk assessment principles. The strategy addresses both monetary and service provision risk factors. It allows a series of checks and balances to be performed against the various Panel Practice Standards and Service Agreements as well as Legal Aid NSW policies and guidelines.

The audit function of the Professional Practices Branch was reduced during the year as staff assisted with testing and implementing our new grants management system (ATLAS), and with the rollout of five additional panels.

During the year high priority audits were conducted in the family law, children’s crime and care and protection jurisdictions. In addition, 13 duty lawyers on the General Crime Panel participated in an audit.

Now that we have more panels and new case and grants management systems, Legal Aid NSW will strengthen its focus on audits and reviews.

As a result of a stringent audit process, two lawyers with repeated and serious breaches were not re-appointed to their panels. One matter was referred to the Office of the Legal Services Commissioner. The lawyer’s practising certificate was cancelled following disciplinary action



under the *Legal Profession Act 2004* in the Administrative Decisions Tribunal. The other lawyer failed to meet Panel Practice Standards.

A total of 197 lawyers have been audited since the strategy was introduced in 2005.

The year ahead

Make improvements to support the new grants management system and provide ongoing training and support to staff and private lawyers using the system.

Extend our Learning Management System to private lawyers.

Update *Mental Health Links for Lawyers* – a central online information source of mental health services in NSW.

Establish a new panel for the Domestic Violence Solicitors Scheme.

Audit private lawyers on the Family Law and Care and Protection Panels and the newly formed General and Serious Criminal Law Panels.

Key challenge

One of the lessons learned in our system changeover was that the initial level of support we provided to private lawyers was not sufficient. This has been addressed in various ways including an ongoing training program and the production of an online ‘video tour’ of the Grants Online system.

We will need to monitor this carefully in 2009–2010.

Aboriginal partnerships

On 5 December 2008 Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) entered into a new Statement of Cooperation.

The statement will guide the joint delivery of legal services to Aboriginal people for the next three years. It also ensures that training opportunities provided by Legal Aid NSW are available to Aboriginal Legal Service staff and that the two agencies work together on law reform submissions.

Major achievements

Group approach

The NSW Legal Assistance Forum Working Group on Aboriginal Clients, which is chaired by Legal Aid NSW, arranged for Aboriginal community members and service providers in the northern rivers to take part in the Public Interest Advocacy Centre's successful *Law for Non-Lawyers* training, the first time this course has been tailored to meet the legal needs of Aboriginal communities in regional areas. The Group's recommendation for a series of targeted community legal education sessions has been incorporated into the Legal Aid NSW Community Legal Education Strategic Plan 2009-2011 and also conforms with our Corporate Plan 2009-2011 and the Aboriginal Services, Employment and Partnerships Plan 2009-2011. To support the education program, we developed new publications for Aboriginal clients, including Aboriginal women and Aboriginal grandparents.

Key partners including the NSW Department of Aboriginal Affairs attended our Aboriginal Services Planning Day on 29 May 2009. The day was an opportunity to establish new initiatives and plan a coordinated approach to Aboriginal service delivery. The Aboriginal Legal Service and the Aboriginal Programs Unit of the NSW Attorney General's Department were invaluable contributors to our Aboriginal Justice Committee.

Legal services

Legal Aid NSW funded the Aboriginal Legal Service to employ three care and protection lawyers in Wagga Wagga, Grafton and Armidale. In addition, we jointly funded with ACT Legal Aid, an ALS lawyer to service the ACT and the NSW south coast areas. Partial funding was also provided for a criminal lawyer based at the Aboriginal Legal Service at Griffith.

Our lawyers advised and represented Aboriginal people at criminal courts when the Aboriginal Legal Service was unable to, including weekend bail courts. They also advised Aboriginal children in custody at juvenile detention centres and through the youth hotline. We also participated in circle sentencing at courts, acting on behalf of legally aided clients.

The year ahead

Build strong partnerships between Legal Aid NSW and Aboriginal communities, organisations and service providers based on strategies in our new plans.

Provide a training program to Aboriginal Legal Service care and protection lawyers.

Inter-agency networks

Legal Aid NSW took part in many inter-agency initiatives and worked closely with other agencies to improve access to justice (page 149). Initiatives included:

- the Trial Efficiency Working Group examining inefficiencies in criminal trials. The Working Group was chaired by the Chief Judge at Common Law, Justice McClellan and included judges from the Supreme Court and District Court, senior representatives from the Office of the NSW Director of Public Prosecutions, Commonwealth Director of Public Prosecutions, Bar Association, Law Society of NSW, NSW Attorney General's Department, Legal Aid NSW and the Aboriginal Legal Service. The group made a number of recommendations to improve the way matters are managed in the District and Supreme Courts;
- the Sentencing Council review of the effectiveness of fines as a sentencing option, and the penalty notice system, which has led to legislative change;
- the legislative model of Criminal Case Conferencing, which has been extended until 30 June 2010 for further evaluation;
- collaboration with Hunter Community Legal Centre to improve services for self-represented litigants in the Newcastle area by developing referral protocols between the two agencies; and
- the planning for later life forum with the Council on the Ageing (NSW), City of Sydney, Older Persons Law National Network and others, raising awareness of older people's legal needs.

The year ahead

Continue to expand and strengthen partnerships with non-legal services.

Work with community legal centres to ensure that innovative legal services are made available to family relationship centres across NSW.

Staff graduates of the 2008-2009 Diploma of Business (Frontline) Management with the CEO and UTS representatives.



GOAL 3

BUILDING ORGANISATIONAL CAPABILITY

Key achievements

- Offered eight positions to Aboriginal students, cadets and law graduates
- Introduced e-Learning to further facilitate staff educational needs
- Launched new case and grants management systems

Pursue continuous improvement across the organisation

IN THIS SECTION

Staff played a key role in the largest system changeover ever.

Staff numbers	36
Learning.....	36
Equal employment opportunity	38
Personal achievements	39
Employing Aboriginal people	39
Occupational health and safety	40
Policy and review	41
Employee relations	41
System changeover.....	42
Continuous improvement	43
Technology	44
Environmental footprint.....	45

People

Our people are the key to building organisational capability. Our highly qualified lawyers and advocates and efficient, customer-friendly administrative staff teamed up to deliver high quality legal services across the State.

Legal Aid NSW worked towards providing a stimulating and rewarding workplace in which our people learn and develop in a team environment and are valued for their contribution.

Legal Aid NSW is a statutory body established under the *Legal Aid Commission Act 1979*.

The Office of the Legal Aid Commission and the Legal Aid Commission Temporary Staff Division are Divisions of the NSW public sector established under the *Public Sector Employment and Management Act 2002* to provide personnel services to Legal Aid NSW.

Of the 45 new permanent appointments, 23 were in regional offices.

Staff numbers

As at 30 June 2009, Legal Aid NSW employed 912 staff in the equivalent of 824.34 full-time positions with 403 positions (358 full-time equivalent) located in regional offices and the balance in the Central Sydney office.

No staff were employed by the Legal Aid Commission Temporary Staff Division.

LEARNING

Legal Aid NSW aims to be a professionally and personally rewarding place to work. This year saw us review and re-examine the opportunities we provide to staff.

There were 4,978 attendances at training activities (including seminars and conferences) with 1,817 external attendees.

While there was a drop in the number of staff who attended training, this year saw a 37% increase in the number of people from external partner organisations making use of our learning and development opportunities.

See pages 133–134 for details about our diverse range of training programs, conferences and attendance numbers.

Major achievements

New approach to learning

Our new Learning Management System (LMS) went live on 1 January 2009. The new system is an online training and booking portal called Learning@LegalAidNSW.

Staff now have easy access to training and development activities anytime-anywhere.

AVAILABLE NOW

ONLINE REGISTRATION
Quick and easy online registration using our new learning portal.
<http://learning>

ONLINE LEARNING
A suite of online courses, podcasts and videos to keep you up-to-date.

NEWS AND EVENTS
Read the latest news of learning opportunities at Legal Aid NSW.

DISCUSSION & NETWORKING
Share ideas, and discuss in the forums.

LEGAL AID NSW SUPPORTING Learning Opportunities March 2009

Introduction to LexisNexis - Library	03 Mar
Advanced LexisNexis Online - Library	04 Mar
Mandatory Rule 178 MCLE	04 Mar
Demystifying Mental Illness	05 Mar
Implications of the Succession Amendment (Family Provision) Act 2008	06 Mar
Public Defenders Criminal Law Conference 2009	07 Mar
CCH Online - Library	10 Mar
Introduction to Legal Online - Library	17 Mar
Dual Diagnosis & Substance Dependence	18 Mar
Advanced Legal Online - Library	18 Mar
Plea-making and Sentencing in the Local and Children's Court	19 Mar
Maurice Blackburn Lawyers Free Half Day Legal Education Seminar	19 Mar
Alcohol and Cultural Awareness Training - Lismore	19 Mar
Managing Aggressive & Violent Behaviour	24 Mar
Resolving Workplace Conflict	26 Mar
Court Visit to Bichara	30 Mar

To view all course and register go to: http://learning/calendar/calendar_month.aspx

Learning & Development Unit
PO Box K947 Haymarket 1238 or DX 5 Sydney.
Email learning@legalaid.nsw.gov.au
Any inquiries please telephone 9219 5990 /5001
<http://learning>

Legal Aid NSW
HTTP://LEARNING

The LMS not only provides an administrative system for managing registrations for training sessions, legal seminars and conferences but offers a growing library of online courses including video lectures, podcasts (audio), lecture notes, powerpoint presentations and reference materials in addition to web conferencing options.

As at 30 June 2009 there were 1,103 users registered on the system which has recorded 1,513 course registrations in its first six months of operation (includes staff and external users).

Online induction modules

Our corporate induction program was streamlined from two days to one achieving savings and convenience to staff. New staff

STAFF NUMBERS 5 YEAR TREND

Year	FTE* figures** financial year end	Actual staff number financial year end
2008-09	824.34	912
2007-08	784.77	852
2006-07	742.31	805
2005-06	709.54	767
2004-05	675.86	730

*FTE: full time equivalent

** See page 135 for more details.

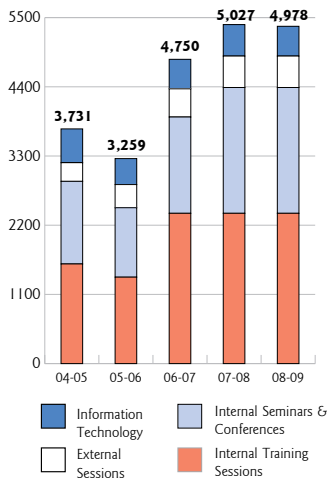
STAFF MOVEMENTS* 2 YEAR TREND

Staff movements	2007-08	2008-09
New permanent staff	85	45
Staff departures	37	56
Promotions	51	24

*This information is only available for the last two years.

can now log onto the LMS and complete a number of e-Learning modules with key information, such as the Code of Conduct and occupational health and safety responsibilities and procedures.

**COURSE ATTENDANCES
5 YEAR TREND**



Aboriginal cultural awareness

In December 2008 a new two-day Advanced Aboriginal Cultural Awareness training program was launched by our Aboriginal Services Unit. Developed and delivered by consultant Cherie Buchert, it has been run nine times with a total of 145 participants – 125 staff and 20 people from partner legal service delivery agencies.

Training was held in regional areas – Dubbo, Newcastle, Lismore and Nowra whilst metropolitan training took place in Penrith, Glebe, Parramatta and Haymarket. Where possible, workshops were held at Aboriginal community-owned venues allowing participants to be fully immersed in an Aboriginal cultural experience and also helping support local Aboriginal community-owned businesses.

The overwhelming majority of participants reported feeling more confident in the workplace.

Director Aboriginal Services, Scott Hawkins, hopes the results of the training will encourage more Aboriginal people to use Legal Aid NSW services, and make sure that more Aboriginal people are involved in decisions about what Legal Aid NSW does.

