



ANNUAL REPORT | 2007-2008



About us

Legal Aid NSW is the largest legal aid agency in Australia.

We provide a range of legal services to socially and economically disadvantaged people through our Central Sydney office and 21 regional offices around NSW.

We also work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.

We are an independent statutory body which reports to the NSW Attorney General, The Hon John Hatzistergos.

LETTER OF SUBMISSION

The Hon John Hatzistergos MLC
NSW Attorney General, Minister for Justice
and Minister for Industrial Relations

Governor Macquarie Tower
Sydney, New South Wales

Dear Attorney

In accordance with Section 13(1) of the *Legal Aid Commission Act 1979*, and Section 10(1) of the *Annual Reports (Statutory Bodies) Act 1984*, I am pleased to provide you with the 2007-2008 Annual Report for Legal Aid NSW.

Mr Bill Grant was Chief Executive Officer of Legal Aid NSW from July 2007 to December 2007. From January 2008 to June 2008, Mr Steve O'Connor was Acting Chief Executive Officer. In recognition of this, the report includes a foreword from Mr O'Connor highlighting major events and achievements for Legal Aid NSW during the year. Your Performance Statement in relation to Mr O'Connor is included on page 126 of this report.

This report reviews our performance and illustrates the commitment and achievements of our staff throughout the year.

I commend the report to you for presentation to Parliament.

Yours sincerely



Alan Kirkland
Chief Executive Officer
Legal Aid NSW

7 October 2008

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 VISION

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

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

About this report

This annual report reviews and reports our performance, including what we set out to do in our 2007–2008 Corporate Plan, based on four key goals.

A special focus this year is providing new services to priority client groups. The work being done to deliver better legal services in regional areas through effective partnerships with other legal service providers is another focus.

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 was awarded a Gold Award by the Australasian Reporting Awards Inc. This was our first Gold Award after three consecutive Silver Awards.

The report also received special commendation in the Annual Reports category of the 2007 Premier’s Public Sector Awards.

This is our 29th annual report.

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

Printed copies can be obtained by contacting us on 9219 5028 or from any of our offices.

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Photo: Dani Pontes

The Aboriginal Justice Committee, made up of staff and external experts, guides the delivery of services to Aboriginal clients (page 13). Pictured standing L to R are Alexia Daunt, Dora Dimos and Brian Sandland; seated L to R are Judith Walker, Chelsea Stewart, Scott Hawkins and Richard Funston. Absent from the photo are Steve O’Connor, Monique Hitter, Anmarie Lumsden, Mary Whitehead and Kelly Smith from Legal Aid NSW. Absent external partners are Terry Chenery, Aboriginal Justice Advisory Council; Trevor Christian, Aboriginal Legal Service (NSW/ACT); and Renee Williamson, Combined Community Legal Centres’ Group.

Chairman's report



This Annual Report for 2007-2008 confirms the achievements of Legal Aid NSW in delivering innovative, high quality legal services, forging strong partnerships to improve access to justice, continuously improving organisational capacity, and promoting a fair and inclusive justice environment.

This year Legal Aid NSW conducted reviews of its Client Assessment and Referral Unit, Children's Legal Service, Civil Law Outreach Services at Aboriginal Legal Service (NSW/ACT) offices throughout NSW, and Civil Law Policies as part of our program of reviewing service delivery strategies and policies to ensure that they meet client needs.

Significantly, from 3 September 2007 our means test thresholds were adjusted to reflect the increase in the cost of living.

In August 2007, the Cooperative Legal Service Delivery (CLSD) Program was rolled out to the Central Tablelands and the Central Coast, bringing the number of CLSD regions to six. As recommended in the evaluation report, Regional Coordinators have been appointed for each region to provide local coordination support.

In October 2007, Legal Aid NSW launched the Judge Bob Bellea Legal Careers Pathways Program. This program is

Many services and policies were reviewed this year to ensure that they meet client needs.

an important aspect of our Aboriginal Strategy. It provides for two undergraduate legal cadetships, two professional legal placements followed by six months temporary employment as an admitted solicitor, and two graduate positions within the career development program, as well as scholarships for two Aboriginal secondary students to help them pursue their studies in Years 11 and 12.

Legal Aid NSW staff are actively engaged in law reform projects both within the organisation and as members of external committees and forums. Legal Aid NSW is, for example, a member of the NSW Legal Assistance Forum, a coalition promoting collaboration and coordination in the development of legal services for socially and economically disadvantaged people.

An exciting project started this year, is the development of eligibility indicators for legal aid that reflect theories of social inclusion as a measure of social vulnerability.

Legal Aid NSW has also continued to implement recommendations of the report of the NSW Audit Office of its performance audit on *The Distribution of Legal Aid*, tabled in Parliament in December 2006.

Thank you

Bill Grant, Chief Executive Officer left Legal Aid NSW at the end of 2007 having been appointed as Chief Executive Officer in 2001. The legacy of his seven years was that Bill left the organisation with a sound strategic framework, expanded services to our

clients, more innovative and accessible service delivery strategies, an expanded means test, higher fees for private lawyers, more solid partnerships with other public legal service providers, a higher profile as a significant player within the justice system, and a sound financial position. I would like to thank Bill for his leadership and dedication.

I would also like to thank Steve O'Connor for the excellent job he has done while acting as Chief Executive Officer for the remainder of the year.

I would like to congratulate the Legal Aid NSW annual report team on winning a Gold Award in the Australasian Reporting Awards 2008. This is an excellent example of the commitment and dedication that Legal Aid NSW staff demonstrate in carrying out their work.

I thank Legal Aid staff for the hard work and commitment to our clients in 2007-2008 and look forward to another challenging and successful year ahead.



**Phillip Taylor
Chairman
Legal Aid NSW**

CEO's report



I am pleased to present the Legal Aid NSW Annual Report for 2007–2008, a year in which Legal Aid NSW has continued to increase the number of services provided to our clients, the socially and economically disadvantaged members of our community, and to improve the range and accessibility of those services.

Delivering quality services

Legal Aid NSW staff, in partnership with the private profession, have achieved an 8.5% increase in the number of legal services provided to our clients compared to last year, and an 80.6% increase over the last five years.

Legal Aid NSW has also been successful in expanding the range and accessibility of services to meet the needs of our clients, focusing on older people, homeless people, Aboriginal people and communities, and people with a mental illness as priority client groups.

In April 2008, the NSW Attorney General launched the Older Person's Legal and Education Program, a two-year pilot conducted by the Older Person's Legal and Education Unit in partnership with the Aged-care Rights Service.

For homeless people, following a successful pilot advice and minor assistance clinic at Parramatta Mission, Legal Aid NSW established a network of regional and rural clinics providing legal services at locations they frequently visit.

We increased our legal services to clients by 8.5% —this includes new programs for priority client groups and better services in regional areas.

A central initiative to meet the legal needs of Aboriginal people and communities is the Aboriginal Justice Strategy, developed to guide service delivery across the program areas.

For people with a mental illness, in partnership with the Criminal Justice Research Network, Legal Aid NSW developed Mental Health Links for Lawyers, a central online information source of mental health services launched by the NSW Attorney General in October 2007.

Working with our partners

This year, Legal Aid NSW implemented its Regional Solicitor Program as a way of improving the availability of legal aid services to communities in regional NSW. A 12-month evaluation of the Program is underway.

Legal Aid NSW has continued to strengthen its partnership with the Aboriginal Legal Service (NSW/ACT), and built new partnerships with peak Aboriginal organisations, including the Aboriginal Justice Advisory Council, Aboriginal Education Consultative Group, Aboriginal Child, Family Community Care State Secretariat, and Aboriginal Health and Medical Research Council.

Building organisational capacity

Legal Aid NSW is in the process of introducing new technology to enhance our business processes and reporting. Our new case management system has now been rolled out across all practice areas. We have also taken significant steps towards implementing our new grants management system.

Promoting fairness and opportunity

Initiated by Legal Aid NSW, National Legal Aid has commissioned the Law and Justice Foundation of NSW to conduct a national legal needs survey. This research will assist legal aid commissions throughout Australia to make decisions about the quantity, location and structure of legal services. It will also provide the comprehensive research that is necessary to inform policy at both the Commonwealth and State/Territory level for providing equitable access to legal aid. A preliminary report will be provided in December 2008, and the final report will be available in April 2010.

The year ahead

We will start developing a comprehensive knowledge management framework, and reviewing performance and strategic management mechanisms.

I would like to thank Legal Aid NSW staff for their dedication and commitment and look forward to another year of delivering innovative, high quality legal services to our clients and the community.

Steve O'Connor
Acting CEO
(January to June 2008)
Legal Aid NSW

Fact file

BUDGET

Our total income was \$215.013 million and we spent \$204.054million.

Of our total expenditure, 50.4% was spent in criminal law, 31.6% in family law, 9.7% in civil law and 8.3% 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 127 and 128 for our community program funding.

PEOPLE

We employed the equivalent of 784.8 full time staff— 337.0 in regional offices and 447.8 in the Central Sydney office. Of that total, 369.1 were lawyers and 415.7 were employed in clerical and professional roles.

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

DIVISIONS

Our organisation has four divisions – Legal Services, Grants, Business and Client Services, and Strategic Planning and Policy. Within Legal Services there are three legal practices – civil law, family law and criminal law (pages 16-22). Within each legal practice there are a number of specialist services (page 6). See organisational chart on page 57.

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 strategic business plans. Our Key Performance Indicators measure how well we are performing in accomplishing our corporate goals. See page 10 for our Key Performance Indicators and pages 8–9 for our Corporate Plan and summary of future goals.

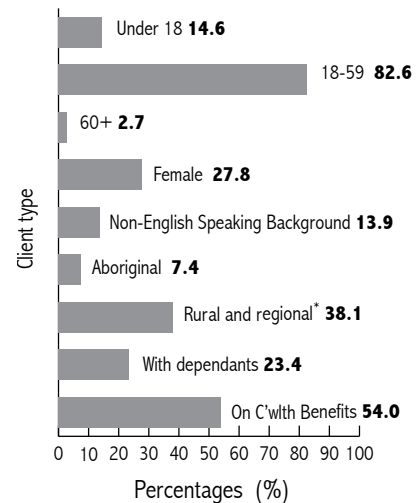
BOARD AND DIRECTORS

An independent Board oversees Legal Aid NSW 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 54 and 56 for their profiles and achievements.

PRIVATE LAWYERS

In 2007–2008, 47.2% of our case and duty services were provided by private lawyers (page 138). These are called assigned matters.

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



* Includes Newcastle and Wollongong

**WE PROVIDED 641,884
CLIENT SERVICES, AN
8.5% INCREASE ON
LAST YEAR.**

TOTAL CLIENT SERVICES IN 2007-2008: 641,884

Total Legal Representation: 65,308

Inhouse: 40,535

Assigned: 24,773

Total Duty Appearances: 132,371

Inhouse: 63,910

Assigned: 68,461

Total Other Services: 444,205

Information Services: 361,736

Legal Advice: 76,404

Minor Assistance: 6,065

Highlights and plans at a glance

2007–2008 was another successful year in client service delivery. We exceeded many of the targets set by our 2007–2008 Corporate Plan, business plans and key performance indicators.

DELIVERING QUALITY SERVICES

Provided 641,884 client services, an 8.5% increase on last year and an 80.6% increase over five years (page 135).

Represented clients in 65,308 matters – a 6.7% increase on last year (page 135).

Expanded civil law services in six regional offices (pages 16, 55).

Increased means test thresholds to reflect the higher cost of living (page 49).

Launched new programs for priority client groups (pages 13–15).

Provided 42,194 services to women seeking Apprehended Domestic Violence Orders (page 34).

Delivered 783 community legal education sessions, a 23.7% increase from 2006–2007 (page 24).

Conducted mediations in 2,527 family disputes with full or partial settlement reached in 85.3% of them (page 18).

Produced *Burn*, a crime prevention film for young people (pages 12, 24).

Responded quickly to emerging issues by providing information forums in flood and storm-affected regional

and metropolitan areas and held forums on surviving the mortgage crisis (page 25).

WORKING WITH OUR PARTNERS

Recorded a service boost in regional areas through effective partnership projects (pages 30–31).

Provided statewide training in new child support laws (photo below and page 37).

Came closer to providing a more user-friendly workable fee structure (page 36).

Embarked on several key projects with community legal centres and Aboriginal organisations (pages 33, 37).

BUILDING ORGANISATIONAL CAPABILITY

Increased the percentage of Aboriginal staff to 3.4%, above our target of 2% (page 41).

Employed 85 new people – 49.4% in regional offices (page 39).

Appointed women as Solicitors-in-Charge of six regional offices (page 42).

Offered a cross-cultural training course which was attended by 194 people (page 40).

Completed reviews in four key service areas (pages 22, 44, 47).

Developed new computerised case and grants management systems (page 45).

PROMOTING FAIRNESS AND OPPORTUNITY

Made 43 law reform submissions (page 134).

Took part in a national legal needs survey (page 49).

Commissioned a research project to identify Aboriginal legal needs (page 49).

Developed a statewide community legal education program for prisoners, including six DVDs (pages 12, 15, 24).

Launched the initiative, *Mental Health Links for Lawyers* (page 51).

The year ahead

We will focus on:

- services for priority client groups (pages 13–15);
- regional programs and outreach services (page 32);
- resources for unrepresented litigants (pages 17, 19); and
- services for Aboriginal communities (pages 14, 37).

Our organisational capability will be strengthened by:

- new case and grants management systems (page 47);
- an improved knowledge management framework (page 47); and
- Aboriginal cultural awareness training (page 44).



Family lawyer Ruth Pilkinton (second from right, front row) visited Canterbury Bankstown Migrant Resource Centre to explain major changes in child support laws to local service providers.

Photo: Dani Portes

Our services at a glance

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

These pages provide an overview of our client services followed by a summary of this year's client service delivery highlights.

Legal Aid NSW has three legal practice areas: Family Law, Civil Law and Criminal Law.

On pages 16–22 you will find information showing how each area met its performance criteria, with Major achievements, case reports and performance statistics featured.

INFORMATION

Provided 361,736 information services, an increase of 12.1% on last year. See page 135.

Our legal information services are free and can be accessed by the general community. Our staff can help with any 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.

YOUTH HOTLINE

Answered 22,996 calls to the hotline, advising 8,662 young people about their legal rights.

Our telephone hotline provides legal advice to young people under 18 who are 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 21).

LEGAL ADVICE AND MINOR ASSISTANCE

Provided 82,469 advice and minor assistance services. See table on page 135.

Legal advice is available for free to all our clients over the phone, face-to-face and through video-conferencing.

Our lawyers 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 65,308 matters (40,535 inhouse and 24,773 assigned), an increase of 6.7% on last year. Full table on page 135.

Legal Aid NSW provides legal representation to people who meet its eligibility tests in criminal law, family law and civil law matters. See Policies in Brief on pages 142-144. Clients need to apply for legal aid using our Legal Aid 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.

SPECIALIST SERVICES

Expanded the Prisoners Legal Service and Mental Health Advocacy Service (page 15).

Our specialist services are staffed by experienced lawyers who are experts in particular areas of law. Services include:

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



Lawyer Mary Lovelock speaks to residents of a Gosford retirement village about elder rights.

DUTY SOLICITOR SERVICES

Made a total of 132,371 duty appearances (63,910 of these were inhouse and 68,461 were assigned to private lawyers), an increase of 7.1% on last year. See table on page 135.

Legal Aid NSW provides lawyers (called duty solicitors) to help people at court. The duty solicitor service is free.

Duty solicitors act for people appearing in all local courts throughout NSW on a criminal charge for the first time, who have no-one to represent them. Usually the duty solicitor will give some initial legal advice and apply for bail, or for the case to be adjourned so the client can obtain legal advice and representation. The duty solicitor can also help people apply for legal aid.

Legal Aid NSW provides duty solicitor services for people involved in proceedings under the *Family Law Act* and the Child Support Scheme. These services include providing advice and information, completing standard documents, and representation based on the Scheme's guidelines. These services are provided across the state in the Family and Federal Magistrates Courts.

Legal Aid NSW provides duty solicitor services 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 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.



Photo: Danti Pontes

The Chinese Family Law Expo that took place at Campsie in April 2008 was an ideal forum for Bankstown Legal Aid office to meet members of the Chinese community and provide information to them about our services.

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.

FAMILY DISPUTE RESOLUTION

Held 2,527 conferences, reaching full or partial settlement in 85.3%. Full table on page 138.

We provide family dispute resolution (FDR) conferences in family law matters to facilitate the resolution of disputes at an early stage. See pages 18 and 138 for details. Parties are given the opportunity to negotiate a settlement which suits them both, 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. At least one of the parties must have a grant of legal aid before a conference is organised.

COMMUNITY LEGAL EDUCATION AND PUBLICATIONS

Increased our community legal education sessions by 23.7% and distributed 13,517 more publications than last year. See pages 129, 138.

We provide free publications and legal information kits to people in NSW to help them understand their legal rights and responsibilities. We conduct information sessions at venues across NSW. The sessions can be tailored to suit the needs of particular groups (page 24).

A full list of publications appears on page 129.

Corporate plan 2007–2008

KEY GOAL	STRATEGIES FOR 2007–2008
<p>1</p> <p>DELIVERING QUALITY SERVICES</p> <p>Provide consistent and equitable access to high quality services</p>	<p>Improve our understanding of the range of legal problems faced by our clients, including the most disadvantaged clients, and consider ways in which we can better meet their needs</p> <p>Respond to the information and education needs of unrepresented litigants</p> <p>Promote community legal education and publications as an integrated and coordinated core service</p> <p>Regularly review service delivery strategies and policies to ensure they meet client needs</p> <p>Develop state-wide service delivery strategies in response to domestic violence</p> <p>Develop and implement an organisation-wide framework for effective and appropriate service delivery to Aboriginal people including the identification of legal needs</p>
<p>2</p> <p>WORKING WITH OUR PARTNERS</p> <p>Develop our relationships with other organisations to improve access to justice</p>	<p>Continue to strengthen Legal Aid NSW relationship with private practitioners</p> <p>Promote effective partnerships with other service providers through co-ordinated and co-operative models of service delivery</p> <p>Forge new opportunities to work in partnership with community legal centres in delivering legal services</p> <p>In association with our partners improve the access of regional and remote communities to a wider range of legal services</p> <p>Promote the availability of services to Aboriginal clients and communities in partnership with Aboriginal organisations and communities</p>
<p>3</p> <p>BUILDING ORGANISATIONAL CAPABILITY</p> <p>Pursue continuous improvement across the organisation</p>	<p>Position the organisation to adopt a new case management system (CASES) and a new grants management system (ATLAS)</p> <p>Ensure staff have access to training for ongoing professional development</p> <p>Market Legal Aid NSW as an employer of choice for highly skilled and motivated people</p> <p>Review and re-develop Legal Aid NSW internet and intranet sites</p>
<p>4</p> <p>PROMOTING FAIRNESS AND OPPORTUNITY</p> <p>Promote a fair and inclusive justice environment</p>	<p>Identify opportunities to improve access to justice</p> <p>Cooperate with other agencies to better understand levels of unmet legal need</p> <p>Identify and participate in research, policy and service delivery initiatives that will uphold and strengthen the protection of rights, including the rights of Aboriginal people, within the justice system</p> <p>Promote a better understanding of the needs of people suffering from mental illness within the justice system</p>

KEY TARGETS FOR 2007–2008

Develop priority client group strategies for older persons, homeless people, Aboriginal people and communities, and people with a mental illness (page 13-15).

Produce legal education kits addressing at least one specific need linked to each program, and a timetable for education sessions (pages 15, 18, 21, 25).

Implement recommendations of the community legal education/publications review (pages 24, 45).

Undertake reviews of Client Assessment & Referral and Children's Legal Service (pages 21, 22).

Undertake review of civil law policies (pages 49, 55).

Develop a domestic violence response strategy (page 15).

Develop an Aboriginal Justice Strategy to guide our service delivery to Aboriginal clients (page 13).

Review the fee structure, adopt a methodology for reviewing fees, and draft a fees chapter for Legal Aid NSW policies online (page 36).

Roll out Cooperative Legal Service Delivery to two new regions (page 31).

Develop two new service delivery initiatives with community legal centres (page 33).

Undertake interim evaluation of the Regional Solicitor Program (page 30).

Develop two service delivery initiatives in partnership with Aboriginal organisations (page 37).

Ensure all program staff are trained and are effectively using CASES (page 45).

Complete development of ATLAS (page 45).

Undertake a review of the training unit including the co-ordination of training/learning initiatives across the organisation (page 44).

Develop and implement e-Learning (page 40).

Review the Career Development Program (page 44).

Develop an Aboriginal Employment Strategy (page 41).

Develop and implement an intranet and internet strategy (page 45).

Work with other agencies to develop a community legal education package for prisoners (pages 15, 24).

In association with National Legal Aid and the NSW Law and Justice Foundation undertake a national legal needs study (page 49).

Commission a research project to identify Aboriginal legal needs and to develop strategies to address them in the areas of civil and family law (page 49).

Work with our service delivery partners to develop two initiatives to meet the needs of clients with mental illness (pages 50, 51).

FUTURE GOALS 2008–2009

Develop and implement comprehensive, targeted strategies that will address the legal needs of people with a mental illness.

Develop responses and implement a plan of action from the Special Commission of Inquiry into Child Protection Services in NSW to advance the care and protection of children.