Making better managers

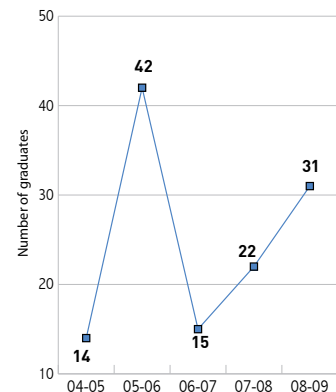
Management training at Legal Aid NSW was reviewed in 2009 to bring it into line with changes to the Business Services Training Package. Changes to National Competency Standards led to the *Diploma of Business (Frontline Management)* course concluding in March. The same month a new program, the nationally accredited *Diploma of Management*, began with

16 participants including two managers from community legal centres and one from the Aboriginal Legal Service.

The new Diploma course requires only one day of attendance per month over a nine-month period, resulting in considerable savings for Legal Aid NSW.

Thirty one graduates accepted their *Diploma of Business (Frontline Management)* at the University of Technology Sydney on 12 March 2009. Since its inception in 2003, 138 of the 165 staff who have commenced the *Diploma of Business (Frontline Management)* have graduated.

**TOTAL GRADUATES
DIPLOMA OF BUSINESS
5 YEAR TREND**



Executive development

Each year since its inception, Legal Aid NSW has been successful in securing places in the Department

of Premier and Cabinet-sponsored Executive Development Courses. This year Norman O'Dowd completed the Graduate Diploma of Public Administration at University of Sydney's

Staff from across Legal Aid NSW will improve their skills by taking part in the new Diploma of Management Program.



Graduate School of Government and will continue on to the Masters of Public Administration, sponsored by Legal Aid NSW.

Alex Grosart, David Lunn and Anne Corbett completed the Graduate Diploma of Public Administration and graduated in August 2008. Sarah Burke graduated with a Masters of Public Administration at the same ceremony. Annmarie Lumsden is expected to complete the Executive Masters in Public Administration later this year.

Skilling up

Twelve family dispute resolution mediators received successful accreditation in new National Standards.

A seminar on changes to the laws in relation to de facto relationships took place in March 2009 at the Central Sydney office. It was broadcast live to Legal Aid NSW regional offices via webcam and is available in podcast and video format for lawyers to view throughout the year.

Cross-cultural awareness and using interpreters was run five times with 43 participants. Budget restrictions delayed sessions planned for a number of the more remote regional offices. The program has received excellent reviews with 100% of participants stating they are more aware of Legal Aid NSW policies and more confident in their ability to communicate with clients from culturally and linguistically diverse backgrounds.

Client-focussed training

Staff attended training and conferences to improve their understanding of the range of legal problems faced by some of our most disadvantaged clients.

Aboriginal people

Along with Aboriginal cultural awareness training (page 37), nine staff attended a Stolen Wages seminar in September 2008.

Subsequent sessions run with Aboriginal prisoners resulted in around 700 prisoners receiving legal education on Stolen Wages (page 49).

Older people

The law of Wills and Estates underwent significant change in NSW as part of the overall push for uniform succession laws throughout Australia. Legal Aid NSW and community legal centre lawyers received training on the first two branches of this legislation to be introduced – the *Succession Act 2006* and the *Succession Amendment (Family Provision) Act 2008*.

Homeless people

The Civil Law Conference in November 2008 was opened by the Hon Tanya Plibersek MP, the federal Minister for Housing.

People with a mental illness

The popular *Demystifying Mental Illness* was run three times with 33 participants, while *Dual Diagnosis and Substance Dependence—a Guide for Lawyers* (sponsored by the Commonwealth Department of Health and Aging Illicit Drug Diversion Initiative), was attended by 123 lawyers and offered in four different locations.

Domestic violence

Legal Aid NSW ran core training for workers in the funded Women's Domestic Violence Court Advocacy Program (WDVCAP) four times this year with a total attendance of 107 workers. Participation in WDVCAP coordinator training in governance and child protection reached 51 this year.

The year ahead

Review major policies around learning and development opportunities at Legal Aid NSW.

Extend our Learning Management System to private lawyers and staff from other agencies from late 2009.

Strengthen our organisational capacity by further developing the skills and talents of our staff through training initiatives such as:

- introducing disability awareness training, and new programs in domestic violence awareness and related laws; and
- more training about the needs of special client groups, such as homeless people and people dealing with a mental illness or drug problem.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Key initiatives this year included:

- Aboriginal cultural awareness training to enable staff to understand and better relate to Aboriginal colleagues, as well as clients (page 37);
- the second phase of the Aboriginal Employment and Career Development Strategy, increasing the proportion of full-time equivalent staff who are Aboriginal to 3.6%; this was short of the target of 4% due to difficulties in recruiting to some positions that were identified as Aboriginal-specific; and
- developing the Disability Action Plan (page 21).

Trends in the representation and distribution of EEO groups can be viewed on page 136.

The year ahead

Provide Aboriginal cultural awareness training to more staff to create an environment that is sensitive to the cultural needs of both Aboriginal clients and employees.

Increase our Aboriginal workforce from 3.6% to 4.5% by June 2010.

Key challenge

Successfully retaining Aboriginal staff is critical if we are to achieve our goal of becoming a preferred employer for Aboriginal people.

We need to improve the way we identify positions that are suitable for Aboriginal recruitment and improve career pathways for Aboriginal staff who enter Legal Aid NSW through administrative roles.

PERSONAL ACHIEVEMENTS

Staff achievement award

Human Resources invited nominations for the inaugural Excellence Awards, giving staff an opportunity to recognise exceptional effort and outstanding performance by their colleagues.

In December 2008, Rod Witt from the Finance Branch became the first employee to receive this award. Rod played a critical role in helping to implement the new ATLAS system (page 42).

Advocacy award

Each year staff nominate colleagues for achieving good results in tough and challenging cases. This year the award went to Lurline Dillon-Smith in our Lismore office for helping an Aboriginal woman in her 28-year pursuit of justice. Lurline is the senior civil lawyer at Lismore. Her community legal education work has gained her the respect of Aboriginal Elders and she is highly regarded by clients and workers.

Business award

Our Gosford office won the 2008 Youth Connections Vocational Education and Training Award for Business Services Employer of the Year. The award recognises employers who support, mentor and train young people moving from school to the workforce. The office was nominated by HSC students who undertook work placements at the office and their teachers.

New Federal Magistrate

After 20 years of illustrious service to Legal Aid NSW, Director Family Law, Judith Walker, was appointed a Federal Magistrate in September 2008.

Judith was a champion for socially and economically disadvantaged people in the area of family law. She played a large role in national law reform and in developing the role of Independent Children's Lawyers across Australia.

Law Week award

Community Legal Education Coordinator, Kirsten Cameron was awarded the Law Week Community Services Award for her outstanding contribution to the 2009 Law week Program in NSW. Kirsten helped organise the successful travelling legal service, visiting disadvantaged areas in North West NSW (page 29).

Employing Aboriginal people

We offered eight positions to young Aboriginal students, cadets and law graduates.

The Aboriginal Employment and Career Development Strategy 2007-2009 was implemented to increase the number of Aboriginal people who work at Legal Aid NSW, and to ensure they are supported and encouraged to develop their careers within Legal Aid NSW once employed. Strategies to recruit Aboriginal people to Legal Aid included:

- establishing Aboriginal-identified positions for recruitment across all areas of Legal Aid NSW. Under the Strategy, Legal Aid NSW identified 20 positions for Aboriginal specific recruitment; and
- ~~Patricia, Legal Aid Cadet, Bob, Judge~~ including two cadetships for undergraduate law students, two placements on the Professional Legal Placement program, two places on the Career Development Program and two scholarships for year 11 and 12 students to help them complete their Higher School Certificate with the possibility of going on to tertiary studies. All these positions were occupied this year.

Professional support and development was provided to all Aboriginal staff through an Aboriginal Staff Network that convened twice this year and an Aboriginal Mentoring Program that saw 11 Aboriginal staff members matched with 11 experienced senior Legal Aid NSW staff members.



Student Skye Cross, with cadets Kirsten Cheatham and Carrie Nicole.

OCCUPATIONAL HEALTH AND SAFETY (OH&S)

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

This year, we ensured staff had better access to OH&S related information on the intranet via the new Learning Management System.

Our Stay Healthy Program initiatives included:

- *Managing psychological injury* training, to ensure that all managers are provided with the tools to identify causes of psychological injury and how to deal with it;
- free flu vaccinations for staff;
- *Defensive Driving Skills* courses; and
- Stay Healthy tips on the intranet.

Recommendations from the OH&S Audit were implemented to improve OH&S systems in Legal Aid NSW, including:

- developing Risk Assessment Guidelines for offsite locations;
- a new Incident Reporting procedure; and
- developing OH&S performance evaluation and reporting processes.

We conducted a staff health survey from late June 2009. The survey will guide us in implementing activities that encourage staff to make positive changes to their health and wellbeing.

Workers compensation

Of the 35 workers compensation claims lodged in the 2008–2009 reporting period, three of the injuries occurred in the 2006–2007 reporting period and two injuries occurred in the 2007–2008 reporting period. Figures and costs incurred by these five claims have been included in the 2008–2009 figures.

Of the total 35 claims lodged, 29 claims were accepted, one claim was withdrawn, two claims were declined, three claims were initially accepted, but declined following pre-liability investigation.

The cost incurred to 30 June 2009 of new claims reported in 2008–2009 was \$155,074 compared to \$111,126 in 2007–2008, an increase of \$43,948.

The number of accepted claims (includes claims accepted under provisional liability), increased from 21 in 2007–2008 to 29 in 2008–2009.

Costs incurred by these claims amounted to approximately \$82,323 or 53.08 % of the total cost of claims for 2008–2009.

Of the accepted claims in this reporting period, there were eight fall/slip and nine body stress (e.g. Repetitive Strain Injury) claims, amounting to \$56,839 in 2008–2009 or 36.65% of the total cost of claims.

The number of full time equivalent (FTE) staff for this financial year is 824.34, an increase of 39.57 from 784.77 in 2007–2008. This equates to an average claim cost of \$188.12 per staff member, compared to \$141.60 per staff member in 2007–2008.

There was a significant increase in psychological claims in this reporting period, from one in the 2007–2008 reporting period to eight in the 2008–2009 reporting period. Of the eight claims, three claims were accepted, two claims were declined, three claims were initially accepted,

WORKERS COMPENSATION CLAIMS

Type of claims	No of claims for 2007–2008	No of claims for 2008–2009
Workplace	8	16
On duty (not at office)	6	5
Journey	9	12
Recesses–lunchtime & authorised breaks	2	2
Total claims accepted	21	29
Claims declined	1	5
Claims withdrawn	3	1

WORK RELATED INCIDENTS

Type of claims	No of claims for 2007–2008	No of claims for 2008–2009
Workplace	7	10
On duty (not at office)	7	5
Journey	5	5
Recesses–lunchtime & authorised breaks	5	5
Total	24	25

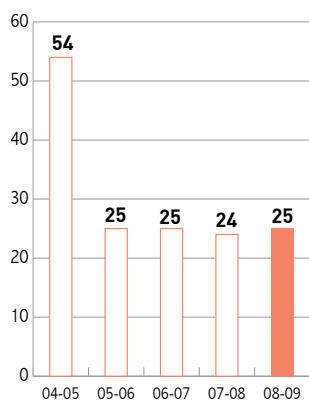
but declined following pre-liability investigation. Six of the eight claims lodged were due to alleged harassment, bullying and intimidation. All of these claims were investigated and two were accepted. The two accepted claims were for the same employee and comprehensive action has been taken to address the issues identified as the cause.

While some indicators of workplace injury increased, given the relatively small size of Legal Aid NSW, a small number of injuries can sometimes distort annual data. We will carefully monitor trends in 2009-2010.