Develop targeted community legal education programs to respond to the needs of unrepresented litigants.

Identify and implement improved services for priority clients in collaboration with community legal centres.

Improve the effectiveness of collaboration with non-legal service providers, particularly in regional and remote communities.

Implement, monitor and support the roll-out of the new case management, grants management and document management systems.

Commence development of comprehensive knowledge management framework to improve Legal Aid NSW efficiency.

Review and consolidate performance measurement and strategic planning mechanisms.

Implement a comprehensive service delivery strategy in response to domestic violence.

Develop service delivery strategies to meet the civil and family law needs of Aboriginal people.

Key performance indicators

MEASURING PERFORMANCE

In 2007-2008 Legal Aid NSW continued to achieve strong results against its Key Performance Indicators (KPIs), which reflect the volume, timeliness, accessibility and quality of its services to the community.

Legal Aid NSW works with other justice agencies to achieve a fair, equitable and

efficient justice system where socially and economically disadvantaged people enjoy equal access to legal services.

Our services—including advice, representation, information services and community legal education—all contribute to these results. Key Performance Indicators measure our overall performance in fulfilling our corporate charter, as distinct from our corporate plans, which set out what we intend

to achieve by following specific strategies during given time periods.

A copy of our Corporate Plan for 2007-2008 is on pages 8-9.

In 2008-2009 we will determine the best alignment between our performance measurement and strategic results as part of a review of our strategic planning mechanisms.

PERFORMANCE AREA	KEY PERFORMANCE INDICATORS		
	RESULT 05-06	RESULT 06-07	RESULT 07-08
Community awareness of legal rights and responsibilities			
Percentage of clients satisfied with quality of advice provided	86-92%	N/A (survey not conducted during 2006-07)	Survey to be conducted during 2008-09
Average waiting time for advice appointments	1.1 weeks	0.86 weeks	1 week
Number of information services provided	242,011	322,774	361,736
Rate per 100,000 of NSW population accessing information services	3,534	4,666	5,177
Number of advice and minor assistance services provided	80,052	84,122	82,469
Rate per 100,000 of NSW population accessing advice and minor assistance services	1,169	1,216	1,180
Number of publications distributed	289,778	368,888	382,405
Rate per 100,000 of people accessing publications	4,230	5,320	5,472
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	44.6%	52.6%	60.9%
Percentage of Local Court sittings services by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive inhouse file reviews	99.3%	97%	96%
Number of Legal Aid NSW lawyers with specialist accreditation	72	72	69
Number of Legal Aid NSW lawyers' attendances at training sessions	1,652	2,327	2,060
Number of private lawyers attending Legal Aid NSW training sessions	488	820	960



DELIVERING QUALITY SERVICES

Provide consistent and equitable access to high quality services

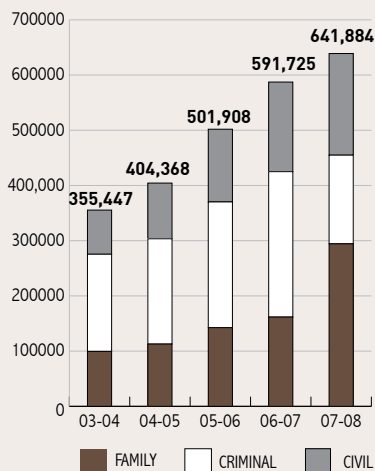
Left: Lawyer John Truswell guides local people in understanding their insurance contract following hailstorms in Western Sydney (page 25).

Key achievements

- Provided additional services for four priority client groups
- Expanded services in legal program areas
- Completed a number of successful public interest cases

We provided 641,884 client services, an 8.5% increase on last year and an 80.6% increase over five years.

TOTAL CLIENT SERVICES BY LAW TYPE 5 YEAR TREND



*Client services include legal advice, minor assistance, legal representation, duty appearances and information services (community legal education is excluded).

Communicating with our clients 12

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Civil law highlights 16

Family law highlights 18

Criminal law highlights 20

Cases 17, 19, 21

Private lawyers - cases 23

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Client diversity. 26

Communicating with our clients

Legal Aid NSW understands the importance of addressing cultural, linguistic, literacy and other potential barriers to communicating with our clients.

The power of film

Research shows that the audio-visual medium is a powerful way of communicating, particularly with disadvantaged clients whose literacy levels are low. It also appeals to those young people who enjoy learning through multimedia and interactive websites.

We chose film and radio this year to get our message across to key client groups.

Prisoners

Legal Aid NSW developed a statewide community legal education program, including six DVDs, for use in gaols (page 24). The aim of the series of DVDs—*Back on Track*—is to help prisoners and gaol staff identify legal issues commonly encountered by prisoners. The DVDs cover issues such as debt, fines, tenancy, care and protection, and understanding the criminal legal system. They explain legal options and where prisoners can turn to for help.

Young people

We engaged a production company to produce an interactive DVD, *Burn*, and website explaining the law around complicity and the complex emotions involved in group offending. The DVD grew from a school education program aimed at preventing young people from becoming involved in criminal acts (page 24).

Audio CD-ROM

During 2006–2007, Legal Aid NSW produced its first audio CD-ROM—*Welcome to Legal Aid*—for people with low literacy skills in newly emerging African and Middle Eastern communities. Due to its popularity, we released a second version this year, introducing Arabic and Juba Arabic languages.

Radio

Together with Redfern Legal Centre, we developed a series of radio plays to help young people learn about civil law issues (page 25).

Finding out what people need from us

In cooperation with National Legal Aid, Legal Aid NSW has engaged the Law and Justice Foundation of NSW to conduct a national legal needs survey. This will be the first comprehensive survey of legal needs in Australia (page 49).

The year ahead

The results of the national legal needs survey will be used to inform our policy, service delivery and funding reform for years to come.

In 2008–2009, our biennial NSW client survey will focus on clients using civil law services; it will include representation from: Aboriginal clients, culturally and linguistically diverse communities, older people, and residents in regional and remote areas. The survey will involve direct interviews with members of the public.

We will extend our complaints-handling system so that people will be able to quickly and conveniently lodge complaints online and by email (page 60).

Using webcams, we will deliver classes on pleading guilty to drink driving and do-it-yourself divorce—an important initiative for unrepresented litigants and people living in regional and remote areas.

The 30-minute drama *Burn* and the interactive website will be used as crime prevention resources throughout NSW in 2008–2009.

The NSW Attorney General will launch *Back on Track* in September 2008 and workshops with prisoners will commence in October 2008.

The *Welcome to Legal Aid* CD-ROM will be used widely in community legal education sessions targeting Arabic and Juba Arabic-speaking communities.

Photo: Dani Pontes



Cast members and Legal Aid staff celebrate at a preview screening of the film, *Burn*.

Priority client groups

Legal Aid NSW identified four priority client groups so we can improve our understanding of the range of legal problems faced by some of our most disadvantaged clients, and consider ways in which we can better meet their needs.

Priority client group 1 Aboriginal people

Legal Aid NSW recognises that Aboriginal people are its most disadvantaged client group, and that we need to develop new ways of delivering services if we are to have any impact on addressing their legal needs. Our 2007–2008 Corporate Plan contains several initiatives that relate to improving the delivery of services to Aboriginal clients (page 9).

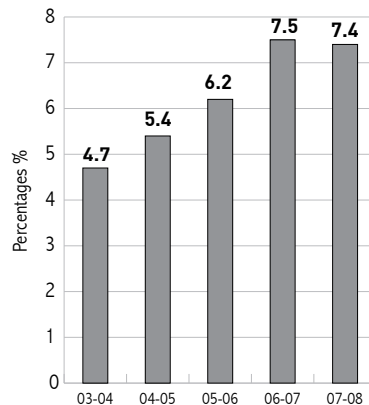
Our work in this area is guided by an Aboriginal Services Unit which was established in 2006, and an Aboriginal Justice Committee (AJC) made up of key staff and external experts (page 143 for role and membership). The AJC will help drive and monitor the implementation of the Aboriginal Justice Strategy (see below) and ensure that all practice and policy areas are on track.

Aboriginal Justice Strategy

Our Aboriginal Justice Strategy will guide our service delivery to Aboriginal clients. It sets clear guidelines for achieving fair and appropriate legal services for Aboriginal people; stronger communities through sustainable partnerships; a workforce more reflective of its Aboriginal client base; and programs that address unmet legal needs as identified by Aboriginal people—particularly in family and civil law.

The strategy will be central to making sure that all practice and policy areas achieve their target goals. Each area of Legal Aid NSW is committed to making a major contribution to Aboriginal service delivery

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



building on the *Memorandum of Understanding*, signed between the Aboriginal Legal Service (NSW/ACT) and Legal Aid NSW in December 2006 and the guide, *Making our Services Work for Aboriginal People*, which was developed in 2006.

Already, in 2007–2008, we have increased our outreach services to Aboriginal communities, developed stronger partnerships with the Aboriginal Legal Service, and reviewed our civil law outreach program.

Partnerships

A holistic response is required to address the extreme social disadvantage experienced by Aboriginal people. For that reason, innovative partnerships have been established with agencies not directly involved in the administration of justice in NSW. Issues relating to housing, health, education and employment all contribute to Aboriginal people's over representation in the NSW justice system. This has seen the Aboriginal Services Unit establish partnerships with agencies such as the Aboriginal Health and Medical Research Council, Tranby Aboriginal College, the Aboriginal Child, Family and Community

Care State Secretariat and the Aboriginal Education Consultative Group.

See page 37 for more details about partnership projects between Legal Aid NSW and the Aboriginal Legal Service.

NAIDOC and Yabun

Legal Aid NSW staff participated in many Aboriginal community events this year. During NAIDOC Week staff in Central Sydney, Liverpool, Parramatta, Gosford, Orange, Penrith and Blacktown celebrated Aboriginal culture through joint activities with other agencies. Legal Aid NSW held a stall at Yabun (survival day) festival in Victoria Park Broadway and at the Aboriginal Footy Knockout in Lismore, handing out legal information and generating good will. Gosford staff attended the Aboriginal Women's Corroboree in Wyong.



Gosford civil lawyer Susie Grey displays the range of resources Legal Aid NSW offered at the Aboriginal Women's Corroboree.

Outreach programs

Legal Aid NSW conducts family and civil law outreach in a number of Aboriginal communities. These outreach clinics at times also focus on particular areas of law, such as stolen wages or consumer issues.

We conduct regular civil law outreach at Aboriginal Legal Service offices in Redfern, Parramatta, Newcastle, Lismore, Wollongong and Nowra. A review in 2008 found that the services are effective, but should be strengthened and better coordinated. The recommendations identified ways to improve the coordination and delivery of outreach services (including their location and structural responsibility within Legal Aid NSW, and the development of appropriate liaison points with other organisations).

In June 2008, after extensive consultation with Aboriginal communities, Legal Aid NSW established a family law (care and protection) service at Mt Druitt. The service operates once a week in two locations. Civil law outreach also operates from one of these locations.

The year ahead

We will work with the Indigenous Womens' Program, Womens' Legal Services NSW and private practitioners in the Mt Druitt area to ensure a good referral network is established. This is important in assisting Aboriginal clients, who are sometimes reluctant to use the family law system.

Under the Aboriginal Justice Strategy we plan to increase the use of our services by Aboriginal people.

We will implement the recommendations of the review of civil law outreach services to Aboriginal communities.



Photo: Cubist Photographics

Acting CEO Steve O'Connor enjoyed a performance by the Older Women's Network Theatre Group at the launch of the new program for older people.

Priority client group 2 Older people

In December 2004 the Law and Justice Foundation of NSW published a report, *The Legal Needs of Older People in NSW*, which confirmed that older people have significant unmet legal needs, particularly in the area of civil law. In December 2007, Legal Aid NSW established an Older Persons Legal and Education Program with funding from the Public Purpose Fund. The Attorney General of NSW launched the Program on 7 April 2008. It comprises two components: a specialist unit within our Civil Law Division and funding (\$200,000) for the Aged-care Rights Service (TARS), a community legal centre.

The specialist unit at Legal Aid NSW consists of two lawyers and a paralegal who work very closely with TARS. The Program is a two-year pilot to improve access to legal education, legal advice, minor assistance and case work for older people, and build the capacity of the legal sector to respond to the legal needs of older people.

The year ahead

A series of fact sheets on legal issues for older people will be made available.

Community legal education sessions for older people will commence, with sessions for potential buyers and sellers of relocatable homes in residential parks in the northern rivers areas.

Priority will be given to older people within highly disadvantaged communities, including Aboriginal older people.

We will build networks with key non-legal service providers (such as home care and meals on wheels services) and develop an *Elder Law for Non-Lawyers* program for key support services working with older people, to assist them in identifying legal issues and making appropriate referrals.

Priority client group 3 Homeless people

In 2008, the Civil Law Division established a network of outreach clinics providing legal assistance to homeless people throughout NSW. These clinics are conducted in collaboration with the Homeless Persons Legal

Service (HPLS), an initiative of the Public Interest Advocacy Centre (PIAC) and the Public Interest Law Clearing House (PILCH). They are held at Coffs Harbour, Kempsey, Gosford, Newcastle, Wollongong, Nowra, Parramatta and Mt Druitt.

The clinics provide advice, minor assistance and legal representation services to homeless people as well as delivering community legal education to community workers on areas of law which are particularly relevant to the needs of homeless people. These include fines, debt, housing, mental health orders and social security). These clinics also work closely with welfare agencies to ensure non-legal needs can be addressed where possible. 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 year ahead

We will consolidate services and expand outreach clinics to additional locations, with a special focus on homeless youth.

Priority client group 4 People with a mental illness

Legal Aid NSW operates a specialist unit, the Mental Health Advocacy Service (MHAS) based in Burwood which provides free legal advice and assistance about mental health law.

Inhouse lawyers and private practitioners share the role of representing people appearing before a Magistrate or the Mental Health Review Tribunal. Following the recommendations of a review in 2006, two additional staff were recruited to the MHAS.

In 2007 Legal Aid NSW also broadened its policies to

increase the coverage of mental health matters eligible for legal aid under the new *Mental Health Act*. Changes to Legal Aid NSW policy now means the MHAS provides representation in a large number of applications for community treatment orders. From 1 September 2007 to 30 June 2008, the MHAS provided 1,013 inhouse duty services in community treatment matters. A central online information source, *Mental Health Links for Lawyers*, was launched during Mental Health Week in October 2007 (page 51).

The year ahead

We will continue to address the legal needs of people with a mental illness through further targeted strategies.

MHAS will publish online policy and procedure manuals for induction and training of advocates in mental health matters.

Priority services identified in the Corporate Plan

Domestic violence response strategy

We commenced a review of Legal Aid NSW services to people in domestic violence matters. The aim of this review is to develop an integrated, organisation-wide service delivery strategy for people in domestic violence situations.

It includes a review of our criminal, family and civil law services to both victims and defendants (whether female or male) in domestic violence relationships, as defined under the *Crimes (Domestic and Personal Violence) Act 2007*, which includes people in married and de facto relationships, Aboriginal extended family members, carers and people living in residential facilities.

As part of the review, interviews have been conducted with Legal Aid NSW staff and a

number of relevant agencies in NSW, Victoria and Queensland. Submissions to the review have also been received.

The year ahead

We will implement a comprehensive service delivery strategy in response to domestic violence.

Prisoner education

Last year's review of our Prisoners Legal Service (PLS) recognised that it is important to provide legal services to prisoners outside the area of criminal law, as well as education initiatives to help reduce reoffending.

This year, the appointment of four additional lawyers to assist with the continuing growth in the prison population, meant we could provide a more holistic legal service to prisoners. Specialist family and civil lawyers appointed to the PLS are now able to provide advice and representation to prisoners in family and civil law matters.

Legal Aid NSW is developing a statewide legal education program in collaboration with the Department of Corrective Services. The aim of this program is to assist prisoners to resolve legal problems whilst they are in prison or on release, to maximise the chances of a successful reintegration into the community (page 24).

The year ahead

Legal Aid NSW will work closely with service delivery partners and other government agencies to improve access to legal services and help prisoners address legal needs as part of their overall rehabilitation and successful reintegration into the community. The workshops which will take place in gaols, based on the DVDs specifically developed for prisoners by Legal Aid NSW, will greatly assist in achieving this.

Civil law highlights

The Civil Law Division provides legal advice, minor assistance and legal representation services to people throughout NSW. It has unique expertise in 'poverty law' and is the largest civil law program of all legal aid commissions.

The Civil Law Division comprises a civil litigation practice based in Central Sydney and 13 smaller practices based in regional offices. The Division undertakes outreach clinics, particularly in areas where no civil legal services are available, including at a number of Aboriginal Legal Service offices.

Community legal education and law reform are other key roles (pages 12, 24, 25, 50, 134).

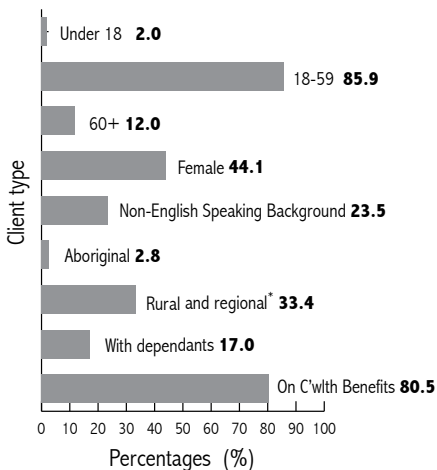
The Division has three specialist services: the Mental Health Advocacy Service; the Veterans' Advocacy Service; the Coronial Inquest Unit.

TOTAL EXPENDITURE: \$19.835M
STATE: \$14.884M
COMMONWEALTH: \$4.951M

9.7% of our overall budget was spent on civil law services.

CIVIL LAW CLIENT PROFILE

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Includes Newcastle and Wollongong

MAJOR ACHIEVEMENTS

Service expansion

The Board of Legal Aid NSW approved the expansion of the Civil Law Division in six regional offices, providing 10 additional legal officer positions. These additional positions are in response to unmet legal needs and high levels of disadvantage.

Specialist programs

In 2008, we established the Older Persons' Legal and Education Program and a network of outreach services for homeless people in eight metropolitan and regional locations (pages 14-15).

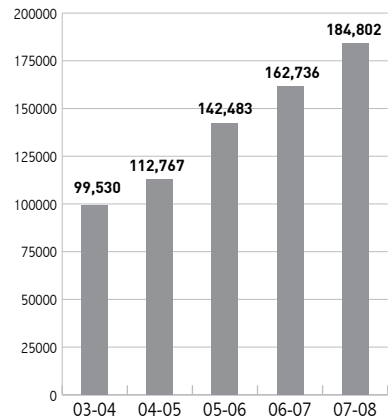
Policy review

We reviewed our policies so we could improve access to civil law services (page 49, 55). The review makes a number of recommendations that will improve access to civil law to those at most disadvantage.

False imprisonment cases

The Commonwealth Ombudsman recently completed an investigation 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 is writing to each detainee suggesting they receive legal advice before accepting any offers of settlement. We have established a 1800 number for

TOTAL CIVIL LAW CLIENT SERVICES 5 YEAR TREND



this purpose. We also facilitated similar arrangements in other States.

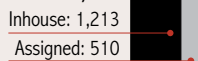
Swift crisis response

We responded quickly when the community was under stress whether because of storms and floods, or problems with mortgage repayments as a result of successive interest rate rises (page 25). Our rapid response included holding a series of information forums and library workshops and publishing information for people experiencing mortgage stress. We also undertook more legal representation in the mortgage area.

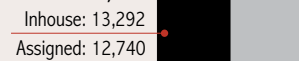
THIS YEAR WE INCREASED OUR CIVIL LAW SERVICES BY 13.6%.

TOTAL CIVIL LAW CLIENT SERVICES IN 2007-2008: 184,802

Total Legal Representation: 1,723



Total Duty Appearances: 26,032



Total Other Services: 157,047



SAVING THE FAMILY HOME

Mr and Mrs B and their son (the Bs) had a home with a \$343,000 mortgage. That loan was a long term home loan. They were in trouble with their repayments and applied for a \$30,000 loan through a broker. They were desperate to re-finance and not lose their home, so agreed to sign inaccurate declarations, stating that the loans were for business or investment purposes. These declarations, if effective, mean that the Consumer Credit (NSW) Code (the Code), which contains important protections for consumers, does not apply. The loans were short term and imposed extremely high fees and charges.

The Bs were soon in default and forced to sell their home. Legal Aid NSW commenced proceedings, arguing that the business purpose declarations were ineffective. We received funding from the Office of Fair Trading to run the matter before the Supreme Court, where we were successful. This case deals with important public interest issues relating to validity of business purpose declarations, especially where it is clear such loans are for personal use. This decision opens the way for a significant number of borrowers in similar circumstances to seek redress.

The Court observed: "It is of concern that such persons seeking such loans in the private non-bank lending market and who are often desperate to obtain the loan, are required, in effect as a condition of the loan being provided, to declare that the funds are to be used for business or investment purposes where that is clearly not the case. One reasonably suspects that such borrowers are informed that if they want the money they must sign the necessary declaration to render the Code inapplicable to the transaction. In many cases that is not much of a choice for persons who are desperate to obtain the funds on pain of possibly losing their home."

CIVIL LAW CASES:

Good outcomes for clients

Legal Aid NSW provides legal representation in a wide range of civil law matters. Here are some examples:

Case 1

Elderly woman in nursing home

Our client, an elderly woman currently living in a nursing home, is incapacitated by several strokes. Several years ago she sold her home and moved in with her daughter. A joint bank account with the daughter was established into which over \$100,000 was deposited. The daughter had promised to accommodate her mother for as long as she wished. The relationship between our client and her daughter broke down and it appeared our client was also subject to emotional and physical abuse. She was placed in respite and eventually accommodated in the nursing home.

We took the matter to the District Court seeking return of the funds on breach of trust. After a five day hearing our client was awarded \$113,000, together with costs.

Case 2

Privilege against self-incrimination in the coronial jurisdiction

Correll v Attorney General of NSW [2007] NSWSC 1385

The privilege against self-incrimination is firmly rooted in our legal system. In the coronial jurisdiction, privilege is relevant to persons of interest (suspects) who are called to give evidence at inquests.

There is a tension in inquests between the truth-finding objective and the protection of a witness against being forced to give evidence that could incriminate him/her.

Legal Aid NSW ran a test case in late 2006 to clarify

the laws which protect persons of interest against self-incrimination.

In December 2007, the NSW Supreme Court handed down a landmark decision which provided clear authority for the protection against self-incrimination in the coronial jurisdiction.

The year ahead

The enhancement of the Civil Law Division's resources over the past two years has resulted in new initiatives and an increase in advice, minor assistance, information and legal representation. During 2008-2009, it will be a priority to consolidate these new initiatives and implement recommendations on services to Aboriginal communities and the review of civil law policies.

There is an immediate need to respond to the demand for assistance from people experiencing mortgage stress and financial hardship. A number of strategies are required, including informing consumers of their rights in these circumstances and where they can get help. As well as providing advice, minor assistance and legal representation we will continue to undertake a number of community legal education initiatives that respond to emerging issues in the community.

We will be strategic in undertaking legal representation to ensure we maximise opportunities to address issues which have a broad reach into the community.

Key challenge

The Civil Law Division plays a lead role in service delivery to our priority client groups. We were able to launch two new services for these clients in 2007-2008.

Our next challenge will be to expand our services to ensure they are accessible to Aboriginal communities and young people.

Family law highlights

The Family Law Division 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 locations across the state.

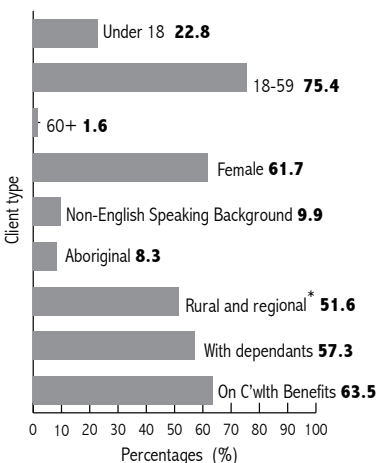
Outreach services are provided at a large number of regional centres where there are no Legal Aid offices. Family dispute resolution is a significant part of the Division, and is provided at locations across the state. The Care and Protection Legal Service and the Child Support Service—the two specialist statewide services are based at Parramatta. Community legal education and law reform work are also part of the Division's role (pages 25, 134).

TOTAL EXPENDITURE: \$64.570M
STATE: \$19.300M
COMMONWEALTH: \$45.270M

31.6% of our overall budget was spent on family law services.

FAMILY LAW CLIENT PROFILE

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Includes Newcastle and Wollongong

MAJOR ACHIEVEMENTS

Resolving family disputes

Changes to the *Family Law Act 1975*, which were introduced on 1 July 2007 mean that unless particular exceptions apply, applications in parenting matters can only be filed in court if a certificate is provided by a registered family dispute resolution practitioner. Legal Aid NSW is a designated family dispute resolution provider.

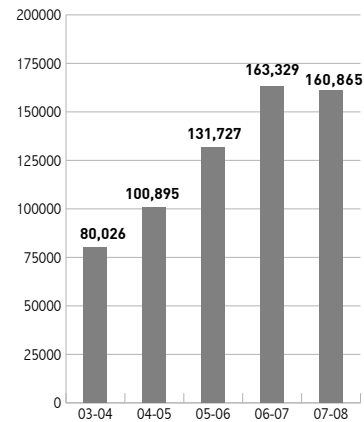
A major challenge for Legal Aid NSW in the last 12 months has been introducing systems to effectively provide family dispute resolution services in this new environment, while at the same time managing a very significant increase in demand for these services. In 2007–2008, 4,772 grants of legal aid were made for family dispute resolution conferences. We held 2,527 conferences, an increase of 13.0% from 2006–2007.

Child support

Changes in child support laws have a significant impact on our clients. Legal Aid NSW has an important role in providing training and information programs to ensure the community and service providers are aware of what the changes mean (page 37).

The Child Support Service, now located at Parramatta, extended its duty scheme to the Federal Magistrates Court at Parramatta and introduced specialist child support clinics at Central Sydney and Burwood.

TOTAL FAMILY LAW CLIENT SERVICES 5 YEAR TREND

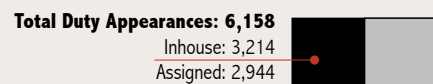
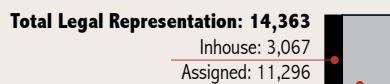


Toolkit for unrepresented litigants

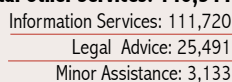
A key goal in the Legal Aid NSW Corporate Plan was to produce legal education kits for unrepresented litigants. The Family Law Division developed a kit for people representing themselves in family law proceedings. *What can I do if my partner takes our children without my permission?* provides parents with information on the steps they can take if a child has been removed by the other parent without consent. The kit was developed in response to a need identified by the Family Law Duty Service and as a result of consultation with stakeholders on information gaps for unrepresented litigants, in particular for litigants in rural and regional areas who do not have ready access to legal services.

THERE HAS BEEN A 13.0% INCREASE IN OUR FAMILY DISPUTE RESOLUTION (MEDIATION) SERVICES.

TOTAL FAMILY LAW CLIENT SERVICES IN 2007-2008: 160,865



Total Other Services: 140,344



FAMILY LAW CASES

Good outcomes for clients

Legal Aid NSW provides legal representation in a wide range of family law matters. Here are examples of good outcomes for families.

Case 1

Paternalty and child support

The issue of paternalty in child support cases is often a vexed one. When a paying parent is found not to be the biological father of a child, the court must determine if the child support should be repaid by the carer. The Child Support Service (CSS) has recently appeared in two of these cases.

We assisted a “non-parent” payer, “N”, to obtain an order requiring the mother, “P”, to repay \$23,000 in child support paid since the eight-year-old child’s birth. The Magistrate found that N was entitled to rely on P’s assertion at the time of the child’s birth that he was the father, and that P was aware there was another possible father.

We also acted for a mother, “W”, in which we successfully resisted a claim for the repayment of \$69,000 in child support paid by “H” over 13 years since the child was 12 months old. In this case the Magistrate took the view that H should reasonably have suspected he was not the child’s father, and had caused significant delay by waiting until the child was 14 before taking action.

Case 2

‘Out of time’ success

We made a successful application to the Full Court of the Family Court seeking leave to commence a property and spousal maintenance case some 13 years out of time.

Our client and her husband had divorced in 1991 after 21 years of marriage. They had three teenage children. At the time of their divorce the wife was unwell, and they had no major assets. She moved out and continued to struggle with her health. In 1997 the husband won \$3 million in a lottery and bought a unit for her to live in. In 2005 he told our client to leave, and threatened to commence court proceedings against her.

The future looked bleak for our client, who could not afford a lawyer and faced losing her home. However, we presented strong evidence showing hardship and reasons for the delay. The case was successful for the client before the Judicial Registrar, and later in defending appeals to a single Judge and then the Full Court—including obtaining an order for costs. Our client now has the chance to make a claim and hopefully keep her home.

The year ahead

We will expand our inhouse care and protection practice to more regional areas. Together with cooperative arrangements with the Children’s Court and the Department of Community Services, this will result in new practices which help ensure that children are represented at an earlier stage.

Our Aboriginal outreach services will be evaluated.

We will monitor the impact of the child support reforms on our clients. A new position in the Child Support Service will focus on matters in the Social Security Appeals Tribunal (SSAT) and liaising with other stakeholders to provide an effective service to clients in this new jurisdiction.

We will develop responses and implement a plan of action arising from the Special Commission of Inquiry into Child Protection Services in NSW to advance the care and protection of children.

Assisting unrepresented litigants is a key goal in our 2008–2009 Corporate Plan. We will develop a guide on contravention proceedings, titled *How Does a Court Deal with Contravention of Court Orders?* This topic has been selected on the basis of an identified gap in available information and service delivery, and will aim to assist people in remote and regional areas who want to initiate or defend contravention proceedings.

A major focus will be developing service delivery strategies to meet the family law needs of Aboriginal people.

Key challenge

Our challenge will be to maintain the performance of our family dispute resolution services in an environment of increased demand and constraints on resources. The Commonwealth Government has commissioned a review of family dispute resolution services, and introduced new accreditation requirements. Our challenge will be to integrate the Commonwealth’s findings into our own family dispute resolution practice.

Criminal law highlights

The Criminal Law Division provides a full range of legal services in all criminal courts from its Central Sydney office and 19 regional offices.

These services include representation in all jurisdictions from the Local Court to the High Court.

This Division includes the Indictable Section, Inner City Local Courts, Committals Unit, Indictable Appeals, Advocacy Unit, Children's Legal Service, Prisoners Legal Service and the Drug Court Unit.

The Division also provides community legal education, outreach services, and participates in law reform (pages 12, 24, 134).

TOTAL EXPENDITURE: \$102.672M
STATE: \$91.927M
COMMONWEALTH: \$10.745M

50.3% of our overall budget was spent on criminal law services.

MAJOR ACHIEVEMENTS

Holistic service for prisoners

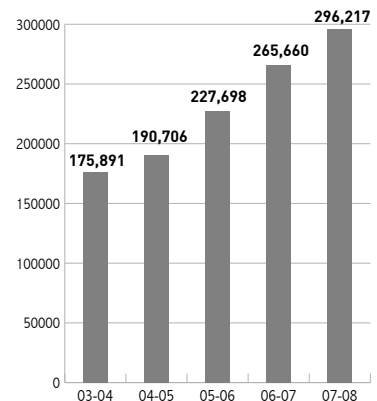
The Division implemented a number of the approved recommendations of the Prisoners Legal Service (PLS) review. This involved developing service delivery strategies which addressed a broader range of legal problems than had previously been provided.

Early resolution for clients

The Division continued an emphasis on the importance of the committal process in the early and appropriate resolution of matters, and playing an important role in the statewide rollout of the administrative model of Criminal Case Conferencing. This gives more people the opportunity to negotiate appropriate charges and pleas. Successful negotiation results in an earlier and more just resolution of matters.

An expansion of the Centralised Committals Scheme allowed us to better provide specialist legal advice and representation to more people charged with serious criminal law offences. The Division also engaged in the *Criminal Case Conferencing Trial Act*, which was introduced by Parliament to facilitate a pilot of Criminal Case Conferencing in legislative form.

TOTAL CRIMINAL LAW CLIENT SERVICES 5 YEAR TREND

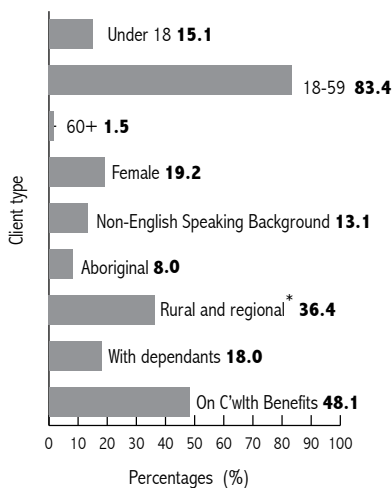


Weekend bail

The Division was a key player in the introduction of weekend bail appearances via Audio Visual Link (AVL). We participated in the drafting and implementation of standard operating procedures which supported the introduction of statewide weekend bail hearings for children. This was done through the use of centralised AVL. The Division is now able to provide legal representation from the Parramatta Children's Court, to all children across NSW refused bail by police over the weekend period, which was previously not possible.

CRIMINAL LAW CLIENT PROFILE

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



THIS YEAR WE INCREASED OUR CRIMINAL LAW SERVICES BY 11.5%.

TOTAL CRIMINAL LAW CLIENT SERVICES IN 2007-2008: 296,217

Total Legal Representation: 49,222

Inhouse: 36,255
 Assigned: 12,967

Total Duty Appearances: 100,181

Inhouse: 47,404
 Assigned: 52,777

Total Other Services: 146,814

Information Services: 115,401
 Legal Advice: 30,751
 Minor Assistance: 662

Young people

One of the key targets of the Corporate Plan 2007–2008 was a review of the Children’s Legal Service. Terms of Reference for the review included identifying best practice models for the effective and efficient management and delivery of legal services to children in NSW. The Division has begun implementing its recommendations.

The Division delivered workshops on group offending to students at mainstream and behavioural schools, in line with the crime prevention goals expressed in the *Rights, Respect and Responsibility* section of the State Plan. It is part of the first key target in the Legal Aid NSW Corporate Plan because many of the children and young people targeted by this program are Aboriginal, and/or have experienced homelessness and mental illness.

The youth hotline for young people in trouble with the law, answered 22,996 calls, a 24.8% increase on last year (18,430 calls). Of these calls, 8,662 involved our hotline lawyers providing individual legal advice to juvenile clients, with the balance of calls made up of referrals and providing legal information.

Toolkit

A key goal in the Corporate Plan is to produce a legal education kit for unrepresented litigants. The Criminal Law Division developed a *Pleading guilty to drink driving charges* kit to be delivered using web conferencing technology. This delivery method will make timely education accessible across the state, to those facing court.

CRIMINAL LAW CASES

Legal Aid NSW provides legal representation in a wide range of criminal law matters. Here are examples.

Case 1

Reasonable doubt

CTM v The Queen (2008) HCA 25

CTM, (then aged 17), was convicted at trial of having consensual sexual intercourse with a girl aged 15. He had told police he believed that the girl was 16 years old. The Indictable Appeals Unit appeared for CTM in the Court of Criminal Appeal (CCA) and then in the High Court. The CCA held that after the 2003 amendments to the *Crimes Act*, the defence of honest and reasonable mistake of fact was not available for the offence of sexual intercourse with a child between 14–16. On appeal, the High Court held that the common law defence of honest and reasonable mistake of fact is available. In overturning the decision of the NSW CCA, the High Court concluded that once the issue is sufficiently raised by the defence it is for the prosecution to prove beyond reasonable doubt that the accused did not believe honestly and on reasonable grounds that the other party was above the age of 16 years.

Case 2

Lack of relevant evidence

Evans v The Queen [2007] HCA 59 (13 December 2007)

E was convicted of armed robbery. During the trial, E was required to don overalls and a balaclava, similar to those worn by the robber, found at his house, months after the robbery, and sunglasses, belonging to the prosecutor. E was required to walk in front of the jury saying “Give me the serious money”. E sought to rely upon alibi evidence from his father and brother about being employed in their business and that he had never been absent from work (and therefore could not have taken part in the robbery). The Trial Judge refused to admit the evidence as no alibi notice had been given. On appeal the Court of Criminal Appeal (CCA) applied the proviso, stating that although the alibi evidence should have been allowed, and that E should not have been required to don the sunglasses, there was no miscarriage of justice as there was a strong Crown case. The CCA found nothing objectionable in requiring E to don the other items as it was a demonstration (*s53 Evidence Act*).

The High Court held that dressing the appellant in balaclava and overalls proffered no relevant evidence and it should not have been done. It was not a demonstration. They further held that not allowing the alibi evidence to be called and permitting the “demonstration” prevented E fully putting his defence. The CCA could not, given the above, determine beyond reasonable doubt that the appellant was the robber. The High Court allowed the appeal and ordered a retrial.

Adjournments

A common issue faced by Local Courts deciding criminal cases is whether to adjourn the hearing of a matter because a client has lodged an appeal to the Legal Aid Review Committee (LARC) against a decision refusing legal aid. Late last year the Supreme Court decided that the existence of a LARC appeal, or an intention to lodge such an appeal under s57 of the *Legal Aid Commission Act 1979*, will in most cases require an adjournment to allow the LARC appeal to be determined. Section 57 of the *Legal Aid Commission Act 1979* sets out the limits on the power to adjourn proceedings if the court finds that the appeal to LARC is more about delaying the hearing than securing legal aid. It is however a useful case which reinforces the importance of legal representation and the role of LARC in reviewing decisions regarding eligibility for legal aid.

Bail for young people

In a recent case regarding a bail application by a juvenile, the Supreme Court considered what might amount to exceptional circumstances which would warrant bail being allowed. The court found that a combination of factors, including that the applicant for bail is a juvenile, may amount to an exceptional circumstance – enough to justify bail being granted.

Changing laws and amendments

New legislation impacts upon our clients, as well as the workload and budget of the Division. Reforms such as the fast tracking of domestic violence offences and restrictions on the requirements for service of police briefs may impact on our clients, budgets and workload.

The year ahead

The Criminal Law Division will implement more recommendations of the Children's Legal Service Review, focusing on issues relating to best practice for the delivery of legal services to children in NSW.

By working cooperatively with the NSW Ombudsman and the Department of Corrective Services, we will improve access to justice for prisoners, providing clear, reliable and timely information about how to access legal assistance for civil, family and criminal law problems from gaols.

We will be increasing community legal education programs for young people in schools, detention centres, correctional centres, Police Community Youth Clubs and other youth agencies through the roll-out of *Burn*, the interactive website and DVD.

Work will continue on practices and procedures which ensure effective representation for adults in the Sydney metropolitan area and juveniles throughout NSW appearing at centralised weekend bail hearings by way of audio-visual link at the Parramatta Children's Court.

Key challenges

A major challenge for the Criminal Law Division is to reduce the barriers to mentally ill persons in accessing legal assistance. We will achieve this by training inhouse staff on strategies for obtaining effective instructions, and increasing their understanding of the needs of clients with a mental illness.

PROVIDING HOLISTIC SERVICES

Legal Aid NSW employs a team of social workers (the Client Assessment and Referral Unit) to work in partnership with lawyers to target the difficulties underlying people's legal problems. This is based on the knowledge that our clients have multiple problems contributing to their legal problem, especially those with special disadvantages (eg, clients with a mental illness, homeless clients, drug and alcohol-affected clients). This partnership between lawyers and social workers produces substantial benefits for our clients.

MAJOR ACHIEVEMENTS

This year the Unit assisted with 490 referrals by providing socio-legal assessments, telephone advice and advocacy, including securing discharges for clients with intellectual disabilities and assisting them to avoid custodial sentences.

A survey of the Unit's Community Referral Information Service found that 75% of service users found the service either extremely or quite helpful. In 85% of referrals the unit responded within 48 hours.

Service review

During 2007-2008, the Unit was reviewed in accordance with a Corporate Plan strategy. The review found that the Unit's assessments were well regarded by internal and external stakeholders.

The year ahead

The review and strategy to implement the accepted recommendations has been presented to the Legal Aid NSW Board. A reference group will be formed to guide the implementation process in 2008-2009.

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 2007–2008, private lawyers provided 47.2% of our case and duty services.

MAJOR ACHIEVEMENTS

Private lawyers working on assigned cases achieve positive outcomes for individuals or client groups. These cases below demonstrate how private lawyers contribute to the public interest litigation that Legal Aid NSW conducts.

Case 1

Disabled person not allowed to fly

Three disabled people alleged that an airline had discriminated against them by requiring them to travel with a carer at their own expense. The case raised issues under Commonwealth disability discrimination legislation. This test case was heard in the Federal Magistrates Court, resulting in one claim being satisfactorily settled.

In a landmark decision for discrimination law, the Federal Court also limited the costs the other two applicants would have to pay if they lost their claims, to \$15,000 and \$35,000 respectively. The Court weighed the ‘entitlement’ of the airline to recover its costs with the fact that the case was in the public interest, the applicants did not stand to gain any personal financial benefit, and would be inhibited from proceeding with their claims if the order was not made.

Case 2

Forged mortgage decision

A woman applied for funding to defend possession proceedings for the home she owned with her husband. Her husband took out a \$335,000 mortgage on the house without his wife’s knowledge or consent. He forged her signature on the mortgage documents, then took the money and disappeared. His wife was served with a possession application by the mortgagee.

Legal Aid NSW funded the wife for the proceedings but she was unsuccessful at first instance. We then funded her to appeal the decision. The question on appeal was whether the wife’s half of the property could be used to pay out the loan. The judge’s decision was that under the terms of the mortgage there was no money owed that was secured by the wife’s half of the property.

Accordingly, the Court of Appeal ordered that the property be sold by a trustee and the client be refunded her equity in the property, less half of the payout figure of the genuine mortgage which was paid out by the forged mortgage. This case attracted a feature article in the *Law Society Journal*, warning lenders that a forged mortgage may not give a lender guaranteed title to the property.

Case 3

Racial discrimination

Legal Aid NSW assisted a former employee of a major Australian airline in an appeal by the airline against a decision of a Federal Magistrate to award compensation for racial discrimination in the workplace. The Federal Magistrate had awarded \$70,000 to the worker, which is the maximum amount allowable for general damages for such a claim. The Full Federal Court dismissed the appeal and maintained the maximum damages award. In doing so, the Court clarified the operation of the *Briginshaw Test*, which determines the way the Court assesses the onus of proof in discrimination cases. This is an important comment for all legal practitioners and an important and wider benefit from the Court’s decision, in addition to the substantive decision to dismiss the appeal and uphold the award of general damages.