Work related incidents

The total number of reported 'Incident Only' reports has increased slightly from 24 in 2007-2008 to 25 in 2008-2009.

TOTAL STAFF INJURIES/ ACCIDENTS 5 YEAR TREND



The year ahead

Respond to the results of the Staff Health Survey.

Identify issues of concern before they can result in injuries/incidents and claims.

Key challenges

Prioritising the results of the Staff Health Survey, dealing with high risk and organisation-wide health issues first.

Supporting staff who undertake challenging and stressful work will be a priority.

POLICY AND REVIEW

Employee related policies

The following policies and guidelines were updated and reviewed for currency and best practice: Working From Home, Gifts and Benefits, Performance Planning and Development, Sick Leave, Higher Duties Allowance and Family Leave Policy.

We also responded to changes in the employment legislation for the public sector, the *Public Sector Employment and Management Act 2002* and to the public sector conditions of service award. As a result, changes had to be made to operating policy and practice across a number of Human Resources functions but particularly in Workforce Management and Payroll.

Code of Conduct

Our Code of Conduct was modified during 2008-2009 to incorporate the NSW Lobbyists' Code of Conduct.

Staff reviews

We implemented key recommendations from three reviews:

- **Legal Support Officer Review:** A working group considered options for determining the ratio of support staff to lawyers. This will allow for an agreed standard across various roles and locations;
- **Office Managers Review:** A draft generic position description for this role was prepared by a working group involving a cross-section of staff from Legal Aid NSW; and
- **Learning and Development Review:** An Executive Committee, headed by the CEO, was set up to implement a strategic approach to learning across the organisation.

EMPLOYEE RELATIONS

Staff served on various internal committees, such as the Peak Consultative Committee, the Human Resources Sub-Committee, the Occupational Health and Safety Committee, the Access and Equity Committee and the Learning and Development Executive Committee (page 148).

Legal Aid NSW developed a Savings Implementation Plan (SIP) and implemented reforms as a result of the State wage rises in 2008. The plan was necessary to identify how Legal Aid NSW would fund the costs of salary rises, which were only partially funded by the Government.

In addition, we consulted with the PSA as part of the SIP Consultative Committee.

The year ahead

Meet targets set in the Savings Implementation Plan.

Implement the public sector wide e-recruitment system to be introduced in late 2009.

Incorporate new public sector policy initiatives into job evaluation and recruitment within Legal Aid NSW.

Systems and processes

Strong systems and processes build organisational capability and help us provide clients with a high quality service.

Our biggest and most challenging project this year was to bring in a major new system for processing all applications for legal aid. As a result, we are in a much stronger position to meet our core business needs well into future. We also learned some valuable lessons about ways to minimise negative fallout on staff and partners during a changeover period.

Major achievement

SYSTEM CHANGEOVER

In March 2009, we introduced a new grants management system called ATLAS.

The new system, which replaces LA Office, processes all applications for aid and all case-related claims received by Legal Aid NSW, and manages records of all our clients

Although still in the early stage, ATLAS will greatly enhance the organisation's ability to process applications both quickly and in strict adherence to our policies, and will meet the needs of Legal Aid NSW, and our partners and clients, into the future.

By automatically applying business rules to information provided in applications, ATLAS will improve decision-making on applications, and ensure a more efficient and consistent service delivery to clients and private lawyers. The system also allows us to automate aspects of processing applications and claims, thereby improving turnaround times for both clients and lawyers.

With ATLAS, electronic lodgement of applications is available in all areas of law.

Through the enhanced Grants Online facility, introduced with ATLAS, the new system provides better support to the e-business environment between Legal Aid NSW, private lawyers and applicants for legal aid. This includes full electronic lodgement of applications and claims, and electronic communication between Legal Aid NSW and private lawyers. It also gives private lawyers online access to additional information about legally aided matters and the ability to accept offers of work online. By managing information on practitioner panels, ATLAS allows us to allocate work to private lawyers in a fair and reasonable manner, and to quickly find private lawyers to assist unrepresented clients, particularly in rural and remote areas.

A comprehensive training program has been implemented for Grants staff and private lawyers to familiarise them with the new system. This has been supplemented by ongoing guidance and support from the ATLAS team and Grants Support Desk.

In conjunction with the introduction of ATLAS, the CASES case management system took an expanded role within the inhouse legal practices, supporting all services provided by the inhouse practice. CASES and ATLAS were successfully integrated as part of the ATLAS implementation, providing the inhouse legal practice with a single seamless system to manage their inhouse practice work and client dealings.

Lessons learned

In preparing to implement ATLAS, key stakeholders such as professional associations and courts were warned about potential problems. Staff numbers on the Grants Support Desk were more than doubled and a small number of other project team staff was retained to deal with configuration and software changes.

Staff played a key role in the largest system changeover ever.

From a technical perspective, the implementation of ATLAS proceeded smoothly.

From a business perspective many issues were identified and anticipated, such as difficulties for staff as they learned the new system; increased calls to the Grants Support Desk (which primarily provides assistance to private firm users of Grants Online); and the need for minor software changes and corrections to system configuration.

The issues created in implementing ATLAS were, however, greater than we anticipated. Private firms experienced more difficulties in learning the system than we had expected and it was clear that the information we provided was not enough. Calls from lawyers and staff to the Grants Support Desk increased significantly, delaying response times. There were also delays in payments, particularly with matters converted from the previous system.

Staff, particularly those within the Grants Division, worked incredibly hard to overcome these difficulties and minimise the impact on private lawyers and clients.

Staff identified issues with the new system, and a number of measures were introduced, such as the following:

- staffing to the Grants Support Desk was further increased;
- Grants Online demonstrations were delivered for lawyers and support staff in Sydney and major regional centres;
- electronic communications and information were significantly boosted;
- an online ‘tour’ of Grants Online was made available on the Legal Aid and Grants Online websites; and
- minor software changes helped address the high number of support calls.

The year ahead

Fine-tune and improve the new ATLAS system and provide more training and support to staff and private lawyers using the system.

CONTINUOUS IMPROVEMENT

Measuring performance

The planned review of performance measurement in the 2008-2009 Corporate Plan was linked to a review of the Results and Services Plan (RSP), results indicators and service measures. As the NSW Treasury introduced new processes which no longer required bi-annual preparation and submission of the RSP it was determined that this action be postponed. However, the Corporate Plan 2009-2011 has established two complementary actions, namely, to (i) develop an integrated suite of demand, cost and efficiency indicators and (ii) improve the ability of staff to interpret and apply data. Progress against these actions will be monitored over the next two years.

Library review

An independent review of our library services found that Legal Aid NSW lawyers received an excellent service and were well supported by electronic databases, loose-leaf services and essential texts. Recommendations implemented in 2008-2009 included providing basic research services to the Aboriginal Legal Service and community legal centres.

Costing our services

Legal Aid NSW has, with the assistance of Deloitte Touche Tohmatsu (Deloitte), conducted a cost allocation survey of our inhouse practice.

All service delivery staff were asked to complete the survey. The survey asked staff to allocate their time to a set of predetermined ‘services’ on a percentage basis. Through a system of weightings based on salary, the total cost of the organisation can be split amongst the defined services based on percentages. The survey was conducted electronically and analysis of the results is yet to be completed.

The survey is seen as the first step in gathering more detailed information about the costs of services. It is expected that more complex and appropriate costing models will follow.

Cost-effective resources

We embarked on a cost-effective upgrade of our publications, including application forms and brochures, using the considerable skills and talent of inhouse staff.

We set out to improve customer satisfaction by providing information that communicated well with our clients, but at minimal cost.

Part of this was a new Complaints brochure and form and Client Service Charter.

A new application form for legal aid and new duty forms, cost-effectively produced inhouse, will make it much easier for clients to provide their details to us.

Knowledge management

The introduction of a Knowledge Manager is a recommendation of last year’s Legal Aid NSW library review.

The Knowledge Manager is intended to work within our library, assisting staff with their legal knowledge needs. Recruitment will take place early next year and the position will be reviewed after 12 months.

The year ahead

Further develop costing methodology for inhouse legal services.

Improve the reporting of data and performance information in the Annual Report.

Implement more recommendations from the library review.

Key challenge

The Premier has called on all Government agencies “to have a renewed focus on the best way to deliver services for the people of NSW in these tough times”. Legal Aid NSW will participate in a review of corporate services across the Justice and Attorney General’s portfolio, to assist in identifying savings.

TECHNOLOGY

Information technology played a big role in assisting the organisation to deliver better services and to achieve our corporate plan goals.

e-Learning

The Learning Management System (LMS) was launched on 1 January 2009 (page 36). The new site provides a centralised portal for registering courses, online learning, discussion forums, news and a calendar for upcoming courses. It also maintains a record of an individual's personal training history.

Intranet

A new intranet site design and information architecture was approved by the CEO in March 2009 and the technology platform for the new Intranet (Microsoft SharePoint) has been deployed.

Building of the new site is well underway with the overall framework in place and individual site sections established. The timeframe for the new intranet launch is September 2009.

Records management

TRIM, the corporate record-keeping system of Legal Aid NSW, has been upgraded to improve our ability to capture, track, locate, retrieve and dispose of our paper and electronic documents. Legal Aid NSW has adopted a three-stage approach to rollout TRIM: the management of paper records, the management of electronic documents, and integration with CASES and ATLAS to manage documents created/captured by these systems.

During the year, TRIM was rolled out successfully to pilot groups in Central Sydney. Staff

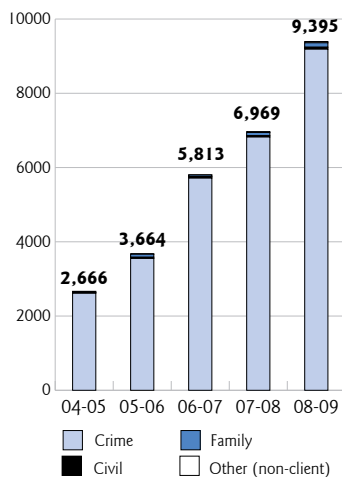
were trained in using TRIM for managing records.

A project to integrate TRIM seamlessly with ATLAS and CASES is underway to facilitate centralised and compliant management of all electronic documents.

Audio-visual links

Our staff have increased their usage of audio-visual link (AVL) services, resulting in greater efficiency and cost savings. We replaced older equipment that was not compatible with our network.

AVL CONFERENCES HELD 5 YEAR TREND



Infrastructure

New desktop computers were provided to all Legal Aid NSW staff. Larger screens were provided to take into account the amount of screen-based work staff perform. In conjunction with the desktop rollout, a new standard operating environment was developed and deployed.

Court-based computers were updated and connected wirelessly to the Legal Aid NSW network to allow staff at court to access our systems. In addition, wireless access has

been provided for our laptops, enabling staff to access the Legal Aid NSW network from outreach clinics and other off-site locations.

IT staff developed a program for replacing key server and storage infrastructure. The program will continue into 2009-2010.

We continued to implement server technologies that facilitate the consolidation of our applications across fewer physical servers resulting in efficiency and energy savings.

The selection and purchase of new software and hardware has been completed which will significantly improve our ability to respond to and recover from disasters affecting our IT operations.

The year ahead

Work with other NSW Government Justice Sector agencies on the Joined Up Justice project to manage the exchange of data across the criminal justice sector.

Improve the intranet and internet sites to give people better access to information on legal issues and services.

Improve management of all IT functions, in particular business reporting and disaster recovery.

Introduce web cam technology to supplement the AVL infrastructure.

Key challenge

Continuing to provide Legal Aid NSW business areas with innovative and effective technology solutions during a period of significant cost restraint and corporate services reform across the NSW Government.

ORGANISATIONAL EFFICIENCIES

As part of savings initiatives, a new monitoring system was introduced in November 2008 to ensure that discounted fares are used for airline travel.

From November 2008 to April 2009, we achieved a 21% decrease in air travel costs.

In March 2009, we merged our Newcastle civil, family and criminal law practices into a single office, achieving cost savings and increasing our capacity to provide more holistic services to clients. The Newcastle civil law practice moved from the University of Newcastle to join the family and criminal law practices. Clients can now access a refurbished one-stop shop for all areas of law.

The year ahead

Implement a new Accommodation Plan for Central Sydney and regional offices.

REDUCING OUR ENVIRONMENTAL FOOTPRINT

Under current NSW Government Sustainability Policy (M2008-28), agencies are required to purchase a minimum of 6% green energy.

Legal Aid NSW showed early leadership by using 6% green energy from 2006 with a commitment to increasing this by 1% pa where it was available and cost effective. Sustainability actions carried out in 2008-2009 included:

- increasing our green energy purchase from 6% to 10% for all regional offices;
- achieving a NABERS* three star rating for the Central Sydney office;
- conducting a staff survey on commuting patterns as part of a carbon footprint assessment, which will be used to implement future energy savings initiatives;
- purchasing a second Hybrid vehicle for our fleet of 45 cars;
- increasing E10 fuel usage from 6.7% to 17.5% from 2008 to 2009; and
- installing light timers in Central Sydney for high rise floors that reduce the dependence on staff to turn lights off each day. (The hours on the timers have been reduced from 10 pm to 8:30 pm).

*National Australian Built Environment Rating System rates the operational environmental performance of buildings.

In accordance with the Government's Waste Reduction and Purchasing Policy (WRAPP), our goal was to reduce paper usage by 10% per person. This equates to four sheets of paper per person, per business day. By late 2008 we had reached a 7% reduction.

In line with the NSW Government clean fleet strategy, tests are being undertaken on a car that can put energy back into the grid in its bid to cut greenhouse emissions by 60% by 2050.

To engage staff on environmental issues, we introduced a regular Green Column in our staff newsletter, encouraging staff to contribute stories and ideas on how to go green.

The year ahead

Develop a new sustainability policy with clear guidelines for reducing our carbon footprint. Review our car fleet in October 2009 to include more electric cars.



Edward Young (centre) with the Human Rights Commissioner and Disability Discrimination Commissioner Graeme Innes AM and Legal Aid advocate, Anastasia Toliopoulos, celebrating historic same-sex legislation announced in November 2008 (page 50).

GOAL 4

PROMOTING FAIRNESS & OPPORTUNITY

Key achievements

- Reviewed civil law policies
- Developed a single means test
- Completed research into Aboriginal legal needs
- Reviewed our response to domestic violence
- Expanded legal services for prisoners
- Assisted 27 people who were falsely imprisoned
- Co-hosted a financial hardship roundtable

Promote a fair and inclusive justice environment

IN THIS SECTION

Social inclusion	47
Research and reports	47
Studies and surveys.....	48
Human rights projects	49
Inquiries	50
Law reform	51
External forums.....	51
Inter-agency committees	52

Findings from two key reports will help us improve services to our priority client groups.

Promoting fairness and opportunity

Aside from providing day-to-day legal services, Legal Aid NSW has a broader role in identifying opportunities to improve access to justice. Based on new legislation, government policy and research into unmet legal need, we introduced policy and service delivery initiatives that will strengthen the protection of rights for disadvantaged people within the justice system.

SOCIAL INCLUSION

Over the last 10 years, the term “social exclusion” has been increasingly used to highlight the situation of disadvantaged and marginalised groups in society.

Promoting and maintaining “social inclusion” has become a government policy aim both in Australia and overseas.

We believe that legal advocacy and advice for socially and economically disadvantaged people and excluded communities is an important way of promoting social inclusion.

Major achievements

Policy review

Our Legal Policy Branch ensures that our policies target people who are socially and economically disadvantaged to enable us to make decisions that are fair and consistent. With more people becoming unemployed as a consequence of the global financial crisis, potentially increasing the number of people accessing our services, it became necessary to review how best to deliver services to those who are identified as most disadvantaged. Our civil law policies were reviewed, ensuring they target people who are most at risk of being socially excluded. Staff and private lawyers were trained in their application.

Means test

Legal Aid NSW developed a new single means test. The benefit of the new means test is that it is easier for staff, clients and private lawyers to use. It also introduces a degree of flexibility into the means testing of Local Court criminal matters.

The merging of Means Tests A and B into a single means test was the first step to a more fundamental review of the whole means test and client contributions system.

The year ahead

Commence a major review of our means test, drawing on the principles of social inclusion, to ensure services meet the legal needs of the most socially and economically disadvantaged people across NSW.

Revise key policies on access to aid, based on evidence of social inclusion and exclusion.

RESEARCH AND REPORTS

Our Corporate Plan 2008-2009 encourages us to promote a fair and inclusive justice environment for everyone, but in particular by improving access to justice for Aboriginal people and people in domestic violence situations. This year, we commissioned two reports to provide the groundwork for work in these areas.

Major achievements

Aboriginal legal needs

In December 2008 Professor Chris Cunneen and Melanie Schwartz (University of NSW) delivered their report commissioned by Legal Aid NSW into the civil and family law needs of Aboriginal people in NSW. They consulted widely with Aboriginal people and service providers throughout the State to establish what these needs were.

The Cunneen report will help guide future legal services to Aboriginal people in civil and family law.

The research established that Aboriginal people mainly need help with family law proceedings involving children, including care and protection matters and child support. Other areas that featured highly were mental health, personal injury/accidents and consumer issues.

Also highlighted were key areas where Legal Aid NSW could improve its service delivery to Aboriginal people, such as providing more help with filling out legal aid forms, and introducing flexible services that demonstrate a better understanding of Aboriginal culture and background.

The report made 12 recommendations for addressing the civil and family legal needs of Aboriginal people in NSW, including:

- Aboriginal cultural awareness training for all Legal Aid NSW staff;
- community outreach programs, especially in rural and remote areas where there are no Legal Aid NSW offices; and
- community legal education programs.

Although Legal Aid NSW is already doing considerable work in these areas, the report provided invaluable guidelines that will help us develop more targeted and culturally appropriate services.

Domestic violence strategy

In November 2008 a report on Legal Aid NSW services to people in domestic violence situations was completed. The report considered:

- the legal consequences of domestic violence and the legal needs arising from those consequences;
- how Legal Aid NSW responds to people in domestic violence situations, both as an organisation and through different practice areas;
- the relationship between Legal Aid NSW and key domestic violence service delivery partners; and
- the role of Legal Aid NSW in improving access to justice for people who have been or are in domestic violence situations, through research, policy and justice system service delivery initiatives.

Given the extensive nature of the recommendations, the timeframe for implementing a statewide service delivery strategy in response to domestic violence was extended to the following financial year. In December 2008, an internal Implementation Committee was established to consider the recommendations and report to the Chief Executive Officer on implementation of the recommendations, as appropriate.

The year ahead

Implement the recommendations of the *Report into the Civil and Family Law Needs of Aboriginal People in NSW*.

Implement a service delivery strategy in response to domestic violence.

Undertake a social inclusion pilot with a group of clients who have a high need for legal aid services and complex legal problems, to assist with policy development.

Key challenge

Prioritising the many recommendations in the domestic violence report so that we can commence implementation, and see some real results by the end of the year.

Establishing successful pilots of Aboriginal Community Access Workers in several locations.

STUDIES AND SURVEYS

In 2007 National Legal Aid commissioned the Law and Justice Foundation of New South Wales to undertake a study of legal needs in Australia.

The Foundation engaged Roy Morgan Research to conduct telephone interviews with over 19,000 Australian residents in 2008. The interviews were intended to identify legal problems encountered by respondents within the previous 12 months.

The interviews for the study were completed in late 2008, however, further analysis of the interim data is necessary before a final report can be published by the Law and Justice Foundation. It is expected that this report will be available in 2011.

Interim advice from the Foundation suggests that the report is likely to assist in our understanding of the clustering of legal problems for particular groups in the community.

HUMAN RIGHTS PROJECTS

In seeking to promote a fair and inclusive justice environment, Legal Aid NSW employs staff in a range of specialist services to act on behalf of particularly vulnerable clients, including those whose voices are often not heard (page 7).

Major achievements

Legal services for prisoners

Prisoners are one of the most disadvantaged groups in society, both by virtue of their incarceration and their socio-economic background. In 2008-2009, they were a major part of our social inclusion program.

Until recently, our service to prisoners provided legal advice mainly in the area of criminal law.

A review of our Prisoners Legal Service recommended a more holistic legal service that would provide civil and family law outreach services to gaols in NSW—one that could assist prisoners with a range of legal problems such as debt, fines, tenancy and caring for children.

We responded by establishing an outreach team—a civil lawyer and a family lawyer—who could deliver this new service to prisoners.

During 2008-2009, the team made 36 prison visits that included gaols in remote areas such as Broken Hill and Brewarrina.

We launched a statewide education program, *Back on Track*, for prisoners in collaboration with the Department of Corrective Services, helping prisoners address their legal needs as part of their overall rehabilitation and successful reintegration into the community. Civil and family lawyers at the Prisoners Legal Service delivered 90 community legal education sessions using *Back on Track*.

In addition, an education campaign was conducted for Aboriginal prisoners in relation to Stolen Wages in Wellington, Mid North Coast, Grafton, Brewarrina, Glen Innes, Lithgow, Bathurst, Kirkconnell and Long Bay. Over 700 Aboriginal prisoners received education and advice about

possible Stolen Wages claims. As a flow on effect, prisoners lodged several hundred claims with the Aboriginal Trust Repayment Scheme in the following months.

LawAccess NSW, promoted as a key point of contact in the *Back on Track* DVDs, assisted 8,240 callers from prisons, a 14.3% increase on last year.

In October 2008, the NSW Legal Assistance Forum held a roundtable on practical strategies that could address the legal needs of prisoners. The forum led to the establishment of a Prisoners Working Group, chaired by Legal Aid NSW, whose first step was to improve prisoners' access to information in prison libraries.

The e-version of the *Law Handbook* and a version of the Legal Aid NSW website will be ready for piloting by the end of 2009.

The Women's Advisory Council advises the Commissioner for Corrective Services on issues relating to women in custody and in the criminal justice system generally. Director,

Director Civil Law, Monique Hitter takes her place (third from left, back row) on the Department of Corrective Services Women's Advisory Council.



Civil Law, Monique Hitter, is a member of this committee.

The committee complements the work of the NLAFF Prisoners Working Group. This year it focused on strategies to reduce the increasing numbers of women in full-time custody and the over-representation of Aboriginal women in the criminal justice system.

False imprisonment

Last year we reported on an investigation recently completed by the Commonwealth Ombudsman into the alleged false imprisonment of 247 people who were either citizens or lawfully resident in Australia at the time of their detention. Based on a suggestion from Legal Aid NSW, the Department of Immigration and Citizenship (DIAC) contacted each detainee suggesting they receive legal advice prior to accepting any offers of settlement. Legal Aid NSW established a 1800 number for this purpose.

To date 27 people have sought assistance from Legal Aid NSW, 20 have been represented inhouse and seven have been referred to private law firms.

Most clients were detained for relatively short periods of time; however some were detained in excess of one and even two years.

In addition to these 20 matters, Legal Aid NSW has also represented two other individuals who were not the subject of the Ombudsman's report but who had claims of false imprisonment against DIAC. Damages totaling

\$1,023,500 have been paid by DIAC to our clients.

This project is a good example of Legal Aid NSW working with government departments on a policy level to facilitate access to justice for an extremely disadvantaged community.

Same sex rights

Since 2003, Legal Aid NSW has assisted a client in his fight for changes to same sex couple legislation, which included making a claim to the United Nations Human Rights Committee. Our client claimed he had been discriminated against, on the basis of his sex, over entitlements provided to partners of deceased veterans. The UNHCR ruled that Australia had breached the International Covenant on Civil and Political Rights but the landmark ruling had no effect on same sex laws in Australia at the time.