Case 4

Disability Support Pension

Several clients appealed to the Administrative Appeals Tribunal regarding payment of a disability support pension. A high number of the cases were successful. In particular, where Centrelink was the appellant, most of these cases were resolved with Centrelink withdrawing the appeal before a hearing.

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. Community legal education is integral to our strategy of informing the community of our services, legal issues and ways of resolving them.

Community legal education

The Community Legal Education (CLE) Program is a key milestone in the State Plan's Priority: *Reduced levels of anti-social behaviour*, contributing to the State Plan's target through a range of both innovative and standard CLE programs.

We completed a crime prevention DVD, *Burn*, that focuses on the topic of young people and group offences, six DVDs on legal topics affecting prisoners, traffic law education programs, and conducted domestic violence workshops for emerging communities.

MAJOR ACHIEVEMENTS

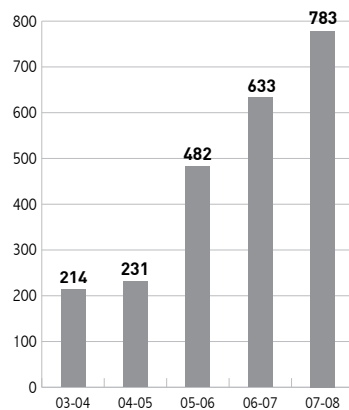
During 2007–2008, the focus of the Community Legal Education (CLE) Program has been on developing new educational resources which will be used in strategic programs with priority client groups. These initiatives were set out in the 2007–2008 Corporate Plan, and included an educational resource for each of the practice areas. We have achieved this whilst increasing the number of community legal education sessions provided, and also responding to emergency events such as floods and storms.

Our community legal education sessions increased by 23.7% compared to the previous year.

More staff

Our CLE Program received a major boost this year with the appointment of three new CLE lawyer positions to oversee community legal education in civil, family and criminal law. Appointees commenced in June 2008. The positions were recommended in last year's review of the community legal education and publications area.

TOTAL COMMUNITY LEGAL EDUCATIONS SESSIONS 5 YEAR TREND



Diverse client groups

Our community legal education program in 2007–2008 targeted:

- Aboriginal young people
- Consumer and employment law for Aboriginal people
- People affected by changes to the child support system and family law
- People affected by storm, hail and flood damage
- Newly arrived migrants
- Older people
- Homeless people
- Prisoners
- People experiencing mortgage stress and financial hardship

Prisoners—statewide program

Legal Aid NSW has developed a statewide legal education program for prisoners, including a series of six DVDs and accompanying brochures.

The *Back on Track* DVDs focus on identifying legal issues commonly encountered by prisoners, including debt, fines, tenancy, care and protection, and understanding the criminal justice system.

Young people: The *Not Guilty* Project

A 30 minute drama, *Burn*, and interactive website were developed as a crime prevention resource for 16 to 19 year-olds. The film aims to counter an increasing trend for young people to become involved in serious group offences such as robberies or group assaults. It explains the serious nature of these offences, and that young people may be charged for merely being present during the offence.

Burn features a cast of young non-actors from diverse cultural backgrounds. There was no script for the film. The dialogue was completely improvised and the story line developed collaboratively with a large group of young people,



Photo: Hugh Rutherford

Young actor Sene Auelua plays a key role in the film *Burn* – part of a crime prevention program for young people.



Photo: Charmaine Smith

Actors performing radio scripts for Aboriginal youth, take a break in the studio. L to R: Angeline Penrith, Lateesha Smith, Rowena Welsh Jarrett and Savannah Peacock.

including the 11 cast members. The young people enjoyed the opportunity to work with filmmaker David Vadiveloo, and hope the film will have a major impact on young people.

Aboriginal youth: radio project

The Legal Aid NSW Human Rights Group, in partnership with Redfern Legal Centre, has developed a series of radio scripts dealing with legal issues of particular concern to Aboriginal people. The scripts aim to be as accessible as possible and the project is based on the ‘pathways’ approach to legal information. Each script raises a legal issue and then the characters develop their own solution.

Financial hardship— mortgage stress

In response to the current climate of financial strain, Legal Aid NSW conducted three mortgage stress forums at Parramatta, Gosford and Rooty Hill, and has developed a self-help kit for people experiencing mortgage stress. This kit will form the basis for the production of a 30-minute DVD to be used in workshops with financial counsellors and consumers across NSW.

Education via webcam

Legal Aid NSW has developed community legal education programs for delivery via webcam. Topics include *Managing your own divorce* and *Pleading guilty to drink driving charges*. Delivery of legal education sessions via webcam will improve access for people outside metropolitan areas, and in circumstances where it is not viable to run face-to-face sessions.

Emergency response to storms and floods

In response to serious hail storms and floods in Western Sydney during December 2007, Legal Aid NSW coordinated two information forums providing free legal advice on insurance claims to people affected by the storm.

A number of key agencies were invited to attend, including the Insurance Law Service, Home Building Advocacy Service, Insurance Ombudsman, Mt Druitt and Area Community Legal Centre and the Insurance Council of Australia. The forums were attended by over 100 local residents.

Legal Aid NSW conducted a series of letter writing workshops at Blacktown library to help local people make claims and write follow-up letters.

Similar forums were also held in flood-affected Kyogle and Tweed Heads.

The year ahead

Legal Aid NSW will develop resources to be used in strategic community legal education programs. These initiatives are set out in the 2008-2009 Corporate Plan, and include a focus on unrepresented litigants in criminal, family and civil law matters.

The community legal education lawyers appointed in 2007-2008 will greatly increase our capacity to provide comprehensive community legal education programs.

Burn will be screened in schools, youth centres, juvenile justice facilities and refuges all over the state.

Back on Track will form the basis of workshops with prisoners running from October 2008 to April 2009.



Client diversity

Our Ethnic Affairs Priorities Statement 2005-2008 and Disability Action Plan 2006-2009 outline how we are providing equitable, consistent and improved services to people from culturally and linguistically diverse (CALD) backgrounds and people with disabilities. Our initiatives for women are aligned with the NSW Government Action Plan for Women.

Diversity profile

- 27.8% of our case and inhouse duty clients are women.
- 13.9% of our case and inhouse duty clients are from culturally and linguistically diverse communities.
- 23% of women who were assisted by the Women's Domestic Violence Advocacy Program were recorded as being from a CALD background.

CLIENTS FROM OTHER CULTURES

MAJOR ACHIEVEMENTS

New policy

Our revised Interpreter and Translator Policy was issued in April 2008. This policy sets out the framework for providing interpreters and translators equitably, effectively, and consistently to clients and communities from CALD backgrounds, and people with hearing and speech disabilities. The Community Relations Commission and the Justice Disability Advisory Council responded positively during a consultation process.

Awareness training

To promote and inform staff of the revised interpreter policy, a series of half-day training courses—*Cross Cultural Communication and Using Interpreters* was delivered in May 2008 at 15 state locations. The course aimed to overcome barriers to working with clients of CALD backgrounds within the justice system, including

the effective use of interpreter services. The courses were attended by 173 Legal Aid NSW staff and 21 staff from the Women's Domestic Violence Court Advocacy Program (23% of women who sought ADVO orders in 2007 were from CALD backgrounds).

A course, *African Culture and Migration/Refugee Issues*, provided a greater understanding of the experiences of Sudanese people new to Australia.

Multilingual CD-ROM

Welcome to Legal Aid, a CD-ROM first produced in 2006 in seven languages, was recut this year, featuring two new languages—Arabic and Juba Arabic. This was the result of recommendations made by the review of community legal education and publications, providing information that is accessible to clients and meets their needs. This highly commended resource for people with low literacy skills in newly emerging communities is now available in nine languages: Amharic, Arabic, Dari, Dinka, Juba Arabic, Pushto, Somali, Swahili and Tigrinya.

The CD-ROM also featured in the report, *A Long Way to*

Equal, which was launched by Women's Legal Services in August 2007. It will be used in a pilot of bilingual African and Middle Eastern community workers to facilitate community legal education in partnership with Legal Aid lawyers.

Chinese Expo

In April 2008, Legal Aid NSW took part in a Family Law Expo—*Know Your Legal Rights*—which was organised by the Chinese Australian Services Society (CASS). In his opening address the Attorney General of NSW, The Hon John Hatzistergos, MLC, highlighted the cooperative nature of our role, working with community groups such as CASS.

Translations

The publications review also recommended Legal Aid NSW provide more information for newly emerging communities to reflect immigration trends. We translated our core brochure *Do you have a legal problem?* into three new languages: Indonesian, Hindi and Korean, based on community consultation and an analysis of immigration and population trends. This brochure is now available in 15 languages (page 129).

Photo: Dami Pontes



NSW Attorney General, John Hatzistergos with local service providers at the Chinese Expo.



Joseph Wasuruj with Thai Welfare Association staff at the seminars.

Thai community

Legal Aid NSW lawyer Joseph Wasuruj conducted three community legal education sessions using his first language, Thai. The sessions were organised in cooperation with the Thai Welfare Association and were held in Central Sydney and Cabramatta. Topics included car accidents, domestic violence, debt, credit, bankruptcy and Social Security benefits. There are more than 20,000 Thai-born Australians based in Sydney and Joseph is the only Thai-speaking lawyer employed at Legal Aid NSW.

Interpreters

Interpreters were used for phone and face-to-face professional interviews, community legal education sessions and court hearings. A total of \$724,689 was spent on interpreters (compared with \$686,461 in 2006-2007).

CLIENTS WITH DISABILITIES

MAJOR ACHIEVEMENTS

AUSLAN "Hands Up" information project

Legal Aid NSW has contributed to a project of the Deaf Society of NSW, producing a DVD in AUSLAN for people who are hearing impaired. The DVD will be available on the Legal Aid NSW website in late 2008, and will assist people who are going to court. Project partners were LawAccess NSW, the Attorney General's Department of NSW, the Deaf Society and Legal Aid NSW.

PROGRAMS FOR WOMEN

MAJOR ACHIEVEMENTS

Education programs for women

A strong focus of community legal education in 2007-2008 was on providing targeted information to women. Programs were developed in partnership with a number of service providers who offer support to socially and economically disadvantaged women. Service providers included women's refuges, women's community health centres and women's housing programs. The topics covered ranged from domestic violence and migration law, to sexual abuse allegations and Family Court matters.

Domestic violence

Our Women's Domestic Violence Court Advocacy Program (WDVCAP) is a major stakeholder in the implementation of the State Plan strategy, *Keeping people safe by reducing domestic violence*.

The WDVCAP facilitates access to legal protection from violence by assisting women to obtain Apprehended Domestic Violence Orders through WDVCAP funded services.

WDVCAP provided 42,194 services to 13,475 women

this year. Aboriginal women comprised 12% of new matters and women from CALD communities comprised 23%. Services provided have risen by 5.3% since the previous year.

The year ahead

An Ethnic Affairs and Priority Statement (EAPS) will be developed for 2008-2009.

Our Disability Action Plan will be revised in order to identify barriers and improve access and use of legal aid services for people with disabilities.

We will provide improved Telephone Typewriter (TTY) facilities at the Parramatta Justice Precinct and Central Sydney, to ensure that people who are hearing impaired can communicate with us.

We will participate as a pilot agency in the Community Relations Commission's trial of the revised Ethnic Affairs Priority Statement Standards framework, to improve the way in which agencies develop and monitor EAPS performance.

In our efforts to raise the status of access and equity at Legal Aid NSW and champion a diverse work environment, we will review the role and functions of the Access and Equity Committee.

Our CD-ROM *Welcome to Legal Aid* will be used in bilingual community legal education sessions.

Our brochure *How to complain to Legal Aid NSW* will be translated into key community languages.

More *Cross-Cultural Communication And Using Interpreters* courses will be conducted.



WORKING WITH OUR PARTNERS

Develop our relationships with other organisations to improve access to justice

Partners at a quarterly Cooperative Legal Service Delivery meeting in the Central Tablelands (pages 30-31).

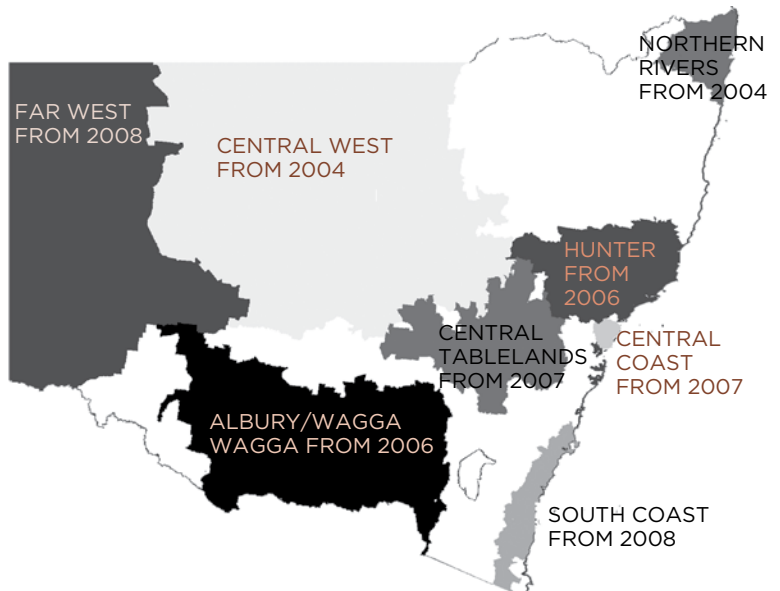
Key achievements

- Increased our services to people living in regional areas through dynamic partnerships
- Provided more services to Aboriginal people by working with the Aboriginal Legal Service
- Together with private lawyers we delivered 197,679 representation and duty services
- Delivered 42,194 services to 13,475 women who applied for Apprehended Domestic Violence Orders

Rural and regional clients gained much better access to legal services this year as the result of stronger partnerships and programs.

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Training our partners	37

This map shows the regions in which we have rolled out our Cooperative Legal Service Delivery Program (page 30).



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.

In 2007–2008, we worked closely with private lawyers, other legal service providers and community agencies to improve equity of access to the law, particularly for the disadvantaged people of NSW.

LAWACCESS NSW

LawAccess NSW referred 23,570 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 NSW Attorney General's Department, and partly funded by Legal Aid NSW. The main areas people sought help with in 2007–2008 were shared parenting arrangements, debt, traffic offences, property settlement and Apprehended Domestic Violence Orders.

ABORIGINAL LEGAL SERVICE (NSW/ACT)

Legal Aid NSW provided 7.4% of its services to Aboriginal people.

Legal Aid NSW invited the Aboriginal Legal Service to sit on its Aboriginal Justice Committee which is designed to drive and lead the implementation of our Aboriginal Justice Services Delivery Plan. The committee met quarterly and reported directly to the Chief Executive Officer (page 143).

COOPERATIVE LEGAL SERVICE DELIVERY (CLSD) PROGRAM

CLSD has enhanced collaboration between legal and non-legal service providers to facilitate more effective referrals and service coordination in regional NSW.

This Program is a regionally based approach to legal service delivery, which aims to improve outcomes for socially and economically disadvantaged people in NSW, by building cooperative and strategic networks of key legal services and community organisations (page 30).

NSW LEGAL ASSISTANCE FORUM (NLAF)

NLAF drafted a new resource that will help Aboriginal people understand civil law issues and how to seek remedies for those issues.

The NSW Legal Assistance Forum has a number of working groups that work cooperatively to improve legal services for disadvantaged people in NSW. The NLAF Working Group on Aboriginal clients, chaired by Legal Aid NSW, focuses on making legal services more accessible to Aboriginal communities (pages 37, 52).

COMMUNITY LEGAL CENTRES

Community legal centres referred 4,664 clients to Legal Aid NSW and received 1,922 client referrals from Legal Aid NSW.

There are thirty-two community legal centres whose funding is administered by Legal Aid NSW, complementing our own services (pages 33, 127).

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM

Partnerships were strengthened through training, conferences, formal working groups and informal networks.

This Program works collaboratively with the NSW Police Force, Local Courts and legal, health, welfare and accommodation services within the community to provide an integrated, co-ordinated response to domestic violence (pages 34, 128).

PRIVATE LAWYERS

Private lawyers provided 47.2% 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 35, 62, 138).

LAW AND JUSTICE FOUNDATION OF NSW

A national Legal Needs Survey supported by Legal Aid NSW, has commenced.

Legal Aid NSW uses research undertaken by the Foundation to inform policy and practice, for example, *Taking Justice into Custody: the legal needs of prisoners*.

The Law and Justice Foundation (LJF) of NSW is developing an interactive and integrated computer application. Legal Aid NSW is collaborating with LJF's Data Digest 3 project which aims to enhance the description, analysis and interpretation of legal need in NSW, and to assist the public legal sector in the modelling, planning and delivery of legal assistance services in NSW.

Regional partnerships

Geographic isolation remains a real obstacle to accessing legal services for people living in regional and rural areas of the State. By strengthening our partnerships, we have improved access to our services for rural clients.

REGIONAL SOLICITOR PROGRAM

Legal Aid NSW works closely with private practitioners to provide legal services in those rural and regional areas of the State which are not serviced by our established offices. However, the number of legal practitioners located in rural NSW available and willing to undertake legal aid work is declining.

As a consequence, Legal Aid NSW faces increasing difficulty in providing services both to the remoter areas of the State, where populations and services are declining, and those coastal areas experiencing population growth, particularly the North and Far North Coasts.

In 2007, we launched the Regional Solicitor Program to improve access to legal aid services for rural communities, by ensuring that there are sufficient legal practitioners in rural areas available and willing to undertake legal aid work.



Civil lawyer Sarah Burke visits Moree to develop important regional partnerships.

The Regional Solicitor Program boosted legal aid services in rural areas—440 grants of aid and 800 advice or duty lawyer services.

The Program provides salary subsidies and other incentives to private law firms in the identified locations to employ an additional lawyer in return for the lawyer undertaking an agreed amount of legal aid work.

The 10 locations selected were Batemans Bay, Bega, Moree, Tweed Heads/Murwillumbah, Taree, Port Macquarie, Broken Hill, Cowra, Young and Dubbo. During the year, lawyers were placed in all the locations except Port Macquarie.

The pilot will run for a minimum of two years to allow sufficient time to evaluate the Program's impact on service delivery and its operational costs and benefits.

Early evaluation results show that a significant amount of legal aid work has been undertaken in the selected rural areas. Of the 718 case matters undertaken by the nine lawyers involved in the program during 2007–2008, 440 of these matters were assigned a grant of aid. In addition, the lawyers provided over 100 duty lawyer services, and 600 advice sessions and 100 minor assistance services to local clients. These are additional services that may otherwise not have been provided in these rural areas.

The year ahead

Program evaluations will be conducted at 12 and 24 months. The 12-month evaluation commenced in June 2008.

COOPERATIVE LEGAL SERVICE DELIVERY PROGRAM (CLSD)

The CLSD Program is a regionally-based approach to legal service delivery that aims to improve outcomes for economically and socially disadvantaged people in regional NSW by building cooperative and strategic networks of legal services and community organisations.

Partners include Legal Aid offices, community legal centres, Aboriginal Legal Service offices, Local Courts, tenancy, domestic violence and financial counselling agencies, pro bono lawyers from private law firms, and government departments.

The Program has been rolled out to several regions since the pilot in 2004 (map page 28).

Enhancing services for isolated areas

CLSD regional coalitions facilitate cooperative relationships between agencies to enhance access to justice.

The CLSD Program Unit reports regularly to the New South Wales Legal Assistance Forum, and works with the Law and Justice Foundation of NSW, community legal centres and pro bono service providers. It provides a sound evidence base to inform submissions to State agencies and peak organisations on service gaps. The regional networks in each region provide a ready-made audience and stakeholder group for community legal education workshops, consultations and access to justice initiatives.

CLSD works closely with LawAccess NSW, in particular on identifying emerging needs and planning and delivering outreach services in regional locations. CLSD participants work collaboratively on joint projects, training, workshops, community legal education

and coordinated outreach programs.

Many of the CLSD cross-sector initiatives are clearly aligned with State Plan objectives to identify opportunities for collaboration to improve outcomes for particularly disadvantaged communities.

MAJOR ACHIEVEMENTS

CLSD was successfully rolled out to the Central Tablelands and the Central Coast this year.

In November 2007, Legal Aid NSW submitted proposals to the Commonwealth Attorney-General's Department under its Regional Innovations Program in Legal Services (RIPLS) initiative. In June 2008, the Attorney-General approved payment of four-year funding of \$522,000 to Legal Aid NSW which includes \$180,000 per year for CLSD projects, and a further \$60,000 per year for outreach clinics, some of which will be within CLSD regions.

The year ahead

The CLSD Program will be rolled out to Broken Hill and the South Coast.

In line with the 2008–2009 Corporate Plan, CLSD will continue to work with its partners and develop relationships with other organisations to improve access to justice in regional and remote communities. This will include developing ways to work more effectively with non-legal service providers to achieve more holistic outcomes.