The case was re-opened this year so that preparations can begin in readiness for lodging a fresh claim for a war widower's pension, post 1 July 2009, when the laws allowing gay partners of Australian Defence Force members equal treatment before the law come into effect.

Human rights committee

The Legal Aid Human Rights Committee assists in considering applications for legal aid in cases that raise significant human rights issues. It is made up of experts in human rights law from the University of NSW, the NSW Bar Association and the Law Society of NSW, and is assisted in its work by staff at Legal Aid NSW.

This year the committee considered 39 matters ranging from discrimination and Stolen Wages to immigration, unlawful imprisonment and procedural fairness.

The year ahead

Provide more *Back on Track* community legal education sessions in prisons.

Improve communication between prisoners and lawyers through webcam technology.

Undertake more cases and projects that help protect the interests of particularly vulnerable people.

INQUIRIES

In addition to contributing to joint submissions to inquiries through National Legal Aid and the Department of Justice and Attorney General, Legal Aid NSW provided submissions directly to other major Inquiries including:

- the Special Commission of Inquiry into Child Protection Services in NSW (Staff of Legal Aid NSW also gave evidence to the Special Commission.); and
- the Joint Standing Committee on Migration Inquiry into Immigration Detention (The CEO and lawyers Elizabeth Biok and Bill Gerogiannis gave evidence before the Committee. They were well received by the Committee, and the Committee's Reports referred extensively to the National Legal Aid submission and the evidence given to the Inquiry by the Legal Aid NSW witnesses.)

Key challenge

Negotiating improvements to our agreement with the Commonwealth, to allow us to provide better services to asylum seekers and temporary residents.

LAW REFORM

The significant contribution to law reform debate by Legal Aid NSW draws on our extensive experience in assisting disadvantaged clients. We are regularly invited to comment on the impact of policy and legislative proposals on socially and economically disadvantaged people.

In 2008-2009 we made 44 submissions to a range of law reform bodies on a wide variety of issues affecting our clients. See page 137 for a full list.

Law reform work undertaken by Legal Aid NSW contributes to the resolution of systemic issues which adversely affect our socially and economically disadvantaged clients.

Two contributions to law reform that helped achieve systemic change this year were our work on the committee which drafted the Work and Development Order (WDO) Guidelines under the *Fines Act 1996* and our work on the Apprehended Violence Legal Issues Coordinating Committee.

The *Fines Act* was amended in 2008 to allow eligible people to satisfy their debt through unpaid work or certain courses or treatment. The WDO Committee drafted the Guidelines, with the Legal Aid NSW member's main involvement being in the drafting of the definitions of "homelessness" and "acute economic hardship" and participating in determining the rate at which a WDO satisfies a fine debt.

Representatives from the Criminal Law Division, including the Children's Legal Service, and the Women's Domestic Violence Court Advocacy Program are members of the Apprehended Violence Legal Issues Coordinating Committee (AVLICC). This group aims to continuously improve the delivery of justice system services to all persons who experience domestic violence. Through this group, Legal Aid NSW contributes to law reform and monitors the impact of existing law. Legal Aid NSW has participated on several working parties on behalf of AVLICC. An example of this work is the recommendation for law reform in relation to the definition of "domestic relationship" in Section 5 of the *Crimes (Domestic and Personal Violence) Act 2007*.

The year ahead

Review and improve our systems for identifying key law reform issues.

EXTERNAL FORUMS

National Legal Aid

National Legal Aid (NLA) represents the Directors of each of the eight State/Territory Legal Aid Commissions in Australia. The current chair of NLA is Mr Norman Reaburn, Director of the Legal Aid Commission of Tasmania. NLA made 10 submissions about key legal issues affecting people's legal rights.

NLA also established a number of working groups and best practice forums to address specific issues. The Consumer Law Working Group was established in 2008-2009 to address issues relating to the National Consumer Credit Protection Bill 2009 and will continue to work collaboratively to respond to changes to the consumer credit legislation in the year ahead. The NLA Dispute Resolution Working Group has also undertaken significant work to address issues arising from the implementation of the National Mediator Accreditation Scheme and the external evaluation of legal aid family dispute resolution services (page 17).

Australian Legal Assistance Forum (ALAF)

NLA represents Legal Aid NSW and the other Legal Aid Commissions across Australia on the Australian Legal Assistance Forum (ALAF) which also comprises:

- the Law Council of Australia, representing Australian lawyers and their State and Territory representative bodies;
- representatives of Aboriginal and Torres Strait Islander Legal Services; and
- the National Association of Community Legal Centres.

ALAF was established to enable these organisations to consider and address Australian legal assistance issues in a cooperative and coordinated manner.

NSW Legal Assistance Forum (NLAF)

Mr Alan Kirkland became the Chair of the NSW Legal Assistance Forum in 2009. The position of Chair had previously been held by Mr Geoff Mulherin of the Law and Justice Foundation from November 2007. The key initiatives of the NLAF for 2008-2009 were:

- establishing a working group to address the legal needs of prisoners (page 49);
- establishing a working group to identify and address issues concerning the availability of lawyers for disadvantaged people in rural, regional and remote areas;
- a submission to the House of Representatives Committee Inquiry into the Impact of the Global Financial Crisis on Regional Australia;
- assisting Local Courts in Western Sydney to identify Dinka, Arabic and Juba resources and to provide services to assist the Sudanese community to address legal issues through the working group on culturally and linguistically diverse issues; and
- information sharing in relation to services available for people in domestic violence situations through the Legal Information and Referral Forum.

Financial hardship roundtable

In May 2009, Legal Aid NSW, in collaboration with Victoria Legal Aid, the Consumer Credit Legal Centre (NSW) and the Consumer Action Law Centre (Vic), hosted a Financial Hardship Roundtable in Melbourne. Attended by representatives of State and Federal agencies, regulators, legal service providers and non-government community welfare organisations, the Roundtable provided an opportunity to discuss the impact of the global financial crisis on disadvantaged people, with a particular focus on the availability of legal assistance for people experiencing difficulty with credit and debt issues. The Roundtable helped to set an agenda for the work of the newly established NLA Consumer Law Working Group.

The year ahead

The NLA Consumer Law Working Group will build stronger links with specialist community legal centres, to ensure a coordinated response to changes to consumer credit legislation.

NLAF will finalise a range of practical measures to improve access to legal information and services for prisoners through the NLAF Prisoners Working Group.

The NLAF Working Group for Culturally and Linguistically Diverse Communities will work with stakeholders in South Western Sydney to identify legal needs of Fijian and Iraqi communities and develop plans to address those needs.

The Law and Justice Foundation will undertake a Commonwealth-funded research project on behalf of NLAF, to improve the research base in relation to recruitment and retention of lawyers in regional, rural and remote areas.

INTERAGENCY COMMITTEES

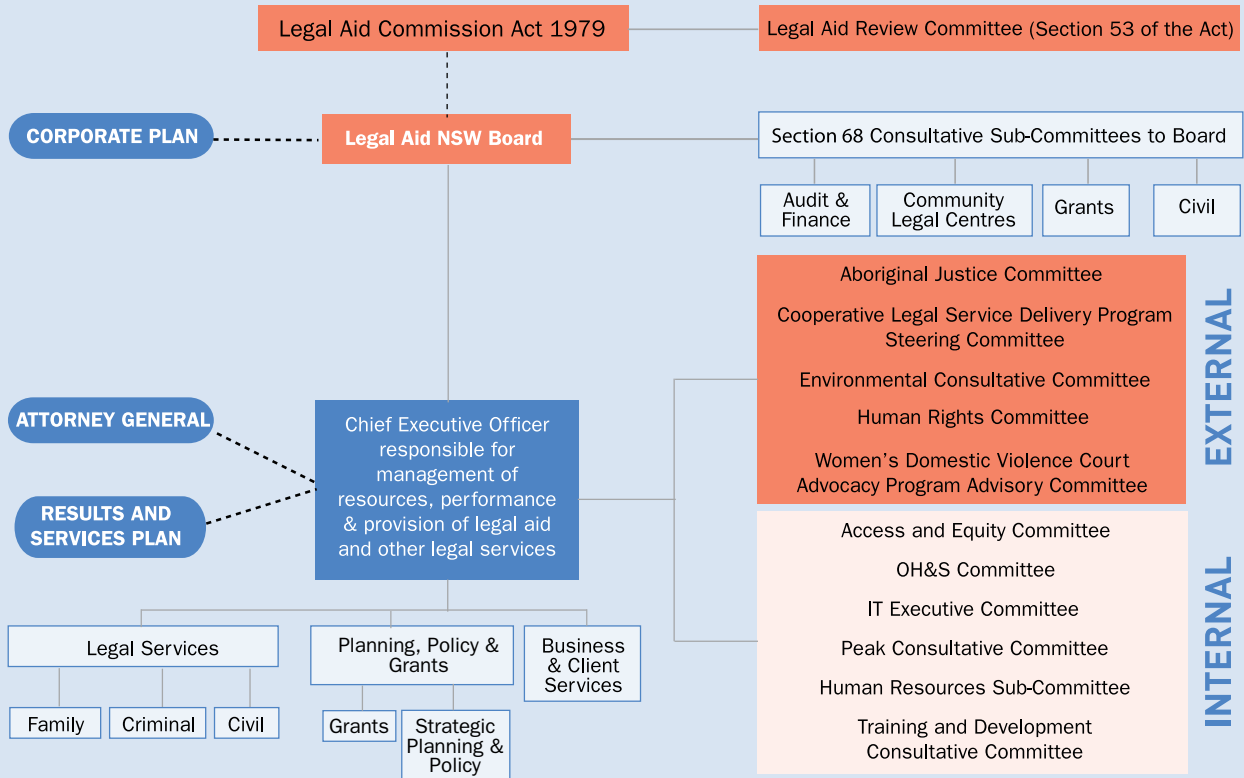
Legal Aid NSW staff were members of over 120 inter-agency committees, highlighting the legal needs of disadvantaged communities (page 149).

The year ahead

Take a leadership role on the expert advisory panel on alternative dispute resolution in the care and protection jurisdiction.

Key challenge

Working with the Australian Government to attract adequate resources for legal assistance for growing numbers of people experiencing financial stress.



CORPORATE GOVERNANCE

Key achievements

The Legal Aid NSW Board approved:

- changes to the State criminal law policy to provide legal aid for restorative justice programs
- changes to family law policy to reflect changes in the law relating to de facto property and maintenance matters
- a single, simplified means test
- a new Corporate Plan 2009-2011.

Our corporate governance framework guides us in fulfilling our legislative objectives and ensures we honour our commitment to the community.

IN THIS SECTION

Board achievements	54
Board members	55
Organisation chart	56
Directors	57
Governance framework	58
Legislative compliance	59
Public accountability	60
Privacy	61

Legal Aid NSW Board

A board with 10 members determines our broad policies and strategic priorities.

There are nine part-time Board members including the Chairperson, and one full-time Member, who is Chief Executive Officer of Legal Aid NSW. The part-time Board members are appointed by the NSW Attorney General for a maximum of three years.

The Board is advised on specific matters by a number of committees. Details of these committees are on pages 146-147.

Mr Phillip Taylor as Chairperson also chairs the Grants Sub-Committee of the Board. Mr Taylor regularly attends senior corporate executive planning activities at Legal Aid NSW.

Mr Geoff Lindsay SC attends the Grants Sub-Committee of the Board and Mr Philip Bickerstaff chairs the monthly meetings of the Audit and Finance Board Committee.

Another active Sub-Committee is the Community Legal Centres Funding Sub-Committee, chaired by the Rev Harry Herbert and attended by Board member Ms Sara Blazey.

Associate Professor Andrea Durbach chairs the Civil Law Sub-Committee of the Board and also the Legal Aid NSW Human Rights Committee. Senior management welcome the strategic involvement of Board members on these important committees.

Major achievements

The Board approved a number of changes to policies, including amendments to:

- the means test—replacing the two means tests with a single means test, coinciding with the introduction of ATLAS in March 2009;
- State criminal law policy, to provide legal aid for restorative justice programs;

- family law policy, to include de facto property and maintenance matters following commencement of the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008*;
- civil law policy, to provide legal assistance for clients detained for mandatory treatment under the extended pilot of the *Drug and Alcohol Treatment Act 2007*; and
- policy and guidelines relating to public interest, including guidance on the interpretation of the term 'public interest' in the glossary of terms.

Early in 2008-2009, it became apparent that expenditure was in excess of budget in a number of areas, and that changes to policies and fees were necessary in order to control future expenditure. As a result, the Board also approved the following changes to policies and guidelines:

- restrictions on the provision of legal aid for personal injury and medical negligence matters to people at special disadvantage, such that aid would only be available in exceptional circumstances, and where the applicant would suffer undue hardship if aid was refused;
- rationalisation of the maximum number of hours of hearing time paid per day to five hours for all assigned matters, to ensure that it is consistent across all areas of law;
- an expansion of the Family Dispute Resolution (FDR) Program with increased emphasis on a model of FDR for matters in late litigation;
- more rigorous guidelines on funding of court expert reports and family law litigation; and

- an extension of the merit test to a broader range of adults in care and protection matters.

The Board also approved the Corporate Plan 2009-2011.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings of the Board in 2008-2009.

Finance and budget matters took up approximately 30% of the Board's time; strategic matters about policy, planning, law reform and risk assessment 40%; and general governance and advice on operational matters, 30%.

Board members' fees

Part-time Board Members are entitled to be paid fees for their work in attending meetings, reading background papers, sitting on committees and representing the Commission at meetings with other organisations. The rates of remuneration are \$3,370 per annum for Members and \$28,080 p.a. for the Chairperson of the Board. The Chairperson of the Audit and Finance Committee is also paid an additional \$2,527 p.a. for chairing this Committee. No fees are paid to Members who are salaried government employees or who elect to forego payment.

The year ahead

The Board's priorities will include:

- implementing the Corporate Plan 2009-2011;
- implementing relevant recommendations of the Trial Efficiency Working Group (page 34); and
- monitoring the impact of cost control measures introduced in 2008-2009 and considering further measures, if necessary.

Board members

Meetings
attended
2008–2009

Mr Phillip Taylor BA LLB		Appointed by the Attorney General as Chair. Phillip was a partner of Freehills for many years. He now serves on a number of boards and provides consulting services.	10
Mr Alan Kirkland BA LLB MBA (Exec)		Appointed by the Attorney General as Chief Executive Officer in 2008. (See page 57 for biographical information).	10
Rev Harry Herbert BA BD STM Dip. Legal Studies		Harry is Executive Director of UnitingCare NSW, ACT, representing consumer and community interests. Harry also chairs the Responsible Gambling Fund and the AGL National Customer Council. He is the longest serving member of the Board.	10
Ms Sara Blazey BA(Hons) Law		Nominee for the Combined Community Legal Centres Group (NSW), appointed in November 2006. Sara has been a solicitor for 25 years, specialising in family law and domestic violence. She first practised in England and was then admitted as a solicitor in NSW in 1997. She has worked in Community Legal Centres since then. Alternate: Maria Girdler, attended 1 meeting.	10
Ms Pauline Wright BA LLB		Nominated by the Law Society of NSW. In private practice as a solicitor since 1985, Pauline is a partner at P J Donnellan & Co in Gosford. She was a Councillor of the Law Society of NSW for nine years. She also sits on the Board of Governors of the Law and Justice Foundation, and has been a Vice President of the NSW Council for Civil Liberties since 1996. Alternate: Hugh Macken	6
Mr Geoff Lindsay BEd, LLB (ANU) SC		Nominated by the NSW Bar Association, Geoff practises principally in the equity, commercial and appellate jurisdictions. He is Secretary of the Francis Forbes Society for Australian Legal History, a member of the Council of Law Reporting for NSW and a nominee of the Bar Association on the Board of the Public Interest Law Clearing House and the Faculty Board of the UTS Law Faculty. Alternate: Phillip Boulten, SC	11
Mr Jack Grahame BA		Nominated by Unions NSW. A lawyer for over 40 years, Jack was in private practice before joining the Prisoners Legal Service of Legal Aid NSW in 1991.	7
Mr Philip Bickerstaff MCom		Phillip retired from the NSW Public Sector in 2005 after 37 years, 29 of those with NSW Treasury. Phil was appointed to the Board in 2005 and chairs the Board's Audit and Finance Sub-Committee. He is also a member of the Board of the Festival Development Corporation, Ryde Family Support Service and Fairfield Community Resource Centre.	11
Ms Andrea Durbach BA LLB, DipLaw (SAB, USyd)		Associate Professor, Faculty of Law, UNSW and Director of the Australian Human Rights Centre. Prior to joining UNSW, she was Director of the Public Interest Advocacy Centre and Coordinator of the Public Interest Law Clearing House. She is also Chair of the Legal Aid NSW Human Rights Committee and member of the Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions.	8
Ms Linda Webb OAM, BA, FAIM, MAICD		Linda is a consultant and serves on several government boards. Her areas of expertise are governance, community services and procurement. In 2001, Linda was awarded a medal as a Member of the Order of Australia for services to public administration and social policy.	6

Organisational chart

CEO | Alan Kirkland

EXECUTIVE SUPPORT
ABORIGINAL SERVICES UNIT

SOLICITOR TO LEGAL AID NSW
SECRETARIAT LEGAL AID REVIEW COMMITTEE

Legal Services Steve O'Connor, Deputy CEO

CIVIL LAW⁽¹⁾

Civil Litigation
Coronial Inquest Unit
Mental Health
Advocacy Service
Veterans' Advocacy
Service

FAMILY LAW⁽²⁾

Advocates
Care and
Protection
Child Support
Family Dispute
Resolution
Family Litigation

CRIMINAL LAW⁽³⁾

Advocates
Appeals
Children's Legal Service
Committals
Drug Court
Indictable
Inner City Local Courts
Prisoners Legal Service

CLIENT ASSESSMENT & REFERRALS

REGIONAL ADMINISTRATIVE COORDINATOR

LIBRARY

Business & Client Services Russell Cox, Deputy CEO

HUMAN RESOURCES

HRM Consultancy
Industrial Relations
& Organisational
Development
Injury Management &
Workers Compensation
Learning & Development
(includes e-Learning)
OH&S Risk Management
Payroll Services &
Entitlements
Workforce Management
Training & Development

INFORMATION TECHNOLOGY SERVICES

Audio Visual
Links
Client Services
Internet/Intranet
Project
IT Training
Operations
Project
Management
Office
Software
Development

OPERATIONAL SUPPORT

Client Services
Facility
Management
Fleet Management
Property
Purchasing
Records
Management
Security &
Emergency
Services

FINANCIAL SERVICES

Debt Recovery
Financial
Accounting
Management
Accounting
Systems

INTERNAL AUDIT

Strategic Planning & Policy Richard Funston, Executive Director Planning Policy & Grants

Legal Policy

Community Partnerships

Community Legal Centres Funding Program
Cooperative Legal Service Delivery Program
Women's Domestic Violence Court
Advocacy Program

Communication, Information, Education & Business Reporting

Access and Equity
Business Reporting
Community Legal Education
Publications

Grants Annmarie Lumsden, Director Grants

Business Development
Civil, Family and Criminal
Legal Units

Grants Support Desk &
ATLAS team

Operations
Professional Practices

(1) Central Sydney office and 13 regional offices (2) Central Sydney office and 20 regional offices
(3) Central Sydney office and 19 regional offices

Directors

ALAN KIRKLAND



BA LLB MBA (Exec)
Chief Executive Officer
(SES Level 6)
Budget Total: \$193.381M
Staff: (FTE) 824.34
Total Actual: 912

Alan has been Chief Executive Officer of Legal Aid NSW since July 2008.

Alan has previously been employed as Executive Director of the Australian Law Reform Commission; Director, Community Access, with the Department of Ageing, Disability and Home Care (NSW); and Director of the NSW Council of Social Service.

Alan has been a member of the boards of a range of non-government organisations, including the Australian Council of Social Service; the Welfare Rights Centre, Sydney; the Public Interest Advocacy Centre; and the Public Interest Law Clearinghouse.

He has also held statutory appointments to bodies including the Social Security Appeals Tribunal (Cth), the Administrative Decisions Tribunal (NSW) and the Sustainability Advisory Council (NSW).

[A key achievement by the Chief Executive Officer was working with the Executive to identify and implement a range of measures to control expenditure, while seeking to minimise the impact on services for disadvantaged people.](#)

[The Attorney has indicated his satisfaction with the CEO's performance for the period of his appointment. The CEO's performance statement appears on page 129.](#)

STEVE O'CONNOR



Dip Law (BAB)
Dip Crim
Deputy CEO Legal Services (SES Level 4)
Budget Total: \$79.960M
Staff: (FTE) 136.78
Total Actual: 163

Steve was appointed Deputy CEO Legal Services in 2003. Before that he was the Solicitor for Public Prosecutions in the NSW Office of the Director of Public Prosecutions. Steve is responsible for the statewide practices of the Criminal, Family and Civil Law Divisions.

[Steve's main achievement involved managing criminal and civil law costs and service delivery implications; and implementing external review findings.](#)

RUSSELL COX



BComm
Deputy CEO Business and Client Services (SES Level 4)
Budget Total: \$15.248M
Staff (FTE): 95.42
Total Actual: 101

Russell is responsible for providing corporate services. He was appointed to his position in 2003. His earlier experience includes senior corporate service appointments in both the public and private sectors.

[This year, Russell progressed many initiatives to enhance the level of support provided by Business and Client Services to achieve the corporate business goals and objectives of Legal Aid NSW.](#)

RICHARD FUNSTON



BComm LLB EMPA
Accredited Criminal Law Specialist
Executive Director Planning, Policy and Grants (SES Level 2)
Budget Total: \$113.642M
Staff (FTE): 124.5
Total Actual: 134

Richard's earlier experience includes eight years with Victoria Legal Aid and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 12 years with Legal Aid NSW, Richard has held leadership roles in a wide cross-section of areas. In March 2009 he was appointed to the new position arising from the reduction in the SES.

[Richard has shown leadership in the change management issues associated with the new grants management system ATLAS.](#)

BRIAN SANDLAND



BComm LLB PSM
Director, Criminal Law (SES Level 2)
Budget Total: \$39.599M
Staff (FTE): 247.85
Total Actual: 271

Brian has been at Legal Aid NSW for 29 years: for 4 years in civil law, then in criminal law for the last 25 years. He has held senior management roles in regional offices and Central Sydney and has been Director of the Criminal Law Division since 2003.

[Brian has worked on cost savings initiatives, recommendations for achieving more efficient trials, and an extensive crime prevention program for young people.](#)

KYLIE BECKHOUSE



BA LLB, Accredited Family Law Specialist
Director, Family Law (Senior Officer Grade 2)
Budget Total: \$21.705M
Staff (FTE): 130.11
Total Actual: 145

Kylie has held senior management roles throughout Legal Aid NSW, including in Liverpool, Parramatta, Blacktown, and Central Sydney offices and Child Support Service. Her earlier experience includes seven years in private practice.

Following the reduction in SES positions, a new position was evaluated as a senior officer position. Kylie was appointed in May 2009 after acting in the position for several months.