Partnerships and initiatives being explored include working with:

- the Public Interest Advocacy Centre to develop and deliver “Law for Non-Lawyers” workshops within each CLSD region;

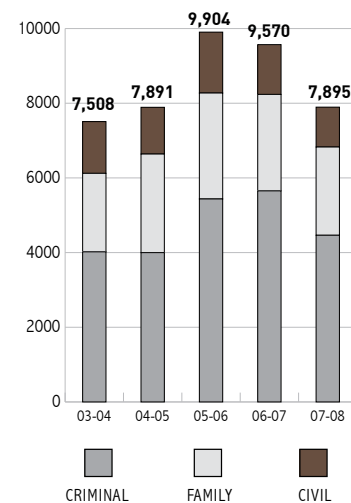
- community legal centres and the Law and Justice Foundation of NSW to produce guidelines for developing and delivering quality outreach services;
- the Law and Justice Foundation on its Data Digest 3 project that will provide information on the types of legal matters people experience;
- LawAccess NSW in enhancing pathways to legal services from non-legal service providers, and developing outreach initiatives;
- Combined Community Legal Centres Group NSW (Inc) and the National Association of Community Legal Centres on a project to develop a “Legal Needs-based Service Planning Tool”;
- non-legal organisations such as Ombudsmans’ services and financial services to provide outreach training opportunities for CLSD participants; and
- Hunter CLSD partners and the Regional Solicitor Program to deliver a weekly outreach service in Taree.

RURAL AND REGIONAL OUTREACH

Legal Aid NSW provides a broad range of outreach services to help extend the coverage of legal aid services, particularly into areas where no other services are available.

Although it can be time consuming travelling large distances, our outreach program has a strong reputation of trying to reach people who have little or no opportunity to access legal help. The total number of outreach interview locations for 2007–2008 was 134.

TOTAL OUTREACH SERVICES 5 YEAR TREND



Our key partners such as LawAccess NSW, community legal centres and the Aboriginal Legal Service contribute to many of our outreach programs. We also develop ongoing relationships with local community networks such as local councils and support services.

Our outreach services have been mostly directed towards rural and remote communities, Aboriginal communities, prisoners, homeless people and older persons, and culturally and linguistically diverse communities. These communities have been identified as being particularly disadvantaged in accessing legal services so we have developed specific strategies to assist in reaching these groups.

Historically the most comprehensive outreach across the state has been provided by the Child Support Service which is now based at the Phillip Street Parramatta office. During 2007–2008 the Child Support Service continued to provide an outreach service to regional NSW, and has extended its service on the North Coast to Yamba.

Legal Aid NSW also provides outreach clinics to Aboriginal communities in areas such as Kempsey, Bonalbo and

Emerton. A great deal of care has been taken in locating these outreach services in appropriate community centres to ensure we can maximise their accessibility and effectiveness.

These outreach services were reviewed in March 2008 (page 14). It is a constant challenge to ensure these services remain relevant and appropriate to the needs of Aboriginal clients.

Each year, Legal Aid NSW takes part in Good Service Forums – a partnership of representatives from different government agencies who share information with members of Aboriginal communities about their services. This year, Forums visited Broken Hill, Lismore and Wilcannia.

MAJOR ACHIEVEMENT

Homeless persons clinics

The Civil Law Division established a number of homeless persons outreach clinics in regional areas in collaboration with the Homeless Persons Legal Service. These clinics are located in agencies that provide meals and services for homeless people in order to overcome some of the barriers homeless people experience in accessing legal services. The model we use involves doing as much work as possible on the spot to try to resolve the (sometimes multiple) legal problems of clients. Our aim is to work with other key

support agencies and try to break the cycle of homelessness through the resolution of legal and other related issues. Homeless outreach clinics have been established at Kempsey, Coffs Harbour, Nowra, Port Kembla, Wollongong, Emerton, Newcastle and Gosford. Our homeless services are well supported by a number of local agencies such as St Vincent De Paul, the Uniting Church and Marrin Weejali Aboriginal Corporation.

The year ahead

We will develop additional outreach services at Boggabilla, Glenn Innes, Moree, Taree, Toomelah and Toronto – areas identified as disadvantaged and with limited access to free legal services.

Our experience in delivering outreach services is that sometimes they take time to gain momentum but when they do, they are a highly effective way of extending the reach of our services. They need careful planning and solid relationships with local organisations. A key focus next year will be developing these relationships, particularly with agencies and shelters frequented by homeless people in regional areas.

Recommendations from the review of civil law outreach services to Aboriginal communities will also be implemented.

MOREE SNAPSHOT



Roslyn Laws (far left) from Housing NSW in Moree with representatives of Legal Aid NSW L to R: Ananda Hall, Matthew Hazard, Lauren Finestone and June Rozen.

An outreach service held in Moree in May 2008 provided an excellent opportunity to make valuable contacts with local service providers and learn about community needs. Housing NSW invited Legal Aid NSW to give a presentation to 14 service providers at the local Centrelink office. We provided information about legal aid services, family law, consumer law, child support, and the legal needs of older people. At the same time, our lawyers also advised 35 people about a range of legal problems.

Community programs

COMMUNITY LEGAL CENTRES FUNDING PROGRAM

Legal Aid NSW administers State and Commonwealth funding for 32 community legal centres (CLCs) throughout NSW through the community legal centres Funding Program (CLC Program).

Community legal centres 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 community legal centres. See page 142 for details.

Community legal centres provide a range of free legal services to address the specific needs of disadvantaged sectors of the community.

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

Funding in 2007-2008

Commonwealth: \$5,264,905

State: \$4,783,632

Public Purpose Fund: \$2,188,201

For details see page 127.

MAJOR ACHIEVEMENTS

More services

Community legal centres increased their service delivery to the community in 2007-2008.

Advice increased by 18.9% and legal representation increased by 28% with major cases (more than 20 hours each) increasing by 26% compared to last year.

Community legal centres provided legal services to 37,707 clients.

Joint projects

This year, Legal Aid NSW funded three pilot legal service projects through the CLC Program.

The Consumer Credit Legal Centre (CCLC) is involved in the Pilot Insurance Service Project as part of the National Insurance Information and Advice Project (NIIAP). CCLC provides a National Insurance Hotline advice service, developing education materials for consumers, conducting strategic legal representation and participating in policy and law reform initiatives. The Pilot project commenced on 1 July 2007.

The Public Interest Advocacy Centre (PIAC) established a Legal and Education Service for People with Mental Illness pilot. The pilot specifically targets the gaps in legal service delivery for people with a mental illness. It aims, through consultation with various mental health stakeholders to develop an effective long-term, broad-based disability legal policy and education service that builds effective working relationship with Legal Aid NSW and other legal assistance providers.

Legal Aid NSW and The Aged Care Rights Service established a pilot joint project of an Older Persons Legal Service. This is a legal advice and community legal education service specifically targeted at the needs of older persons in NSW and service providers to older persons (page 14).

Children's Court Assistance Schemes (CCAS)

This year, the Public Purpose Fund (PPF) increased funding to the Children's Court Assistance Schemes (CCAS) Program. This increase has allowed existing CCASs to enhance service delivery at their respective Children's

Courts and to expand services to Bidura Children's Court. It has also enabled the Macquarie Legal Centre to move the CCAS from the now closed Lidcombe Children's Court to Parramatta and significantly increase its capacity at the Parramatta Children's Court.

The year ahead

We will identify and implement improved services for priority clients in collaboration with community legal centres.

In April 2008, the Commonwealth Attorney-General announced that community legal centres in NSW would receive an additional one-off funding amount of \$2,155,730. This will be paid in July 2008.

In May 2008, the Public Purpose Fund approved an additional \$1,321,000 per annum (with indexation) for the initial three years from 2008-2009 to three CLCs not previously funded under the CLC Program, and 12 CLCs which currently receive State and/or Commonwealth funding through the Program. The new CLCs to be included in the NSW CLC Program are the Intellectual Disability Rights Service, the Refugee Advice and Casework Service and the Albury Wodonga Community Legal Service.

Key challenge

In April 2008, the Federal Attorney-General released a report titled, *Review of the Commonwealth Community Legal Services Program*.

The report made 16 recommendations for improvement. Our challenge will be to undertake wide consultation and negotiation prior to implementation.

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM

Legal Aid NSW administers funding for the NSW Government's Women's Domestic Violence Court Advocacy Program (WDVCAP), through which 33 Women's Domestic Violence Court Advocacy Services (WDCASs) are funded to work in 62 Local Courts.

These Services provide advocacy, information and referral to other services for women seeking legal protection from domestic violence. The Program funds 11 Aboriginal Specialist Workers and five Culturally and Linguistically Diverse (CALD) Specialist Workers to address the particular needs of often marginalised women and facilitate their access to the legal system and other services. Services funded through the Program work in the Local Courts in partnership with Local Court staff, the NSW Police Force and the legal profession.

The Program is guided by the WDVCAP Advisory Committee, which includes representatives from the WDCAS Network, Legal Aid NSW Board, Department of Community Services, NSW Police Force, Attorney General's Department and key community agencies (page 144).

Funding in 2007-2008

STATE: \$4,186,189

Details of grant allocations on page 128.

MAJOR ACHIEVEMENTS

Service increase

The Program provided 42,194 services to 13,475 clients this year, in 19,136 new matters. Aboriginal women comprised 12% of new matters and women from CALD communities comprised 23%.

The Program provided 42,194 services, a 5.3% increase on last year.

Services increased by 5.3% since 2006-2007.

Policies and training

This year, the Program revised its policies and procedures after wide consultation with the WDVCAP Advisory Committee, WDCASs, service providers and partner agencies.

A new core training program has been delivered with key partner agencies. Participants evaluated the new training program very positively.

Important partnerships

An important partnership is the relationship between Legal Aid NSW, the WDCASs and the Domestic Violence Solicitor Scheme, consisting of private practitioners providing legal advice and representation for WDCAS clients in 13 courts.

Work continued on Memoranda of Understanding with the NSW Police Force and Local Courts. Legal Aid NSW is working with Holroyd Local Area Command, Fairfield Local Court and Liverpool/Fairfield WDCAS to develop procedures and protocols for a model of best practice in coordinated, integrated service delivery to victims of domestic violence.

New mentor

We appointed Bev Lazarou, formerly Coordinator of Southern Sydney WDCAS, to a position within the WDVCAP Unit at Legal Aid NSW to fulfil a mentoring role for WDCASs. She is working directly with WDCASs to ensure implementation of best practice in accordance with the revised policies and procedures and to work effectively with Government and non-Government agencies at a local level. This position has been well received by service providers and WDCAS workers and has strengthened

the partnerships between these organisations and Legal Aid NSW.

Annual conference

This year's WDVCAP Annual Conference focused on developing good practice in service provision. Participants were addressed by a wide range of speakers, including one from Tasmania (Safe at Home Principal Consultant) and one from Victoria (State Supervising Magistrate, Family Violence Court Division). The conference was attended by over 400 people from Government and non-Government agencies, including the NSW Police Force, Local Courts, NSW Health, women's services and WDCASs.

The year ahead

We will implement a standardised service delivery framework supported by a comprehensive training program delivered by Legal Aid NSW. A new funding formula will be developed for equitable distribution of funding to commence in 2009-2010. The funding formula will allow us to use the NSW Government's 64% increase in funding for the Program to improve the efficiency of existing services and expand the services of the WDVCAP to additional local courts across NSW.

We will continue to work towards enhanced interdepartmental and interagency cooperation and collaboration to improve service delivery to victims of domestic violence in the justice system.

Partnerships with private lawyers

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

The Division makes decisions on the granting of legal aid and allocates matters to inhouse and private lawyers.

In 2007–2008, private lawyers provided 47.2% of all legally aided case and duty services.

This year the Division received 33,659 applications for legal aid, comprising:

- 14,063 applications for legal aid in criminal law
- 18,500 applications for legal aid in family law
- 1,096 applications for legal aid in civil law

Grants Division staff also administered 68,461 duty appearances conducted by private lawyers at courts in NSW.

MAJOR ACHIEVEMENTS

Electronic lodgement

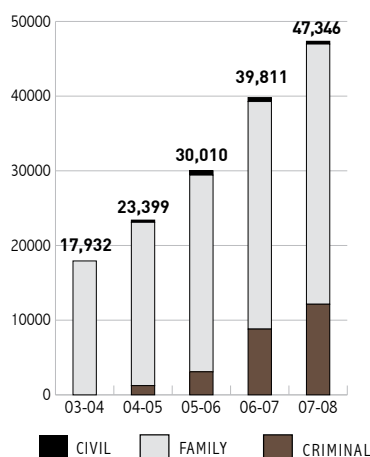
Since 2002, greater numbers of private practitioners have been lodging applications for legal aid electronically through the Grants Online system administered by our Grants Division.

By the end of June 2008, 1,288 private legal firms were registered to use the Legal Aid NSW e-Lodgement system, Grants Online, which represents a 22.7% increase on the previous year.

The numbers of electronically lodged applications continued to increase. During the year we received 47,346 online requests, an increase of 18.9% from 2006–2007. On average, electronically lodged requests were processed within 4.64 days.

By the end of June, 88% of invoices from private lawyers in duty lawyer matters were being lodged electronically and invoices were processed, on average, in less than a day.

LEGAL AID APPLICATIONS LODGED ONLINE 5 YEAR TREND



The percentage of applications for family law matters lodged electronically by private lawyers increased from 86% of all applications received in June 2007 to 92% in June 2008.

Panels

Many private lawyers doing legal aid work are members of panels. 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 are being progressively implemented across all law areas. On appointment to a panel, members of the private profession sign a service agreement and agree to comply with practice standards and audit arrangements. They are able to undertake legal aid work in the areas of law covered by the respective panel.

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 2007–2008, 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.

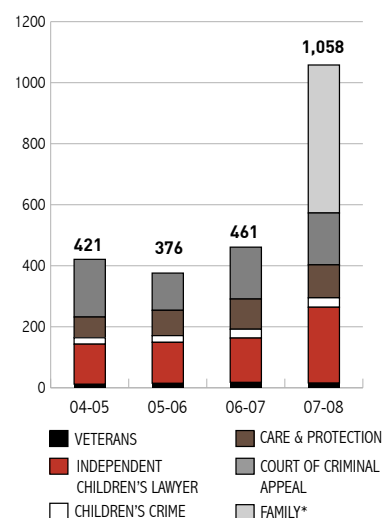
In February 2008, we established the new General Family Law Panel, appointing a total of 489 private lawyers in metropolitan and regional NSW, making this our largest panel.

The Care and Protection Panel was expanded in November 2007 to cover all Children's Courts throughout NSW. An additional 93 lawyers in metropolitan and regional NSW have been appointed to this panel.

We conducted 10 information and training sessions during the year to update staff on the implementation of the new Family Law Panel and the other new panels to be introduced later in 2008.

We established our largest panel yet—the Family Law Panel with 489 private lawyers.

LAWYERS ON PANELS 4 YEAR TREND

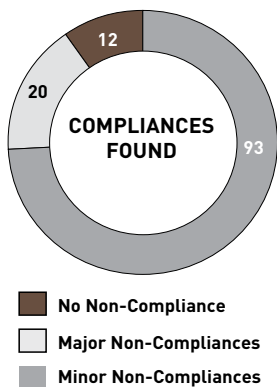


Note: Panels were established in 2004–2005
* Family Law panel established 2007–2008

Audit program

We regularly undertake reviews and audits of private practitioners who do legal aid work. This is a way of ensuring that Legal Aid NSW policies and procedures are equitably and consistently applied, and that legal aid clients are receiving a high standard of service. The expansion of panels and the electronic lodgement of legal aid applications across all law areas reinforce the need for Legal Aid NSW to have an effective audit process in place. This year, we continued to implement our audit strategy for private lawyers who are members of our panels. Under this strategy, 62 selected lawyers on the Children’s Criminal Law, Care and Protection, Court of Criminal Appeal, Veterans’ Law and Independent Children’s Lawyer panels were audited in 2007–2008. Of the 62 audits undertaken, 12 lawyers had major non-compliance issues. These included failing to comply with Legal Aid NSW policies, practice standards and service agreements. A number of these practitioners have been scheduled for follow up audits. A total of 184 practitioners have been audited since the strategy was introduced in 2005.

AUDIT RESULTS 2007–2008



Note: These audit results are based on the number of files audited per private lawyer.

Regional Solicitor Program

We placed nine lawyers in rural locations selected to be part of the Regional Solicitor Program. The program was established in 2007 to ensure there are enough lawyers in rural areas to undertake legal aid work. Early results of the 12-month interim evaluation indicate a significant number of legal aid services were delivered which otherwise would not have been provided in these rural areas (page 30).

Raising awareness

We encourage members of the private legal profession to take up opportunities to conduct civil law matters under grants of legal aid. To ensure that our external partners are aware of the availability of legal aid in civil law matters, regular information sessions were held with regional law societies.

Mandatory Continuing Legal Education sessions run by Legal Aid NSW are well attended by external partners. Our inhouse practices are involved in a number of collaborative projects (including legal representation, community legal education and policy work) with community legal centres and the Aboriginal Legal Service, which also provide opportunities to continue strengthening these crucial relationships.

Fee review

A key Corporate Plan target is to review the fee structure for payments to private lawyers and adopt a new methodology for determining fees. Streamlining and standardising fee scales will ensure that our method of settling fees will be clear, consistent and transparent. This year the Legal Policy Branch conducted research for an initial consultation paper and consulted widely with representatives of each program area and the Grants Division.

The year ahead

The new grants management system, ATLAS, will be implemented (pages 45, 47). Once ATLAS is implemented, electronic lodgement will be available in all areas of law. Over the next six months, we will increase the current level of electronic lodgement of applications by private lawyers in readiness for the new system, and provide training and support in the use of the system.

We will aim to establish new panels in General and Serious Criminal Law, Prisoners Legal Services, General Civil Law, Mental Health Advocacy and the Domestic Violence Solicitors Scheme. The General Criminal Law Panel is expected to be the largest of our practitioner panels.

We will also undertake more audits of panel members and review the audit strategy to reflect the addition of the new panels, and commence audits of the newly formed Family Law Panel.

The next phase of the fees review will consider various options for formulating fees in each program area. Wide consultation will take place internally and also with our external partners. The review will establish a methodology for reviewing fees by 31 March 2009.

Key challenge

The year ahead will see us balancing a busy workload with a transition to a new system – the biggest system change we have seen in years. However, implementing our new system will give us the opportunity to review and improve our processes as well as the service we provide to clients, and our legal service partners – private lawyers.

Aboriginal partnerships

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) signed a *Memorandum of Understanding* in 2006, reflecting the joint commitment of both parties to assist Aboriginal people in NSW to promote and protect their legal rights. The spirit of this important MOU governed our achievements this year.

MAJOR ACHIEVEMENTS

Services for Aboriginal people

Criminal lawyers provided advice to Aboriginal children at juvenile justice centres through the Legal Aid NSW visiting legal service; and represented Aboriginal people at courts, including weekend bail courts, when the Aboriginal Legal Service (ALS) was not available to provide these services. We also partly funded a criminal law position in the ALS at Griffith.

A review of civil law outreach services to the Aboriginal Legal Service commenced in October 2007 (page 14). The review showed that many Aboriginal people are not aware that Legal Aid NSW provides civil law services. A promotional campaign was launched to better inform the community about the availability of legal aid in civil law matters. Posters with artwork by Aboriginal artist Bronwyn Bancroft were

displayed in Aboriginal Legal Service offices and other key locations.

In June 2008, after extensively consulting with Aboriginal communities, Legal Aid NSW established a family law (care and protection) service at Mt Druitt (page 14).

Combined resource

The Aboriginal Working Group of the NSW Legal Assistance Forum brings together key agencies involved in the delivery of legal services in NSW. Chaired by Legal Aid NSW, this group started work on a civil law resource with Aboriginal communities in the Northern Rivers area of NSW. Using a combination of case studies and advice clinics, the new resource will raise awareness about civil law issues in Aboriginal communities and advise Aboriginal people on how to seek remedies for those issues.

Holistic response

Innovative partnerships have been established with agencies not directly involved in the administration of justice in NSW. It has been shown that a holistic response is required to address extreme social disadvantage experienced by many Aboriginal people (page 13).

The year ahead

We will negotiate a new Memorandum of Understanding with the Aboriginal Legal Service in 2008-2009.

Our Criminal Law Division will continue to strengthen its valuable partnership with the Aboriginal Legal Service by representing Aboriginal people at courts when the ALS is not able to provide these services.

We will work with our partners to both reduce the barriers that have inhibited Aboriginal people from accessing Legal Aid services as well as seeking innovative solutions to the issues that affect Aboriginal people in the justice system.

Partnership agencies will be invited to take part in our new *Aboriginal Cultural Awareness Program* so they are in a stronger position to provide culturally sensitive services to Aboriginal clients and communities (page 44).



Ruth Pilkinton from the Child Support Service explains changes in child support laws to multicultural community workers at Bankstown.

TRAINING OUR PARTNERS

Changes in the law can have a significant impact on our clients. In these cases, Legal Aid NSW has a role in providing training and information programs to ensure the community and service providers are aware of what the changes mean for them.

On 1 July 2008 the most significant changes to the child support scheme since its inception commenced. During 2007-2008 the Child Support Service has taken a lead in providing training and information to legal practitioners and community groups on the impact of the changes. Training sessions were provided across the state including at Coffs Harbour, Port Macquarie, Bathurst, Dubbo, Tamworth, Penrith, Wagga, Albury, Deniliquin, Finley, Gosford and Grafton; to staff at six Family Relationship Centres; to Community Legal Centres, LawAccess NSW and to Women's Domestic Violence Court Advocacy Service workers.