[Kylie's main focus was the Wood Special Commission of Inquiry into Child Protection, new resources for unrepresented litigants, and enhancements to family dispute resolution services.](#)

MONIQUE HITTER



BSW Dip Law
Director Civil Law (Senior Officer Grade 1)
Budget Total: \$14.952M
Staff (FTE): 89.68
Total Actual: 98

Monique began working as a community lawyer in 1997 at Marrickville Legal Centre. She has worked as a pro bono lawyer in a large law firm as well as a lawyer at Legal Aid NSW and the Australian Securities and Investment Commission. Monique also developed the pilot of the Cooperative Legal Services Delivery Model in 2004 and established new programs for priority client groups.

[Monique has been acting as the Director Civil Law since July 2007. This year she developed a mortgage rescue strategy for people with mortgage problems as well as a number of key community legal education and outreach initiatives.](#)

DIRECTOR GRANTS

(Senior Officer Grade 1)
Budget Total: \$88.464M
Staff (FTE): 91.9
Total Actual: 99

Mary Whitehead, Tracey Bosnich and Annmarie Lumsden have filled the role of Director Grants on a temporary basis. Following the reduction in SES positions a new position was evaluated as a Senior Officer, Grade 1 position. Annmarie Lumsden was appointed to the new permanent position in June 2009.

Governance framework

Legal Aid NSW is established under the Legal Aid Commission Act 1979 to improve access to justice for socially and economically disadvantaged members of our community. Legal Aid NSW is an independent statutory body.

Legal Aid NSW has a Board that is responsible for establishing broad policies and strategic plans for Legal Aid NSW. The Chief Executive Officer is a member of the Board. Board Members appear on page 55.

The Chief Executive Officer is responsible for the day-to-day management of Legal Aid NSW (including financial and human resources, the provision of legal aid and other legal services) subject to, and in accordance with, the broad policies and strategic plans established by the Board. The Chief Executive Officer has a performance agreement with the Attorney General. The Directors (Senior Executive Service) have performance agreements with the Chief Executive Officer.

Our work is supported by a range of plans and policies to establish procedural requirements, standards, priorities and coordinate activities. These include our Corporate Plan, Results and Services Plan, Code of Conduct, legal aid guidelines and means tests, Fraud and Corruption Plan, Information Technology Strategic Plan, Business Continuity Plan and divisional business plans.

Corporate planning

A planning framework, incorporating strategic, tactical and operational planning, places Legal Aid NSW in a sound position to plan and monitor its service delivery, allocate resources and review and evaluate progress against performance across all levels of the organisation.

In 2008-2009 Legal Aid NSW developed a new Corporate Plan 2009-2011. The period of the new plan aligns with the period of reporting of the current Results and Services Plan. This alignment of reporting will contribute to an integration of results across strategic plans.

The priorities identified in the new plan reflect a determination within Legal Aid NSW to shape real change in a range of domains. Legal Aid NSW has held itself accountable for these changes by stating, in the Corporate Plan, the intended outcomes of these priorities. The four priorities are: Social Inclusion, Access to Justice, Integrated Services and Organisational Flexibility.

Divisional planning within Legal Aid underpins the corporate plan. A revised divisional planning framework strongly supports collaboration, cohesiveness and transparency, and includes links to key strategic plans and inter-divisional plans.

Ethical behaviour

In providing legal services to our clients we are placed in a position of trust. Accordingly, we have established our corporate values as:

- Integrity—acting ethically at all times;
- Professionalism—providing high quality services;
- Efficiency—using resources responsibly;
- Equity—ensuring equal access to services; and
- Innovation—finding better ways to do things.

These values are emphasised in our Corporate Plan, Code of Conduct, induction training, policies and procedures.

In addition all our lawyers are bound by professional practice

standards, comply with mandatory continuing legal education requirements and have available a range of skills development and personal attribute training courses.

Financial performance

Legal Aid NSW maintains a strong financial control environment to ensure its financial responsibilities are met. Annual budgets are negotiated with each business centre manager to ensure that each manager is fully aware of the financial resources that they have been allocated to achieve their business objectives. Monthly reports are provided, comparing actuals to budget plus associated revenue and expenditure trends. Detailed monthly financial reports are provided to the Audit and Finance Committee and the Board.

Risk management and internal audits

Legal Aid NSW regularly conducts risk assessments of its activities covering both strategic and operational risks. The current assessment was prepared in March 2009.

The risk assessment is used to prepare the internal audit plan. Each annual audit plan includes provision for additional audits should circumstances change during the course of the year and further audits be required. The preparation of the risk assessment is based upon a methodology recognising inherent risk and control effectiveness.

Deloitte Touche Tohmatsu and the Internal Audit Bureau are the internal auditors for Legal Aid NSW. Each audit has a stated objective and scope of activity. All recommendations to improve controls require a management response on what action will be taken and a date by when that action will be

completed. The internal audit function is overseen by the Audit and Finance Committee of the Board.

Primary responsibility for managing risk rests with line managers, who are required to ensure that an effective control environment operates within their area of responsibility.

An internal audit plan for 2009-2010 was prepared with the assistance of Deloitte Touche Tohmatsu. The audits were identified from a review of the updated risk assessment, previous annual audit plans and recent developments, e.g. government initiatives. The plan includes our first performance audit, focussing on duty services.

As part of the internal audit program, Legal Aid NSW conducted an audit to evaluate the effectiveness of controls supporting the Board in carrying out its function under the *Legal Aid Commission Act 1979*.

The audit was conducted by Deloitte Touche Tohmatsu (Deloitte) and covered the period between 1 July 2007 and 31 March 2008.

Two minor issues were raised and recommendations for improvement were made. Both recommendations were accepted and have been implemented.

Business continuity

Legal Aid NSW has a business continuity management plan that is initiated when a risk event occurs that results in our inability to continue to provide services from a regional office or a metropolitan office, including Central Sydney.

The plan addresses a range of actions that are required to manage the situation including a recovery management team to oversee the recovery process.

Fraud

Legal Aid NSW is committed to conducting business with honesty and transparency. Our corruption and fraud prevention plan outlines the approach adopted to prevent fraud and other corrupt behaviour.

The plan addresses a number of controls, including responsibility structure, risk assessment, reporting systems, investigation standards and conduct and disciplinary standards.

The plan complements other related documents such as the Code of Conduct and Protected Disclosure Policy.

The year ahead

Review the corporate plan and divisional plans at Executive level.

Manage a successful transition to a recomposed Board, following the announcement of Board appointments in late 2009.

In accordance with government requirements, review, update and test our current business continuity management plan so that we are prepared in the event of a disaster or extended disruption of services.

Implement the internal audit plan for 2009-2010. (The plan will include our first performance audit, which will focus on duty services.)

Key challenge

Implement new State Government requirements for audit committees in public sector agencies.

LEGISLATIVE COMPLIANCE

Significant cases and legislative amendments

There was one significant case relating to the provision of legal aid this year. In *Corcoran v Virgin Blue Airlines Pty Ltd* [2008] FCA 864, the Federal Court discussed the factors relevant to the exercise of discretion to make an order fixing the maximum costs recoverable in proceedings on a party/party basis, in circumstances where the plaintiff was legally aided.

References in the *Legal Aid Commission Act 1979* to “*Mental Health Act 1990*” were changed to “*Mental Health Act 2007*” by the *Statute Law (Miscellaneous Provisions) Act 2008*. Reference to “the *Family Provision Act 1982*” was changed to “Chapter 3 of the *Succession Act 2006*” by the *Succession Amendment (Family Provision) Act 2008*.

Protected disclosures

The Protected Disclosures Policy details the reporting procedures for making a protected disclosure, receiving disclosures, notifying authorities, assessment and investigation of disclosures.

It is in the public interest for employees to be able to make appropriate disclosures about any instances of corruption, fraud, maladministration or serious and substantial waste of public monies without fearing that this will lead to reprisals.

In 2008-2009, Legal Aid NSW did not receive any notifications under the Protected Disclosures Policy.

Freedom of information

Legal Aid NSW is an agency for the purposes of the *Freedom of Information Act 1989* (FOI Act), and is required under the FOI Act to publish information about its activities and to determine applications for access to or amendment of documents it holds.

On 30 June 2009, Legal Aid NSW published its *Statement of Affairs* for the 12 months ending 30 June 2009.

The most recent *Summaries of Affairs for Legal Aid NSW* were forwarded for publication in the *Government Gazette* in January and June 2009. Copies of all three documents can be obtained from Legal Aid NSW on request.

During 2008–2009 Legal Aid NSW continued to make information about legal aid and other matters, including policy documents listed in our *Summary of Affairs*, available to the public, in most instances free of charge.

This year we received 30 applications for access to records and processed 29 applications including two carried over from the previous year. No applications to amend records were received or processed. Full details of applications are contained in the Appendix to this report, page 144.

Most applications continue to be from clients seeking access to material from their case files and applicants for legal aid seeking to understand how applications were determined. Legal Aid NSW lawyers continued to provide clients with access to documents from their own case files without requiring a formal freedom of information application or application fee.

TOTAL COMPLAINTS 2 YEAR COMPARISON

Nature of complaint	Year	
	2007–2008	2008–2009
Allocation of funds	0	1
Breach of the Act	1	0
Eligibility	192	177
Fees issue/wrongful claim for fees/overcharging	7	10
Legal Aid NSW staff or administration issue	30	36
Private lawyers	29	13
Systems or processes	7	26
Quality of legal service (representation or complaint about legal officer)	32	48
Other	17	17
TOTAL	315	328

One application for review in the Administrative Decisions Tribunal arose from an application that was discontinued following a request to amend the application to avoid an unreasonable diversion of agency resources. The Tribunal review was not finalised in the current reporting period.

The year ahead

The *Government Information (Public Access) Act 2009* is expected to commence in early 2010. Legal Aid NSW will make the required changes to the way we deal with access requests and making information publicly available.

Key challenge

Ensuring that all affected staff receive appropriate guidance and training to ensure compliance with the new Government Information legislation.

PUBLIC ACCOUNTABILITY

Complaints handling

Receiving and responding to complaints in an open, willing and professional manner is an essential part of our mission to provide high quality services.

In January 2009, we prepared new guidelines for submitting, receiving and responding to complaints. A revised client brochure was also prepared to ensure that clients could easily understand the steps to be followed, should they wish to make a complaint. The guidelines also assist staff in dealing with any complaints received about our policies or procedure or decisions made by Legal Aid NSW and assist us to identify problems and change procedures to prevent similar complaints in the future.

Complaints received

Legal Aid NSW received 328 complaints. Just over half of these (54%) were about eligibility for legal aid. This included complaints about the conditions of a grant, or being refused a grant of aid. Overall, the number and nature of complaints was similar to last year.

Timely resolution of complaints

The timely resolution of complaints is a vital part of best practice complaint handling. In 2008-2009 the majority of complaints (60.7%) were resolved within the target time of 21 days.

Appealing decisions

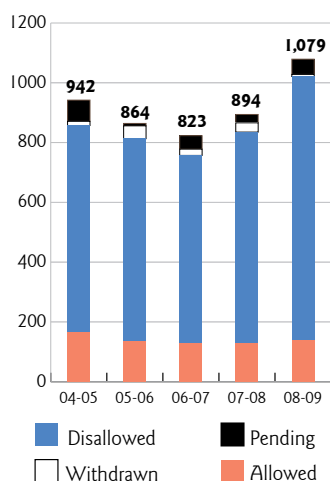
Five Legal Aid Review Committees (LARC) determine appeals that relate to legal aid applications and grants of legal aid.

This year, our review committees allowed appeals in 140 of 1,079 submitted matters (see table below). Membership of our five committees can be found on page 146.

Appeals allowed over five years

There has been a significant increase in the number of appeals over the last five years (from 942 in 2004-2005 to 1,079 in 2008-2009). There has been a decrease in the number of appeals allowed (from 165 to 140) over the same period. As a result, the percentage of appeals allowed has decreased over this time (from 17.51% in 2004-2005 to 12.97% in 2008-2009). A more noticeable decrease has been in the number of appeals withdrawn (from 71 in 2004-2005 to seven in 2008-2009).

APPEALS AND OUTCOMES 5 YEAR TREND



Service review

We completed the first stage of a review aimed at finding ways to improve the administration and processing of appeals. The review recommended the retention of the three-member committee model on the basis that it guarantees a level of procedural fairness that a single person review system cannot guarantee. Some of the key changes that have been implemented as a result of other review recommendations are the use of the ATLAS electronic system to streamline and monitor the appeal process; the introduction of recommended timeframes for the completion of each stage of the appeal process; and early notification to appellants of the estimated time it will take for the appeal to be processed and potential causes of delay.

PRIVACY

The *Privacy and Personal Information Protection Act 1998* (PPIP Act) and *Health Records and Information Privacy Act 2002* (HRIP Act) set out privacy standards for NSW public sector agencies. The *Privacy Code of Practice* for Legal Aid NSW approved by the Attorney General in June 2000 modifies the application of the principles to permit Legal Aid NSW to collect information about third parties to determine eligibility for legal aid.

Legal Aid NSW adopted a privacy management plan in 2001 and revised it in 2004. The plan describes our policies and practices to ensure compliance with the Information Protection Principles in the PPIP Act and the Health Privacy Principles in the HRIP Act. A review and update of the plan commenced in the previous reporting

year and a revised plan is in preparation that will cover privacy in relation to our new electronic information systems.

Part 5 of the PPIP Act provides that a person who is aggrieved by the conduct of a public sector agency is entitled to apply for an internal review of that conduct.

No applications for internal review were received during 2008-2009. Investigation of one application was carried over from the previous year and finalised in September 2008.

The year ahead

Complete the second stage of our review of the appeal process, examining issues relating to the preparation of reports for the Legal Aid Review Committees; the possibility of establishing a LARC decisions database; and developing a training module for committee members.

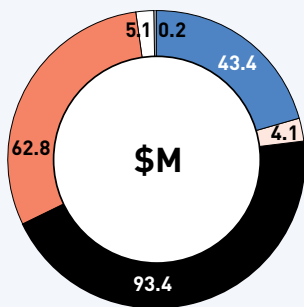
Develop a new privacy management plan, covering privacy for electronic information systems.

Develop a Legal Aid NSW wide central complaints registration system making it easier to analyse and report on complaints received.

Key challenge

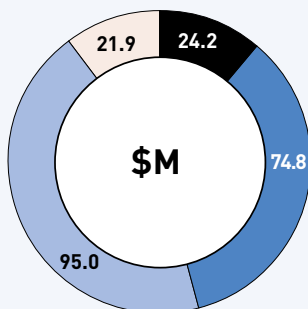
Responding to increased appeals to Legal Aid Review Committees, arising from restrictions on access to aid, particularly in relation to Commonwealth family law matters.

WHERE THE FUNDS COME FROM



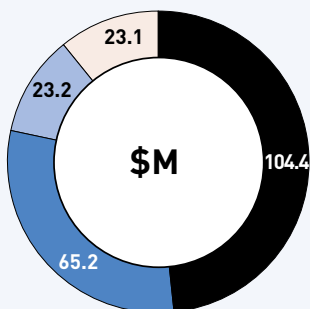
- State Government
- Commonwealth Government
- Contribution Income and Cost Recovery
- Public Purpose Fund
- Interest
- Other

HOW THE FUNDS ARE SPENT



- Salaries
- External Legal Services
- Community Programs
- Other

FUNDS EXPENDITURE BY PROGRAM



- Criminal Law
- Family Law
- Civil Law
- Community Legal Services

FINANCIAL SUMMARY

- Total revenue of \$209.0M
- Total expenses of \$215.9M
- Net equity of \$43.5M

IN THIS SECTION

Financial overview	63
Financial performance	64
Financial statements	65

Financial overview

Funding

Legal Aid NSW receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions.

Combined income (excluding impairment gain on receivables) for 2008-2009 was \$209.000 million, and expenditure was \$215.928 million.

Legal Aid NSW undertakes work for the Commonwealth Government on the basis of a five-and-a-half year agency agreement, which ends on 31 December 2009.

We ended the year with a net equity of \$43.5 million

Key developments

- There was an operating deficit of \$6.580 million, primarily due to pre-payment of revenue by the Commonwealth in 2007-2008 for expenses that were incurred in 2008-2009.
- Funding from the Commonwealth Government decreased by \$11.530 million (15.5%)
- The Trustees of the Public Purpose Fund increased their funding by \$5.739 million (15.2%)
- Payments of \$95.005 million were made to private lawyers, who provide legal aid services to our clients in partnership with Legal Aid NSW. These payments include disbursements to other professional services.
- Expenditure on community legal services increased to \$23.069 million.

The year ahead

In 2009-2010 a new funding agreement with the Commonwealth will be negotiated. This agreement will be under the National Partnership program based upon the achievement of outputs with pre-determined levels of performance.

Credit card certification

In accordance with Treasurer's Direction 205.01, it is certified that credit card usage by Legal Aid NSW officers has been in accordance with the appropriate government policies, Premier's Memoranda and Treasurer's Directions, and meets best practice guidelines issued by Treasury.

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 legal services

Legal Aid NSW provides funding for the Community Legal Centres Funding Program and the Women's Domestic Violence Court Advocacy Program (pages 29-31, 130-131).

Financial performance

OVERVIEW

Legal Aid NSW's financial result was a deficit of \$6.580 million compared to a budgeted surplus of \$2.678 million.

Two significant items contributed to the size of the deficit, being:

- prepayment of income by the Commonwealth in 2007-2008, for use in 2008-2009 on expensive Commonwealth criminal cases; and
- prepayment by the Commonwealth of \$2.202 million in 2007-2008, for distribution to community legal centres in 2008-2009, which is partially offset by a further \$1.563 million received in June 2009 for distribution in 2009-2010.

Income

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

In 2008-2009, the State Government provided \$93.354 million (\$91.938 million in 2007-2008), the Trustees of the Public Purpose Fund \$43.431 million (\$37.692 million in 2007-2008) and the Commonwealth Government \$62.748 million (\$74.278 million in 2007-2008).

Included in the funding from the Commonwealth Government was \$1.451 million (\$12.754 million in 2007-2008) in discretionary funding for expensive criminal cases costing above \$40,000 under Commonwealth legislation.

Of the funds provided by the State Government, \$3.600 million (\$2.411 million in

2007-2008) was from the State Asset Acquisition program to partially fund improvements to office accommodation, the replacement of previously leased computers, and the project to replace the core business system. No Commonwealth funding was used for this purpose in 2008-2009.

Expenses

Our major expenses are employee-related expenses of \$74.784 million (\$65.979 million in 2007-2008), primarily associated with the inhouse legal practice. This represents an increase of 13.3%, partially arising from a 4% increase in award salary rates and partially arising from additional positions funded by the Public Purpose Fund.

Payments to private lawyers for services provided to clients represent 44.0% of total expenses. These total \$95.005 million (\$91.150 million in 2007-2008).

Assets

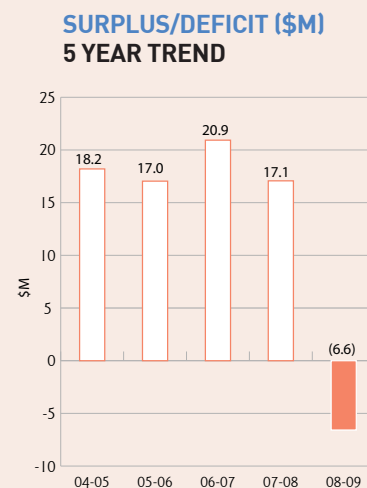
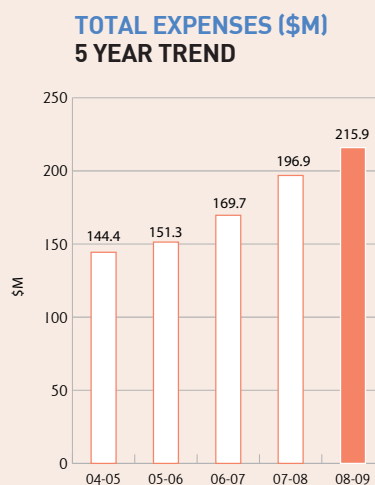
Assets have decreased by \$11.21 million or 9.6% during 2008-2009, mainly due to a decrease in cash balances, caused by higher than budgeted expenses, and a decrease in prepaid superannuation, caused by a decrease in the value of the defined benefit superannuation asset.

Liabilities

Liabilities have increased by \$15.63 million or 33.6% during 2008-2009, mainly due to an increase in the superannuation liability.

TOTAL EXPENSES AND SURPLUS/(DEFICIT)

The two graphs below, show movements in our total expenses and surplus/(deficit) for the year over the past five years. Figures for 2004-2005 to 2007-2008 have been adjusted so that superannuation is treated on a comparable basis in those years to that on which it is treated in the 2008-2009 financial statements.



CENTRAL SYDNEY

Ground Floor,
323 Castlereagh Street
Sydney NSW 2000
Tel: 9219 5000
TTY: 9219 5126

BANKSTOWN

Level 8, Civic Tower
Cnr Rickard Road &
Jacobs Street, Bankstown 2200
Tel: 9707 4555

BLACKTOWN

Level 2, 13 Kildare Road
Blacktown 2148
Tel: 9621 4800

BURWOOD

Level 4, 74-76 Burwood Road
Burwood 2134
Tel: 9747 6155
TTY: 9747 0214

CAMPBELLTOWN

Level 4, 171-179 Queen Street
Campbelltown 2560
Tel: 4628 2922

COFFS HARBOUR

41 Little Street,
Coffs Harbour 2450
Tel: 6651 7899

DUBBO

64 Talbragar Street,
Dubbo 2830
Tel: 6885 4233

FAIRFIELD

Level 2, Fairfield Chase
25 Smart Street, Fairfield 2165
Tel: 9727 3777

GOSFORD

Level 2, 37 William Street
Gosford 2250
Tel: 4324 5611

LISMORE

Level 4, 29 Molesworth Street
Lismore 2480
Tel: 6621 2082

LIVERPOOL

Level 4, Interdell Centre
47 Scott Street,
Liverpool 2170
Tel: 9601 1200

MANLY

Ground Floor, 39 East Esplanade
Manly 2095
Tel: 9977 1479

NEWCASTLE

51-55 Bolton Street,
Newcastle 2300
Tel: 4929 5482

NOWRA

Level 2, 55-57 Berry Street
Nowra 2541
Tel: 4422 4351

ORANGE

Suite 4, 95 Byng Street,
Orange 2800
Tel: 6362 8022

PARRAMATTA (FAMILY & CIVIL LAW)

Level 5, 91 Phillip Street
Parramatta 2150
Tel: 9891 1600

PARRAMATTA (CRIMINAL LAW)

Parramatta Justice Precinct
Level 1, 160 Marsden Street
Parramatta 2150
Tel: 8688 3800
TTY: 9687 7538

PENRITH

95 Henry Street, Penrith 2750
Tel: 4732 3077

SUTHERLAND

3-5 Stapleton Avenue
Sutherland 2232
Tel: 9521 3733

TAMWORTH

Level 1, 424-426 Peel Street
Tamworth 2340
Tel: 6766 6322

WAGGA WAGGA

Best Place, Morrow Street
Wagga Wagga 2650
Tel: 6921 6588

WOLLONGONG

73 Church Street,
Wollongong 2500
Tel: 4228 8299

OFFICE HOURS:

Central Sydney: 8.30am to 5.30pm
All other offices: 9.00am to 5.00pm



Phone LawAccess NSW on
1300 888 529 for information,
referral and advice.



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

Legal Aid
NEW SOUTH WALES

600 copies of this annual report were
printed by UltraNova Printing, at an
estimated cost of \$11.00 per copy.
Produced by the Publications Unit of
Legal Aid NSW.

This report is also available for viewing at
www.legalaid.nsw.gov.au