BUILDING ORGANISATIONAL CAPABILITY

Pursue continuous improvement across the organisation

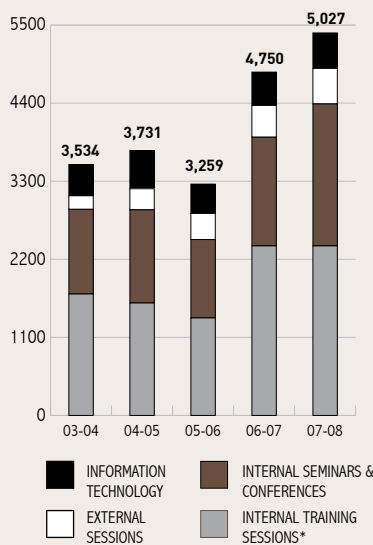
Members of the User Testing Team apply their skills to ensure the new grants management system will serve us well into the future (page 45).

Key achievements

- Surpassed our target for employing Aboriginal staff
- Introduced new staff training programs
- Developed two major IT systems ready to launch in 2008–2009

Staff played a key role in organisational change this year, contributing their knowledge in the lead up to introducing two new systems.

COURSE ATTENDANCES 5 YEAR TREND



*This is the first year that Grants Officer training is included.

This year there were 5,027 attendances at all training sessions, conferences and seminars—this represents a 42.2% increase over the past five years.

People: staff numbers	39
Learning and development	39
Employing Aboriginal people	41
Equal employment opportunity achievements	41
Occupational health and safety	42
Workers' compensation	43
Staff reviews	44
Systems and processes	45
New technology	45
Environmental footprint	46
Service reviews	47

People

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

Legal Aid NSW worked towards providing a stimulating, challenging 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 85 new permanent appointments, 42 (or 49.4%) were in regional offices.

STAFF NUMBERS - 5 YEAR TREND

Year	FTE* figures** financial year end	Actual staff number financial year end
2008	784.77	852
2007	742.31	805
2006	709.54	767
2005	675.86	730
2004	669.94	721

*FTE: full time equivalent. ** For more details see page 132.

Staff numbers

As at June 2008, Legal Aid NSW employed 852 staff in the equivalent of 784.8 full-time positions with 373 positions (337 FTE) located in regional offices and the balance in the Central Sydney office. No staff were employed by the Legal Aid Commission Temporary Staff Division.

MAJOR ACHIEVEMENTS

Staff health

This year we expanded our *Stay Healthy Program* to include a quit smoking program and defensive driving skills course.

A new course, *Managing Psychological Injury*, better equipped our managers with the skills needed to deal with stress and depression in the workplace.

We reached an agreement with the Attorney General's Department of NSW to publish health related tips on our Intranet.

Excellence Awards

In recognition of outstanding performance and achievement, Excellence Awards were introduced for individuals or work groups. The first awards will be presented in 2008-2009.

LEARNING AND DEVELOPMENT

Legal Aid NSW aims to be a professionally and personally rewarding place to work. This year, we supported our staff to be highly skilled, responsive, innovative and flexible team members through a range of new training and self-development initiatives.

This year, there were 5,027 attendances at training activities including conferences, with 1,369 external attendances. See page 130 for details.

We completed a review of all training areas to ensure all staff have the best possible access to training for ongoing professional development.

Developing our staff

Training programs which helped our staff meet high professional standards, included:

- Working with the Public Interest Advocacy Centre, we developed and piloted a one-day *Law for Non-Lawyers* course to equip our administrative staff to work effectively in the legal environment.
- A number of advocacy-focused sessions, such as *Defended Hearings*, have been run to further improve our lawyers' advocacy skills.
- A Mental Health Training Day which was opened up to private practitioners. The day focused on skilling lawyers in changes to the *Mental Health Act 2007* and their implications.
- Employing a barrister experienced in employment law and an occupational health and safety educator to run sessions that were web cast to remote areas. The sessions were also run in Wagga Wagga in partnership with the South West Slopes Law Society.

Staff movements 2007-2008

New permanent staff	85 (42 in regional offices)
Promotions	51
Staff departures	37



A new group of lawyers celebrates achieving specialist accreditation in criminal law.

- *Demystifying Mental Illness* courses to provide staff members with a better understanding and enhanced communication skills to deal with clients who have a mental illness.

This year there were nine new applications for criminal law accreditation supported by our organisation. Legal Aid NSW has 69 lawyers with Specialist Accreditation from the Law Society of NSW – 41 in criminal law, 23 in family law, five in children’s law, one in advocacy and one in personal injury (two lawyers have double accreditation).

As part of our Management Development Model, three managers have been sponsored in the Public Sector Management Program, Learning for Leadership and another who graduated from the University of Sydney Graduate Diploma has been sponsored to the Graduate School of Government Masters in Public Administration. Three staff accepted into the 2007 program are expected to complete it this year. Sponsorship to Masters level will be considered for suitable graduates. The Diploma of Business, also part of this model, now has 108 graduates.

Client focus

In 2007–2008 we introduced a number of new programs, and expanded others, to develop the skills of our staff to assist them to provide more effective services to specific client groups:

- *Cultural Diversity Awareness and Using Interpreters* was run 15 times across 13 locations, from Newcastle to Wollongong and Penrith, to provide training for 173 Legal Aid NSW staff, and 21 Women’s Domestic Violence Court Advocacy Service staff.
- *Working with Muslim Clients* training, providing staff with a better understanding of Islamic culture and family issues.
- *African Culture and Migration/Refugee Issues* provided a greater understanding of the experiences of Sudanese people new to Australia.
- An introductory course suitable for both lawyers and support staff, *Demystifying Drugs and Alcohol*, was run six times, including at Dubbo, and provided staff with good overall understanding of the issues, strategies and resources needed to work with clients affected by drugs and alcohol.

- The very successful, *Dual Diagnosis and Substance Dependence Workshop – A Guide For Lawyers*, run in partnership with the Hunter and New England Area Mental Health Service and Attorney General’s Department of NSW, was expanded this year with five sessions across the state and a total of 107 participants including 88 external lawyers.

Training for good health

Staff health and wellbeing has been another focus this year with the following programs:

- The 11 participants attending the *Achieve Work-Life Balance* program reported increased ability to recognise, take action and to manage their individual stress triggers.
- 30 staff participated in the informative and practical *Personal Protection—Self Defence* workshop and gained confidence to defend themselves when necessary.
- Attendees at a new program, *Managing Psychological Injury*, reported greater awareness of their responsibilities plus increased skills in identification and management (page 42).
- Team-specific workshops helped staff deal with workplace stress and manage change.
- Our staff face a high volume of reading as part of their daily work. *Speed Reading* provided skills and techniques to improve reading speed and comprehension.

Online education

This year we developed a Learning Management System to facilitate e-Learning. It will allow staff, private practitioners and partner legal service providers to access online educational activities anywhere, at anytime (page 45).

Staff, particularly in regional offices, can now take part in training sessions and conferences using web cameras or catch up on presentations they have missed via podcast in their own time.

Conferences

Our civil, criminal law, family law and care and protection conferences were again well attended by both inhouse and external lawyers as were a number of seminars. Regional staff have welcomed the initiative to attend some sessions via web cast, particularly in the civil law area. There were 1,898 attendances at conferences and seminars, with 982 external attendances. See page 131 for details.

GOOD COMMUNICATION

Our staff newsletter, *Verbals*, played an important role this year keeping staff abreast of important developments.

Always informative and relevant, this year the newsletter focused on change in the workplace. An issue dedicated to change management and technology explained the impact of new systems that are about to be introduced. Another edition focussed on the work Legal Aid NSW conducts with Aboriginal communities and clients. It was also a forum for Aboriginal staff to share their response to the Federal Government's Apology to the Stolen Generation which was given on 13 February 2008.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) ACHIEVEMENTS

Legal Aid NSW is committed to promoting equal opportunity in employment.

Key initiatives this year included:

- A second Aboriginal law graduate was recruited as part of the second intake of the Career Development Program.
- 19 new Aboriginal staff were recruited this year. There are currently 27 Aboriginal staff members which represents 3.4% of our staff. Of these, 19 work in clerical and managerial roles and eight work in legal positions.

EMPLOYING ABORIGINAL PEOPLE

We increased the number of Aboriginal staff to 3.4% of total staff, well above the target of 2%.

Legal Aid NSW established an Aboriginal Services Unit in 2006–2007 with the positions of Director, Aboriginal Services and Senior Project Officer.

The Unit's role is to work with all areas of Legal Aid NSW to:

- develop strategies for increasing Aboriginal employment and ensuring that Legal Aid is a culturally appropriate workplace;
- implement service delivery improvements to Aboriginal people and communities; and
- establish and maintain partnerships with peak Aboriginal organisations and communities.

Aboriginal people have long been under-represented in the NSW public sector. To provide greater employment opportunities for Aboriginal people, the Unit introduced an Employment and Career Development Strategy

2007–2009. The strategy sets specific targets for 2% of the Legal Aid NSW workforce to be Aboriginal by June 2008 and 4% by June 2009. At June 2008 the percentage was already over 3%.

Another major initiative under the strategy has been the very successful Bob Bellair Pathways to Legal Careers. The program's main achievements this year include:

- two scholarships of \$5,000 provided to two high school students to assist them to complete their Higher School Certificate so they can go on to tertiary studies;
- two cadetships to undergraduate Aboriginal law students and two placements in both the Graduate and Professional Legal Placement Programs; and
- professional support to Aboriginal staff through an Aboriginal Staff Network and Aboriginal Mentoring Program.



Aboriginal staff members were introduced to their mentors at the start of 2008.

- Regular induction programs for new staff members to ensure that all new starters are aware of Legal Aid NSW policies and procedures, including a component on human resource issues.
- *Ongoing Selection Techniques and Selection Techniques* refresher courses to ensure that all selection panel convenors are able to undertake a merit selection process.

Trends in the representation and distribution of EEO groups are on page 133.

Women’s role and status

This year six women were permanently appointed to the position of Solicitor-in-Charge in Campbelltown, Nowra, Wagga Wagga, Burwood, Wollongong and Fairfield regional offices. This now makes a total of 13 women leading regional offices across the 21 regional offices. It reflects the overall and ongoing supportive culture of the organisation in providing flexible work practices and enabling developmental opportunities. For the first time, 10 women from Legal Aid NSW attended an International Women’s Day Breakfast in Sydney on 7 March 2008. Their attendance was sponsored by Legal Aid NSW as a corporate event.

Six women were appointed Solicitors-in-Charge of regional offices.

PERSONAL ACHIEVEMENTS



Director Family Law, Judith Walker (left) was awarded the Public Service Medal in the Australia Day Honours list for “outstanding public service

to the development of family law in Australia”.

Lawyer Dora Dimos was one of four Australia and New Zealand School of Government alumni graduates to be awarded the Premier’s Development Award for outstanding achievement in the Executive Master of Public Administration. The Awards were presented by the Premier at a special function on 12 June 2008. As part of the Premier’s Development Award Scheme, Dora will have an opportunity to work on a significant project at the Department of Premier and Cabinet.



Dora Dimos receives her award from the Premier of NSW, Morris Iemma.

Photo: Mark Donaldson Photography.

Children’s lawyer Louise Sutherland (below, right) was awarded the Excellence Award in Government Legal Service on 30 October 2007 by the Law Society of NSW. Louise won the award for her tremendous work on the *Not Guilty* project, running 83 crime prevention workshops for 2,611 young people and 182 youth workers. This year the project took another step under Louise’s hand, resulting in *Burn*, a DVD for young people (pages 12, 24).



‘Excellent’ lawyer Louise Sutherland (right) with manager, Teresa O’Sullivan (left).

OCCUPATIONAL HEALTH AND SAFETY (OH&S)

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

Human Resources Management updated all OH&S policies and guidelines to reflect the current legislation and environment.

New health initiatives and training programs were introduced under the *Stay Healthy Program* (page 40).

Our new *Managing Psychological Injury* course ensures that all managers are provided with the tools to identify causes of psychological injury and how to deal with it.

Our OH&S Committee actively reviews OH&S issues in the workplace. Committee membership is listed on page 140.

This year, the committee took an active role in:

- *Stay Healthy Program* initiatives;
- new ground floor interview rooms in head office;
- OH&S and Injury Management targets achieved under the *Working Together Strategy*;
- security procedures;
- OH&S issues associated with the Parramatta Justice Precinct and the new Parramatta Children’s Court; and
- office inspections and OH&S awareness-raising information sessions throughout Legal Aid NSW.

Workers’ compensation

The cost incurred to 30 June 2008 of new claims reported

WORKERS COMPENSATION CLAIMS

Type of claims	No of claims for 2006 -2007	No of claims for 2007-2008
Workplace	8	8
On Duty (not at office)	1	6
Journey	6	9
Recesses – lunchtime & authorised breaks	2	2
Total claims accepted	16	21
Claims declined	1	*Nil

WORK RELATED INCIDENTS

Type of claims	No of claims for 2006-2007	No of claims for 2007-2008
Workplace	10	7
On Duty (not at office)	1	7
Journey	8	5
Recesses – lunchtime & authorised breaks	6	5
Total	25	24

*Of the four claims that were lodged in the 2007-2008 reporting period and not accepted as claims or declined, one claim was withdrawn, two claims were not accepted following investigation and one claim remains under investigation.

in 2007-2008 was \$111,126 compared to \$66,719 in 2006-2007, an increase of \$44,407. The number of accepted claims (including claims accepted under provisional liability), increased from 16 in 2006-2007 to 21 in 2007-2008.

One psychological stress claim was lodged this year incurring costs of approximately \$46,184 or 41.6% of the total cost of claims for 2007-2008.

The number of psychological stress claims lodged in 2007-2008 decreased to one, from three claims in 2006-2007 (with two of these claims subsequently declined).

Of the claims accepted this year, 13 were fall/slip and five were body stress claims amounting to \$62,662 in 2007-2008 or 56.4% of the total cost of claims.

The number of full time equivalent (FTE) staff (on average) for this financial year is 784.77, an increase of 42.46

from 742.31 in 2006-2007. The average worker’s compensation claim cost-per-staff-member in 2007-2008, is \$141.60, based on the full time equivalent (FTE) staff number of 784.77. In 2006-2007 this cost was \$89.88 based on an FTE of 742.31.

The increase in claims and associated costs during the period does not exhibit any identifiable pattern. Legal Aid NSW will continue to pursue the established risk management approach to health and safety with a view to identifying any issues of concern before they can result in injuries/incidents and claims.

Work related incidents

Two claims were lodged this year. One incident occurred in 2005-2006 and the other

in 2006-2007. Figures and costs incurred by these two claims have been included in the 2007-2008 figures (one claim is currently under investigation).

The total number of reported ‘Incident Only’ has decreased slightly from 25 in 2006-2007 to 24 in 2007-2008.

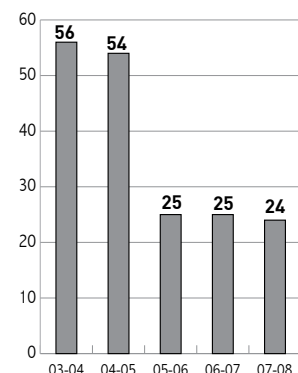
Employee relations

This year, we redefined the role of employee relations to deliver a whole of services package, including industrial relations, organisational development and risk management to Legal Aid NSW.

Matters arising from the reviews of Information Technology, Operational Support and Finance branches were managed in such a way as to minimise any industrial impacts on staff.

Staff served on various internal committees such as the Peak Consultative Committee, Human Resources Sub-Committee, Occupational Health and Safety Committee, Access & Equity Committee, Training and Development Steering Committee and the Social Committee (page 144).

TOTAL STAFF INJURIES/ ACCIDENTS 5 YEAR TREND



STAFF REVIEWS

Reviews tell us what is working and how we can do things better.

We reviewed key areas to make sure programs were running at their best. Recommendations from these reviews help us make improvements where they are most needed and where they will provide greater benefits to our staff.

Career Development Program

We introduced a Career Development Program in 2007 to allow four graduate lawyers to take up two-year placements. The program offers rotations across two practices, involvement in the Legal Aid Mentoring Program and a host of development opportunities.

Our review showed the program was very successful. The program will continue in 2008-2009 with four more graduates coming on board.

Training review

External consultants reviewed our training and development program, in particular our ability to provide educational opportunities for staff and external participants in the context of a changing environment. A number of recommendations were made.

Role review

An independent review of Legal Support Officer (LSO) roles was undertaken across Legal Aid NSW. We employ 179 LSOs, in both permanent and part-time capacities. Completed in December 2007, the review made recommendations about allocation of legal representation, reception duties, workload, job rotation, relief work and temporary positions, training and the impact of the new case management system. Consideration of recommendations is underway with implementation of accepted items anticipated by 31 December, 2008.

EMPLOYEE RELATED POLICIES

Human Resources reviewed and updated policies and procedures relating to purchasing laptops, salary sacrifice arrangements, managing and reporting unsafe incidents, child protection policies, travel, use of the employee self service user software, and working from home.

The year ahead

Legal Aid NSW will strengthen its organisational capacity by further developing the skills and talents of its staff. We will achieve this through:

- more training in regional areas;
- inter-agency partnerships; and
- more opportunities for management training.

Accepted recommendations from the review of training and development will be implemented.

There will be a strong focus on developing e-Learning so that staff have quick access to a comprehensive education portal that meets their broad education needs.

More initiatives will be introduced under the *Stay Healthy Program*.

Our key EEO initiative will be to increase the number of Aboriginal staff members to 4% by 30 June 2009.

One of our most important initiatives will be providing *Aboriginal Cultural Awareness* training to all Legal Aid NSW staff. Courses will also be available to key partners such as Aboriginal Legal Service lawyers and private lawyers.

Key challenge

Our main challenge will be to enhance and coordinate learning and development across Legal Aid NSW, and to private practitioners.

We also face the challenge of not only recruiting new Aboriginal people, but also retaining existing staff. Cultural awareness training, as well as the Aboriginal Staff Network and the Aboriginal Mentoring Program will play an important role in achieving this goal.

Systems and processes

Strong systems and processes provide a platform for building organisational capability and help us provide clients with a high quality services. This has been a defining year for Legal Aid NSW in this area. After several years in the making, new systems for processing all applications for legal aid are ready for launching.

MAJOR ACHIEVEMENTS

During the year, teams of staff and managers put enormous effort into preparing and testing a new grants management system, ATLAS, that will meet the needs of our organisation and clients into the future.

ATLAS was developed jointly for Legal Aid NSW and Victoria Legal Aid by an external software development company. Construction of ATLAS was completed by the software developers during 2007–2008. As at June 2008 the system was in the last stages of being tested for implementation in 2008–2009.

This new system will usher in a new way of doing business with private lawyers.

It will allow Legal Aid NSW to process applications more quickly and provide us with better management information about grants of aid.

A new case management system, CASES, was implemented on 1 July 2008 for the inhouse legal practices. CASES will help us manage workflow better and coordinate appointments and court schedules associated with legal representation. CASES will be fully integrated with the new grants management system, ATLAS, during 2008–2009.

Managers acknowledge the important role staff have played in helping develop and test the new system. Their knowledge and expertise have been invaluable in guiding this major project.

TECHNOLOGY

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

E-Learning

Legal Aid NSW commenced a project during 2007–2008 to implement an e-Learning platform for Mandatory Continuing Legal Education (MCLE) activities, and general training and development, as well as supporting electronic interaction with clients and business partners to deliver training and information on a broad range of subjects.

A software developer was selected during the year and development of an e-Learning platform was near completion as at June 2008, with implementation anticipated early in 2008–2009.

Publications online

We replaced our paper-based ordering system for publications with an online system. It allows greater flexibility for ordering publications from our web site, as well as improving inventory management of our publications stock.

All online publications are now provided in alternative accessible formats, for people who are vision impaired.

Policy Online

Policy Online, now a major resource for staff as well as clients and other external stakeholders, is an evolving tool. Throughout the year, more resources were uploaded onto the site to better meet the needs of users.

Internet and Intranet review

Legal Aid NSW commenced a review of its Internet and Intranet during the year. The outcome of this review will define the structure of the revised Internet and Intranet websites which are to be implemented in 2008–2009.

Records management

With increased deployment of information technology in administrative and business processes, effective management of electronic records is becoming vital to the operation of our business, as well as to ensure full compliance with the *State Records Act 1998*. Legal Aid NSW has used the TRIM records management system for a number of years, and is in the process of extending its use. A project is well underway to extend the use of TRIM throughout Legal Aid NSW to manage electronic records across all business areas. TRIM will manage electronic documents created or received within desktop applications



Staff played a vital role in developing and testing the new grants management system. Here members of the Work Pool Group assess the system's impact on workflows.

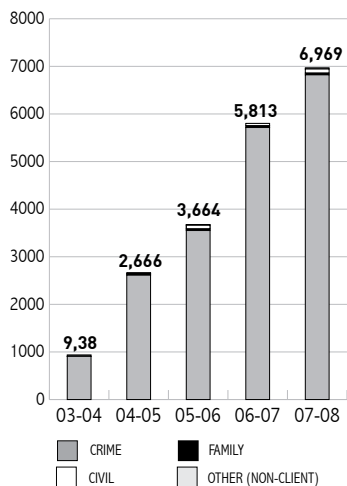
Photo: Vanessa Caruana

such as word processing and email systems. More significantly, TRIM will be seamlessly integrated with our new core business systems, including CASES and ATLAS, to facilitate centralised and compliant management of all electronic documents.

Audio-visual links

During 2007–2008, Legal Aid NSW completed a rollout of audio-visual link (AVL) services to all regional offices. The use of AVL equipment by Legal Aid NSW staff has increased significantly over the last four years. In 2003–2004 Legal Aid NSW staff used AVL facilities on 938 occasions to conduct interviews and bail applications. By 2007–2008 this had risen to 6,969. See graph below.

**AVL CONFERENCES HELD
5 YEAR TREND**



Infrastructure

During 2007–2008 Legal Aid NSW began implementing virtualisation of server infrastructure—an approach now becoming mainstream—where a pool of servers can be deployed to manage all corporate applications rather than using dedicated servers for each individual application.

In the longer term this has the potential to reduce the number of servers required by Legal Aid NSW, reducing both purchase costs and energy usage.

The year ahead

During 2008–2009 Legal Aid NSW will be replacing the majority of desktop PCs and server infrastructure across regional offices and Central Sydney, providing significant performance and stability improvements to staff, as well as ample capacity to run new applications.

Management reporting systems will be reviewed. The existing data warehouse facilities will be extended to cater for the introduction of the new grants and case management systems.

A simpler and more comprehensive database for the Women’s Domestic Violence Court Advocacy Program will help to record data about domestic violence matters including clients’ details and services delivered.

There will be major changes to the Internet and Intranet, supported by a new content management system for both sites. Policy Online will be improved following an evaluation.

An integrated knowledge resource system with procedural manuals, directions and the *Mental Health Practice Kit* will be added to the site in the next 12 months.

LOCATION CHANGES

This year we relocated several sections of our organisation, increasing their capacity to provide services to their clients.

Regional offices

We relocated 46 staff from Central Sydney, regional offices, Parramatta and Penrith to the Parramatta Justice Precinct. As a result, the Prisoners Legal Service and the Children’s Legal Service are now closer to the relocated Parole Authority and the main Children’s Court. The Child Support Service relocated to Parramatta in December 2007.

Upgrades

Work continued upgrading our client service facilities at Blacktown, Burwood, Lismore, Parramatta and Central Sydney. Next year’s focus will be Newcastle and Central Sydney.

REDUCING OUR ENVIRONMENTAL FOOTPRINT

As a government agency, Legal Aid NSW is required to meet a range of targets to reduce our levels of waste, increase recycling and reduce our greenhouse gases. To meet corporate targets, Legal Aid NSW has established a small fund for implementing staff initiatives that contribute to achieving sustainability objectives.

Legal Aid NSW is strongly committed to increasing environmental sustainability levels within the State Government’s key “green” targets. We increased our use of green power by 1% by installing time switches on heaters and we purchased a second ‘green’ car. Paper consumption was also reduced by 2.7% organisation-wide.

In accordance with the Government's Waste Reduction and Purchasing Policy (WRAPP), we reduced paper waste and only used suppliers with a high recycling rate. Only 100% "green" paper was used.

We will keep striving towards a carbon neutral footprint as part of our corporate sustainability leadership goals. This will include identifying the emission sources within the organisation as well as collating data and identifying actions that will reduce our carbon footprint.

SERVICE REVIEWS

Business areas

Recommendations from reviews of the Finance, Operational Support and Information Technology Services were implemented. The recommendations are very targeted and will assist us to achieve our corporate goal of continuous improvement in building organisational capacity.

Library

Legal Aid NSW lawyers have a tremendous resource in their library. However, with technology and legal publishing changing so rapidly, we need to ensure the library is in a strong position to provide support services into the future. An independent review found the library was an excellent service.



Independent consultant Robyn Gray examines the capacity of the library to support Legal Aid NSW staff.

The year ahead

We will implement, monitor and support the roll-out of the new case management, grants management and document management systems. We will finalise new business processes to support the new systems and train staff in their use. The current level of electronic lodgement of applications by private practitioners will be increased in readiness for ATLAS. Training and support will be provided to private lawyers.

Work will begin on developing a comprehensive knowledge management framework to improve Legal Aid NSW efficiency.

Performance measurement and strategic planning mechanisms will be consolidated and reviewed.

Recommendations from the library review will be implemented.

Key challenge

Integrating our electronic records management system with ATLAS and CASES and implementing the system across all areas of Legal Aid NSW will be our main challenge. Requirements for the systems and integration have been finalised and staff training has commenced.



PROMOTING FAIRNESS AND OPPORTUNITY

Promote a fair and inclusive justice environment

Professor Ian Hickie and the NSW Attorney General, The Hon John Hatzistergos at the launch of Mental Health Links for Lawyers (page 51).

Key achievements

- Commissioned research into the civil and family law needs of Aboriginal people
- Launched two key programs focused on clients with mental illness
- National Legal Needs Survey commenced
- Developed an education program for prisoners
- Increased the means test to reflect the rising cost of living
- Made 43 law reform submissions

We provided a comprehensive submission to the State Government’s Special Commission of Inquiry into Child Protection Services, and gave evidence at the Inquiry’s public forum on the court system.

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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 ongoing 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.

Our 2007–2008 Corporate Plan encourages us to promote a fair and inclusive justice environment for everyone, but in particular to improve access to justice for prisoners, Aboriginal people and people with a mental illness.

Our Legal Policy Branch in the Strategic Planning and Policy Division ensures that our policies target people who are socially and economically disadvantaged to enable us to make decisions that are fair and consistent.

RESEARCH AND SURVEYS

MAJOR ACHIEVEMENTS

Social inclusion

Governments across the western world are embracing the concept of social inclusion and ensuring their policies assist marginalised people to participate in key social activities. Social exclusion results from people experiencing a range of problems such as unemployment, low incomes, homelessness, poor housing, poor education, poor health, disabilities and family breakdown.

Legal Aid NSW has been working with Professor Peter Saunders, from the Social Policy Research Centre, University of NSW, to develop new indicators for our 'at special disadvantage test' which reflect theories of social inclusion as a measure of social vulnerability.

The Civil Law Division is also adopting a more integrated approach with allied services

such as health and education, in order to ensure better access to legal services and contribute to responses that address social exclusion.

A review of civil law policies has been undertaken in the context of research which shows that disadvantage is multi-dimensional, encompassing not only poverty, but also deprivation and social exclusion. The review makes a number of key recommendations that will improve access to civil law to those at most disadvantage.

NSW legal needs

A recent legal needs study conducted by the Law and Justice Foundation of NSW found that people had multiple, complex legal needs and often did not understand where to go for legal help. The research recommended a strong partnership approach where legal service and non-legal service providers work closely together to help people get off the "referral merry-go-round."

Legal Aid NSW responded by developing widely diverse regional partnerships within the Cooperative Legal Service Delivery Program (pages 30 and 31) and ensuring that its Aboriginal Services Unit adopts a holistic approach in addressing the extreme social disadvantage suffered by Aboriginal people.

Innovative partnerships were established with agencies not directly involved in the administration of justice in NSW. Future initiatives will ensure that legal services work together with community agencies to provide a more coordinated response in providing services to people with multiple needs.

National legal needs survey

In cooperation with National Legal Aid, Legal Aid NSW has engaged the Law and Justice Foundation of NSW to expand the scope of the

original survey. Comprehensive national research into the level of unknown and unmet legal need is necessary to assist in developing a policy for the provision of legal aid that provides national equity and uniform access to justice.

This survey will provide invaluable information for legal aid commissions across Australia to make informed decisions and allocate resources to fill gaps in service delivery. It will also provide the comprehensive research that is necessary to inform policy development at both the Commonwealth and State level for the provision of equitable access to legal aid. Preliminary reports will be provided in December 2008. The final report will be available in April 2010.

Aboriginal research

Legal Aid NSW commissioned a research paper into the civil and family law needs of Aboriginal people and how we can better respond to those needs. Currently being developed by Professor Chris Cunneen of the University of NSW, the research will involve consulting widely with Aboriginal community members and service providers across the state. The final report will be submitted to the Aboriginal Services Unit at the end of October 2008.

National benchmarking of means test

The ability of Legal Aid NSW to match the means test in other States and Territories depends on a variety of factors, but particularly on funding, demand for services and the variety of services offered. Different means tests, legal aid policies and services exist across the country.

In September 2007 Legal Aid NSW increased its means test to take account of changes in the cost of living. Comparisons with the means tests in Victoria, the ACT and Western Australia were provided to the Board.

SPECIAL PROJECTS

Human rights

In June 2005, the Board of Legal Aid NSW endorsed the establishment of a Legal Aid Human Rights Committee (LAHRC). The focus of this Committee is to promote and protect human rights by using specialist knowledge and expertise to assess applications for legal aid in public interest human rights matters.

The Committee has dealt with 33 matters since its inception. There are a broad range of matters recommended for legal aid, including a number of high profile cases. The referrals are mostly from within Legal Aid NSW, community legal centres, and private practitioners.

This Committee was reviewed in 2008. The review found that an appropriate balance of human rights issues are being referred to the Committee, and the objectives set are being achieved.

The review recommends developing strategies to further attract public interest matters which particularly advance or promote human rights jurisprudence, and to devote more attention to our priority client groups.

Highlight case

Defending the rights of young detainees to procedural fairness

In early 2008, during a period in which juvenile justice centres were experiencing overcrowding, a number of detainees over the age of 18 were transferred to adult gaols.

On recommendation of the Human Rights Committee of Legal Aid NSW, we commenced action in the Supreme Court on behalf of a class of 12 juvenile detainees to challenge the decision to transfer the detainees. The 12 plaintiffs claimed that they were denied procedural fairness, that relevant considerations had not been taken into account and that a policy was inflexibly applied without taking into account the individual circumstances of the plaintiffs. Each of our clients had been sentenced for crimes committed as children. In sentencing our clients, the courts had ordered that our clients were to continue to serve their sentence in juvenile detention after turning 18.

We commenced proceedings on behalf of seven young offenders who had already been transferred. An injunction

was sought to prevent the imminent transfer of another five juvenile detainees to adult gaols.

Legal Aid NSW was successful in settling nine of the total 12 cases prior to hearing. An agreement was reached not to proceed to transfer four of the five detainees who had been subject to the injunction and to return two young offenders in adult gaol back to a juvenile justice centre. A further three plaintiffs withdrew from the litigation.

Postscript: Since the preparation of this report, the final three plaintiffs who had been transferred to an adult gaol attended a hearing. The Court upheld their claims, finding that the decision to transfer was unlawful and the plaintiffs were promptly returned to juvenile detention.

ID & Ors v Director General, Department of Juvenile Justice & Anor [2008] NSWSC 966.

Education for prisoners

We developed a statewide community legal education program in prisons. Workshops for prisoners will run from October 2008 to April 2009 (pages 15, 24).

Clients with mental illness

Legal Aid NSW worked with key partners to deliver two initiatives addressing the needs of clients with a mental illness.

The Public Interest Advocacy Centre (PIAC) established a pilot Legal and Education Service for people with a mental illness. The pilot specifically targets the gaps in legal service delivery for people with a mental illness. The service builds effective working relationships with Legal Aid NSW and other legal assistance providers. The pilot will run for two years before being evaluated. The second project is *Mental Health Links for Lawyers* (see next page).



Members of the Human Rights Committee met monthly to consider which public interest matters would best advance human rights jurisprudence.

The year ahead

Our Legal Divisions are at the forefront of delivering legal services to disadvantaged communities. There is great potential to continue to develop strategic and innovative responses to issues that affect the fundamental rights of socially and economically disadvantaged communities.

We will develop service delivery strategies to improve our capacity to meet the civil and family law needs of Aboriginal people.

We are looking forward to the findings of legal needs research currently being undertaken. This research will provide unique and valuable insights and be critical in guiding the way in which services are delivered to disadvantaged communities.

We will adopt a more integrated approach with allied services, such as health and education, in order to ensure better access to legal services and contribute to responses that address social exclusion.

The legal education program for prisoners will be conducted in six gaols.

Key challenge

We need to make sure our civil law services are more accessible to people at disadvantage. The results of the civil law policies review will help us to achieve this.

INQUIRIES

Our response to critical inquiries included:

- A comprehensive submission to the Special Commission of Inquiry into Child Protection Services, established by the State Government. The emphasis in the submission was on the importance of accountability and oversight in the care jurisdiction in the interests of our clients, both children and adults. The submission included a survey of the results of all cases which involved the inhouse practice and were finalised between January and March 2008. It highlighted the impact that the court process, and the participation of legal representatives, for children, have on outcomes for children in these cases. Director Family Law, Judith Walker and Deborah de Fina, Solicitor in Charge of the Care and Protection Legal Service, met with the Commissioner and other Inquiry staff. Ms de Fina

also gave evidence at the Inquiry's public forum on the court system.

- Recommendations to the joint Attorney General's Department and Department of Community Services Inquiry on a proposal to pilot alternative processes for Aboriginal clients at Nowra Children's Court, based on our experience taking part in shaping the Nowra "Care Circles Pilot" which commenced during the year. The aim of the pilot is to improve outcomes for Aboriginal children in care and empower Aboriginal families and communities by reducing any barriers that may exist between courts and Aboriginal people.

LAW REFORM

Law reform and policy work undertaken by Legal Aid NSW is informed by the expertise and experiences accrued through legal representation and advice services. It is vital in addressing systemic issues that affect the rights of socially and economically disadvantaged communities.

Two law reform programs were especially influential in achieving systemic change and championing human rights issues.

MENTAL HEALTH LINKS FOR LAWYERS

In October 2007, Legal Aid NSW launched *Mental Health Links for Lawyers*, a central online information source of mental health services in NSW to help lawyers quickly locate services for clients in need of urgent assistance. This was a project of the Criminal Justice Research Network (CJRN). Legal Aid NSW was the lead agency for the Mental Health Links for Lawyers project. The web portal is located on the Law Society of NSW website, Aboriginal Legal Service intranet, NSW Attorney General NSW Department's intranet, Bar Association daily bulletin and the Community Legal Centres bulletin board. In the first month after the launch, 1,450 visits were made to the new site.

"This new resource is a step in the right direction, promoting the use of mental health services "not late in the piece but early in the piece".

Professor Ian Hickie, keynote speaker at the launch of Mental Health Links for Lawyers and Executive Director, Brain and Mind Research Institute at the University of Sydney.

"This central information source will assist lawyers to identify mental health service options for their clients. This in turn could assist the courts in sentencing options, thereby improving the outcomes for those people with a mental illness."

NSW Attorney General, John Hatzistergos

Predatory Lending Project

Legal Aid NSW, the Consumer Credit Legal Centre and the Public Interest Law Clearing House (PILCH) established this project in 2006 to address problems arising for consumers from inappropriate lending practices.

The project has advocated effectively on a number of levels this year. There has been greater scrutiny of predatory loans through the media, and it is now an issue being targeted at both the State and Federal level. The project now includes all the major consumer credit advocacy organisations in Australia.

This year, we played an active role in helping to reform and develop consumer law in NSW by contributing seven law reform submissions (page 134).

Children in Detention Advocacy Project (CIDnAP)

In force since 2005, this project concentrates on litigation and law reform arising from the unlawful detention or mistreatment of children in the criminal justice system. The project is a joint initiative of Legal Aid NSW, PIAC and PILCH. The Human Rights Committee is currently undertaking groundbreaking litigation in the Supreme Court challenging the policy of the Department of Juvenile Justice that relates to the transfer of young people from detention into adult custody after they have turned 18. The transfer of these young people has occurred despite specific orders by sentencing judges that they serve the entirety of their sentences in detention centres (page 50).

Forty-three submissions

We made 43 law reform submissions on a wide range of issues. See page 134 for a full list. These submissions contributed to ensuring disadvantaged people have a voice in the justice system.

The year ahead

We will undertake policy and law reform work on issues affecting disadvantaged groups in the community.

Our civil lawyers will conduct legal representation focusing on the rights of our priority client groups, including homeless people, people with a mental illness, Aboriginal people and prisoners.

Key challenge

We will consider recommendations from the Special Commission of Inquiry into Child Protection Services in NSW and the implications in the way we provide our care and protection legal services across the state.

EXTERNAL FORUMS

NSW Legal Assistance Forum

The NSW Legal Assistance Forum (NLAFF) brings justice agencies together to work collaboratively to improve legal services for socially and economically disadvantaged people in NSW.

In 2007–2008, NLAFF:

- commenced an Aboriginal civil law access project in the Northern Rivers region through the Working Group on Aboriginal clients (page 37);
- established a Working Group on the Legal Needs of Older People;
- identified gaps in family law services and ways to address them; and
- identified systemic issues limiting access to interpreting services.

NSW Legal Information and Referral Forum

Key service providers in NSW find new ways of improving the quality of referral services to clients with legal problems. This year, the forum improved referrals from GPs to public legal assistance services through working with the NSW Divisions of General Practice,

and developed strategies to improve pathways for CALD communities.

Inter-agency committees

Legal Aid NSW staff were members of more than 90 inter-agency committees, highlighting the legal needs of disadvantaged communities. (Details on page 145).

National Legal Aid (NLA)

There are eight independent legal aid commissions, one in each of the States and Territories. The directors of the commissions combine to form National Legal Aid (NLA). The commissions are funded by the Commonwealth and the respective State or Territory Governments.

NLA’s main goals are to ensure people, regardless of means, can access free and affordable legal services as well as information about the law.

This year NLA commenced a national legal needs survey to establish the level of unknown and unmet legal need within the Australian community (page 49).

The year ahead

National Legal Aid will promote a coordinated national approach to dispute resolution in legal aid commissions and respond to a “nationally fair means test review”.

The NSW Legal Assistance Forum will:

- identify opportunities for new initiatives to improve the access of prisoners in NSW to civil and family law services; and
- establish mechanisms for appropriate referrals in children’s care and protection matters, including an analysis of who provides services, training referral agencies and developing a communication strategy for legal and non-legal agencies.

CORPORATE GOVERNANCE

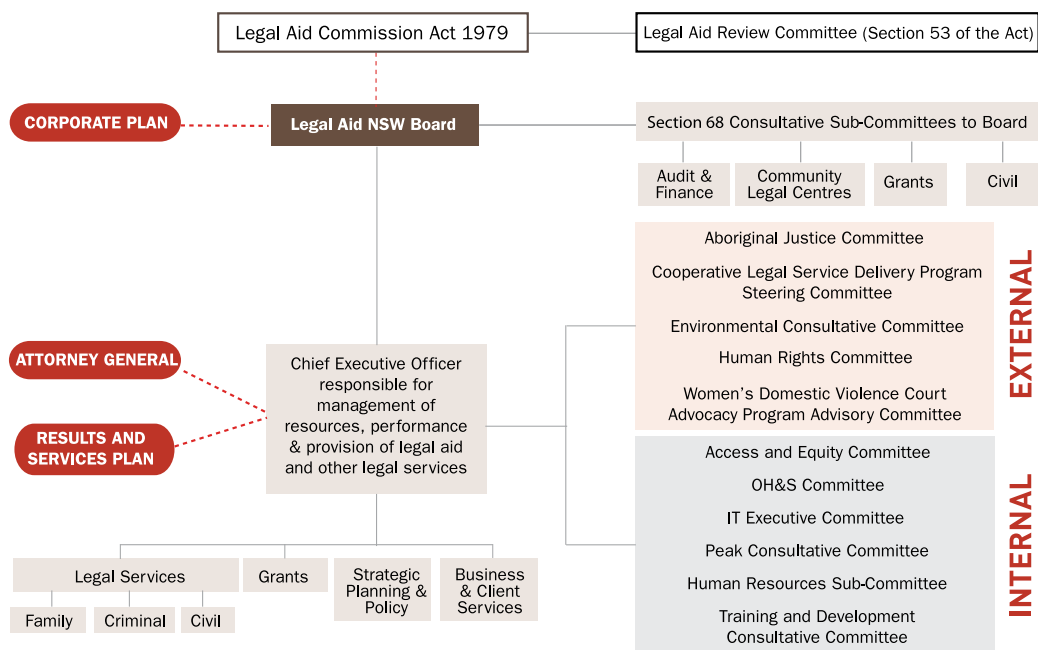
Our corporate governance framework guides us in fulfilling our legislative objectives and ensures we honour our commitment to the community.

Key achievements

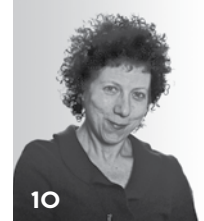
- Expansion of civil law services
- Adopted a single means test model
- 12-month pilot for clients coming under the *Drug and Alcohol Treatment Act*
- Updated mental health policies to reflect new laws

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CORPORATE GOVERNANCE FRAMEWORK



Board members



1 | MR PHILLIP TAYLOR
BA LLB Solicitor

Appointed by the Attorney General as Chair. Phillip practises in the area of banking and finance as a consultant at Freehills, where he was a partner for many years, as well as Chair of the Freehills pro bono committee.

Meetings attended [10]

2 | MR BILL GRANT OAM LLB

Appointed by the Attorney General as Chief Executive Officer in 2001.

Meetings attended [4]

After Bill's departure in December 2007, Acting CEO Steve O'Connor assumed this role.

Meetings attended [6]

3 | 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 Gaming Fund and the NSW Social Justice Reference Group. He is the longest serving member of the Board.

Meetings attended [11]

4 | 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.

Meetings attended [9]

5 | MS PAULINE WRIGHT
BA LLB Solicitor

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.

Meetings attended [5]

Alternate: Mr Hugh Macken

6 | MR GEOFF LINDSAY
Bec LLB (ANU) SC, Barrister

Nominated by the NSW Bar Association, Geoff practises principally in the equity and commercial jurisdictions. He is involved in legal publishing and is Secretary of the Francis Forbes Society for Australian Legal History.

Meetings attended [10]

Alternate: Phillip Boulten SC

7 | MR JACK GRAHAME
BA Solicitor, Legal Aid NSW

Nominated by Unions NSW. A solicitor for over 40 years, Jack was in private practice before joining Legal Aid NSW Prisoners Legal Service in 1991.

Meetings attended [10]

8 | MR PHILIP BICKERSTAFF
MCom

Phil retired from the NSW Public Sector in 2005 after 37 years, 29 of those with the 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.

Meetings attended [10]

9 | MS SARA BLAZEY
BA (Hons) Law

Nominee of the Combined Community Legal Centres Group (NSW) appointed in November 2006. A solicitor with the Elizabeth Evatt Community Legal Centre, Sara has been a solicitor for 25 years specialising in family law and domestic violence. She first practised in England and after being admitted as a solicitor in NSW in 1997, has worked in Community Legal Centres.

Meetings attended [7]

Alternate: Ms Maria Girdler

Meetings attended [4]

10 | ASSOCIATE PROFESSOR
ANDREA DURBACH

Faculty of Law, University of NSW and Director Australian Human Rights Centre (appointed in February 2007). Before that she was Director of the Public Interest Advocacy Centre and Coordinator of the Public Interest Law Clearing House. She is also Chair of Legal Aid NSW Human Rights Committee.

Meetings attended [8]

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 Chairman, 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 included on pages 142-143.

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

Geoff Lindsay SC attends the Grants Sub-Committee of the Board on behalf of the NSW Bar Association, 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, Faculty of Law, University of NSW and Director Australian Human Rights Centre chairs the new 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

In carrying out its duties during the year, the Board approved the expansion of the Civil Law Division, providing 10 additional legal officer positions in six regional offices: Nowra, Lismore, Gosford, Wagga Wagga, Campbelltown and Penrith.

The Board resolved to adopt a single means test format, broadly based on Means Test A. The single means test model will start at the commencement of ATLAS.

The Board approved amendments to policies during the year, including:

- Legal Aid NSW mental health policies to reflect changes introduced by the *Mental Health Act 2007*;
- State criminal law policy to make legal aid available in preventative detention matters under Part 2A of the Act;
- Grants to community legal centres policy to enable the Albury Wodonga Community Legal Service to be eligible to apply for disbursements via grants of legal aid for legal work undertaken in NSW in the Albury area and outlying regions;
- Policy for Continued Treatment Orders and Community Treatment Orders before the Mental Health Review Tribunal (MHRT) to enable legal aid to be made available for reviews of continued treatment of patients by the MHRT;
- A 12-month pilot to provide legal assistance for clients detained for mandatory treatment in the pilot of the *Drug and Alcohol Treatment Act 2007*; and
- Increases to the fees paid to psychiatrists and psychologists for the preparation of medico-legal assessments in criminal matters.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings in 2007-2008.

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 Legal Aid NSW 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 will comment on client service initiatives including:

- the principle of social inclusion in future policy making;
- the role of multimedia tools in communicating better with clients as our community legal education programs expand;
- how to incorporate the findings of the Special Commission of Inquiry into Child Protection Services (State Government) into our care and protection services.

Directors

1 | **BILL GRANT LLB OAM** (to March 2008)

Chief Executive Officer (SES Level 6)
Budget Total: \$186.552M
Staff: (EFT) 784.77 Total Actual: 852

Bill was appointed as Chief Executive Officer in 2001. He was previously Deputy Director General of the Attorney General's Department of NSW for 10 years. Bill's contribution to Legal Aid NSW has been considerable, in particular his ability to build collaborative partnerships across the justice sector. Bill left Legal Aid NSW in December 2007 to take up the role of Secretary-General of the Law Council of Australia.

2 | **STEVE O'CONNOR** DIP LAW (BAB) DIP CRIM

Deputy CEO Legal (SES Level 4) and Acting Chief Executive Officer
Budget Total: \$76.847M

Staff: (EFT) 132.43 Total Actual: 156
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. Following Bill Grant's departure, Steve acted in the position of Chief Executive Officer from January to June 2008. Steve's main focus was managing budget demands and coordinating the integration of our new case and grants management system.

3 | **RUSSELL COX BCOMM**

Deputy CEO Business and Client Services (SES Level 4)
Budget Total: \$13.799M
Staff (EFT): 91.66 Total Actual: 97

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 continued with the reform of corporate services to ensure the provision of professional and supportive services.

4 | **JUDITH WALKER BA Dip Ed MA (HONS) LLB PSM**

Accredited Family Law Specialist
Director Family Law (SES Level 2)
Budget Total: \$20.330M
Staff (EFT): 121.24 Total Actual: 134

Judith's vast experience includes working in the Department of Government and Public Administration at the University of Sydney, as a lawyer in private practice, then with the NSW Law Reform Commission. Judith was appointed to her position in 2004.



The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from seven senior directors.

This year, Judith showed national leadership in the area of family dispute resolution. Judith was awarded the Public Service Medal in the Australia Day Honours List 2008.

5 | **RICHARD FUNSTON** BCOMM LLB EMPA

Accredited Criminal Law Specialist
Director Strategic Planning and Policy (SES Level 2)
Budget Total: \$20.460M
Staff (EFT): 33.3 Total Actual: 36

Richard's earlier experience includes eight years with Legal Aid Victoria and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 11 years with Legal Aid NSW, Richard has held leadership roles in a wide cross-section of areas. In February 2007 he commenced with the Strategic Planning and Policy Division. Richard has shown leadership in expanding community partnerships and community legal education programs, and improving performance management.

6 | **BRIAN SANDLAND** BCOMM LLB PSM

Director, Criminal Law (SES Level 2)
Budget Total: \$38.314M
Staff (EFT): 228.54 Total Actual: 241

Brian has 26 years experience with Legal Aid NSW. He held senior management roles in Burwood and Central Sydney before being appointed to head this division in 2003. This year Brian focused on improvements to service delivery through reviews of specialist services, the development of a community legal education resource in the area of crime prevention for young people, and achieved expanded service delivery within budget.

7 | **MONIQUE HITTER** BSW DIP LAW

Director Civil Law
(Senior Officer, Grade 1)
Budget Total: \$14.542M
Staff (EFT): 86.55 Total Actual: 92

Monique began working as a community lawyer at Marrickville Legal Centre and then at Legal Aid NSW at the Coffs Harbour office. She managed the pilot of the Cooperative Legal Service Delivery Program in 2004. Monique has been acting as the Director Civil Law since July 2007. This year, she established the outreach program for homeless people, the Older Persons' Legal and Education Program, and the legal education program for prisoners.

8 | **ANITA ANDERSON** (to March 2008)

Director Grants
(Senior Officer Grade 2)
Budget Total: \$80.388M
Staff (EFT): 91.05 Total Actual: 96

Anita commenced with the Grants Division in February 2007 after three years with Legal Aid NSW Strategic Planning and Policy Division. Anita streamlined procedures within the Division in readiness for a major new grants management system, and improved communication between the Division and private practitioners who undertake legal aid work. From April to June 2008, Manager Operations, Tracey Bosnich filled the role of Director, Grants on a temporary basis.

Organisational chart

CEO

EXECUTIVE SUPPORT

LEGAL SERVICES

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

GRANTS

Business Development
Grants Records and Office Services

Operations
Professional Practices

STRATEGIC PLANNING AND POLICY

Aboriginal Services Unit
Access and Equity
Community Legal Centres Funding Program
Community Legal Education
Cooperative Legal Service Delivery
Legal Policy Branch

Legal Aid Review Committee
Planning, Performance & Business Reporting
Publications
Solicitor to Legal Aid NSW
Women's Domestic Violence Court
Advocacy Program

BUSINESS & CLIENT SERVICES

HUMAN RESOURCES

E-Learning
HRM Consultancy
Industrial Relations
& Organisational
Development
Injury Management &
Workers Compensation
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

(1) Central Sydney office and 13 regional offices

(2) Central Sydney office and 20 regional offices

(3) Central Sydney office and 20 regional offices

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 the establishment of broad policies and strategic plans for Legal Aid NSW. The Chief Executive Officer is a member of the Board. Board members appear on page 54.

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 (page 126). 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, Corruption and Fraud Prevention Plan, Information Technology Strategic Plan, Business Continuity Plan, and Branch Business Plans.

Corporate planning

Legal Aid NSW has a corporate planning framework that guides us in planning service delivery, allocating resources and reporting and evaluating performance across all levels of the organisation.

The framework provides direction and guidance for work undertaken by divisions

We have maintained a strong financial control environment.

and individual officers and operational accountability across Legal Aid NSW through regular business and management information reports. The framework guides all Legal Aid NSW work and the results we want to achieve for the community.

In 2007–2008 Legal Aid NSW developed a Corporate Plan for 2008–2009. Strategies are aligned with Legal Aid NSW Results and Services Plan, and where relevant, the NSW State Plan. A number of initiatives focus on improving services for priority client groups: older people, Aboriginal communities, people with a mental illness, homeless people, prisoners, and people experiencing domestic violence.

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 encompassing:

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

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

All of our practitioners are also bound by professional practice standards, and must comply with continuing legal education development requirements, and take part in a range of

skills development and training courses.

Legal Aid NSW adheres to NSW Government Model Litigant and Equitable Briefing Policies by briefing a broad range of counsel and, in particular, women. Our selection of counsel takes into account the interests of clients in securing suitable and expert counsel in particular cases, whilst drawing on a wide pool of candidates.

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 they have been allocated to achieve their business objectives. Monthly reports which compare actual figures to those budgeted, plus associated revenue and expenditure trends are provided. Detailed monthly financial reports are also provided to the Audit and Finance Committee and the Board. Legal Aid NSW maintains a small funding reserve each year to provide for unexpected expenditure or revenue reductions that may occur during the course of the year.

Risk management and internal controls

Legal Aid NSW regularly conducts risk assessments covering both the strategic and operational risks of its activities. The latest risk assessment was conducted in 2005–2006. An update is currently in progress.

These risk assessments are used to prepare the three-year internal audit plan. Each year an annual internal audit plan is prepared. Each annual audit plan also includes provision for additional audits, should

circumstances change during the course of the year. The risk assessment also supports the preparation of the relevant sections of the Legal Aid NSW Results and Services Plan and Business Plans.

Deloitte Touche Tohmatsu and the Internal Audit Bureau, engaged through the State Procurement Panel Contract, are the current internal auditors for Legal Aid NSW. The internal audit function is overseen by the Audit and Finance Committee of the Board (page 142).

Costing our practice

Legal Aid NSW engaged Deloitte Touche Tohmatsu to review its costing of inhouse services as a result of recommendations by the Audit Office of NSW. They proposed a survey methodology that would see an annual survey of the work undertaken by all staff.

Internal audit online

Copies of internal audit reports are now placed on an online internal audit tracking system, which is accessed via a password. It provides electronic access to all internal audit reports and other audit information and can be easily used to input updates on the implementation of audit recommendations. Directors and senior managers have access to this system.

Business continuity

Legal Aid NSW has a Business Continuity Management Plan that is to be 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 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 Disclosures Policy.

LEGISLATIVE COMPLIANCE

Legislative amendments

Consequential amendments were recommended to the *Legal Aid Commission Act 1979* by the NSW Attorney General's Department to reflect the mutual recognition scheme between the states and the relevant definitional changes introduced by the *Legal Profession Act 2004*. These include the current definitions of legal practitioner, solicitor and practising certificate.

Protected disclosure

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 reprisals.

In 2007–2008, Legal Aid NSW did not receive any notifications under the Protected Disclosure Policy.

Freedom of information

Under the *Freedom of Information Act 1989* (the FOI Act) Legal Aid NSW is an FOI Act 'agency' and is required to publish certain information and to determine requests for, access to, or amendment of, information held by Legal Aid NSW.

In accordance with its obligations under the FOI Act, Legal Aid NSW published its Summary of Affairs for the period ending December 2007 and June 2008, and its Statement of Affairs for the period ending June 2008.

This year we completed 14 requests, granting nine in full and three in part. No documents were held in relation to two requests. For details see pages 140–141.

The number of applications received by Legal Aid NSW remains low. The administration of the FOI Act did not cause any major diversion of resources and had no impact on Legal Aid NSW activities.

During 2007–2008, Legal Aid NSW continued to make information about legal aid and other matters available to the public, where possible, free of charge. Legal Aid NSW also provided specific information without requiring a formal application and application fee.

PUBLIC ACCOUNTABILITY

Complaints handling

Receiving and responding to complaints in an open, willing and professional manner is an essential component of our mission to provide high quality services.

Complaints, suggestions and feedback provide us with an opportunity to improve our services.

This was the second year Legal Aid NSW was able to use its new system for managing complaints. The system includes guidelines that assisted staff to identify and handle complaints, as well as a register and centralised database to capture and analyse data.

Complaints received

In total there were 315 complaints received by Legal Aid NSW in 2007–2008. Over half of these (60.9%) 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 very similar to last year's results.

Timely resolution of complaints

The timely resolution of complaints is an essential component of best practice complaint handling. In 2007–2008 the majority of complaints (70%) were resolved within the target time of 21 days.

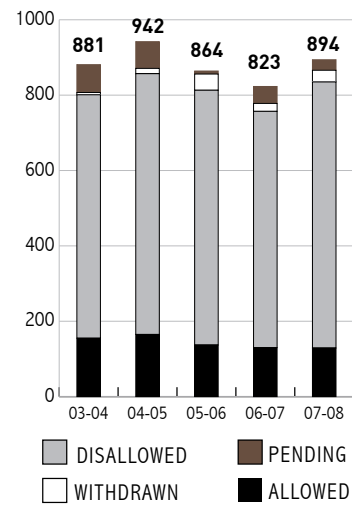
Work is now underway to further analyse which types of complaints are taking longer to resolve and targeting these as areas for improvement in 2008–2009.

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 129 of 894 submitted matters. See table right. Membership of our five committees can be found on page 142.

APPEALS AND OUTCOMES 5 YEAR TREND



Appeals allowed over five years

There has been a slight increase in the number of appeals over the last five years (from 881 in 2003–2004 to 894 in 2007–2008). There has been a decrease in the number of appeals allowed (from 155 to 129 over the same period). As a result, the percentage of appeals allowed has decreased over this time (from 17.6% in 2003–2004 to 14.4% in 2007–2008). A more noticeable decrease has been in the number of appeals withdrawn (from 74 in 2003–2004 to 28 in 2007–2008). See table above.

Service review

We commenced a review of improving the administration and processing of appeals through LARC. The review also aims to address the issues raised by audits conducted by Deloitte Touche Tohmatsu and the NSW Auditor-General in 2006 as well as additional concerns that have been raised during consultation with key stakeholders. The review will be in two stages: the first considers the appeal committee model, the administration and

TOTAL COMPLAINTS

Nature of complaint	Year	
	2006–07	2007–08
Allocation of funds	1	0
Breach of the act	2	1
Eligibility	176	192
Fees issue/wrongful claim for fees/overcharging	8	7
Legal Aid NSW staff or administration issue	27	30
Private practitioners	25	29
Systems or processes	1	7
Quality of legal service (representation or complaint about legal officer)	44	32
Other	17	17
TOTAL	301	315

Note: This was the second year Legal Aid NSW used its new system for managing complaints.

processing of appeals and the secretariat; the second stage will commence next year and will consider the report writing process, a decisions database and the development of a training module for committee members.

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 New South Wales 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 Privacy Management 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 Privacy Management Plan to reflect changes to the law relating to privacy is currently being finalised.

Part 5 of the PPIP Act provides that a person who is aggrieved by the conduct of a public sector agency is entitled to a review of that conduct.

Two applications for internal review were received during 2007–2008. One has been resolved and one was carried forward to the next year.

The year ahead

We will improve our complaints-handling system to lodge and track complaints by providing a centralised point of contact for complainants, providing clients with a process of lodging complaints online and by email. We will develop a process by which common and systemic issues can be taken into account when planning services.

We will implement further recommendations from the review of appealing legal aid decisions to ensure the process is as straightforward as possible.

Legal Aid NSW will consult widely with staff and key partners before developing a comprehensive three-year Corporate Plan for 2009–2012.

We will trial survey methodology proposed by Deloitte Touche Tohmatsu that would see an annual survey of the work undertaken by Legal Aid NSW staff.

As part of our internal audit program, Legal Aid NSW will conduct an audit to evaluate the effectiveness of controls over the functions supporting the operation of the Board.

Key challenge

Our main challenge will be to maintain the sound financial position of Legal Aid NSW without reducing service delivery – particularly in relation to Commonwealth funded programs.

Financial management

FUNDING

Legal Aid NSW receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions. Combined income for 2007-2008 was \$215.013 million, and expenditure was \$204.054 million.

Legal Aid NSW undertakes work for the Commonwealth Government on the basis of a four-and-a-half year agency agreement, which ends on 31 December 2008.

FINANCIAL HIGHLIGHTS

- Operating surplus of \$3.631 million (before capital and individually significant items)
- Funding from the State Government increased by \$0.957 million (1.05%), and from the Commonwealth Government by \$21.005 million (39.4%)
- The Trustees of the Public Purpose Fund increased their funding by \$2.601 million (7.4%)

We ended the year with a surplus of \$9.902 million.

- Payments of \$91.15 million were made to private lawyers, including disbursements to other professional services, who provide legal aid services to our clients in partnership with Legal Aid NSW.
- Expenditure on community legal services increased to \$16.977 million.
- Net assets increased from \$60.437 million to \$70.339 million.

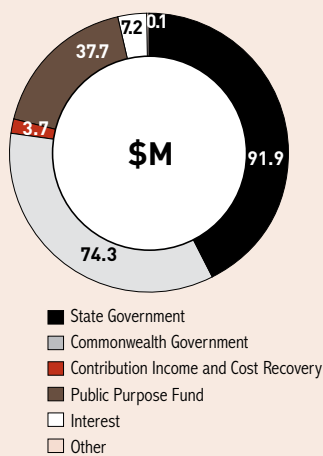
The year ahead

In 2008-2009 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 predetermined levels of performance.

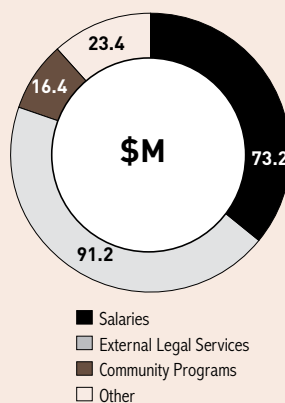
Credit card certification

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.

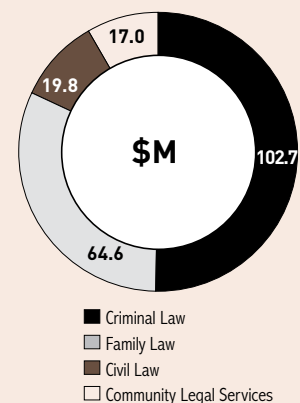
WHERE THE FUNDS COME FROM



HOW THE FUNDS ARE SPENT



FUNDS EXPENDITURE BY PROGRAM



OVERVIEW

Our financial result was a surplus of \$9.902 million compared to a budgeted surplus of \$2.411 million.

Three significant items contributed to the size of the surplus, being:

- A total of \$8.896 million prepayments was received from the Commonwealth Government for expected expenditure in 2008–2009 to cover the cost in the Commonwealth terrorism trial and one-off payment to the Commonwealth funded community legal centres; and
- A capital allocation from NSW Treasury of \$2.411 million. This results in a higher surplus in the year of acquisition, as the related depreciation expense is spread over a number of years; offset by
- A negative movement of \$5.036 million in Legal Aid NSW defined superannuation schemes, which has the effect of increasing employee related expenses.
- Excluding these three items, the surplus before capital items and individually significant items was \$3.631 million or 1.8% of 2007–2008 income (before capital and the Commonwealth prepaid income).

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 2007–2008, the State Government provided \$91.938 million (\$90.981 million in 2006–2007), the Trustees of the Public Purpose Fund \$37.692 million (\$35.091 million in 2006–2007) and the Commonwealth Government \$74.278 million (\$53.273 million in 2006–2007).

Included in the funding from the Commonwealth Government was \$12.754 million (\$1.901 million in 2006–2007) in discretionary funding for expensive criminal cases costing above \$40,000 under Commonwealth legislation.

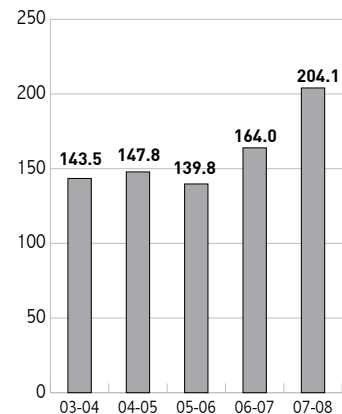
Of the funds provided by the State Government, \$2.411 million (\$3.292 million in 2006–2007) was from the State Asset Acquisition program to partially fund improvements to Legal Aid NSW office accommodation, the replacement of previously leased computers and the project to replace the Legal Aid NSW core business system. No Commonwealth funding was used for this purpose in 2007–2008.

Expenses

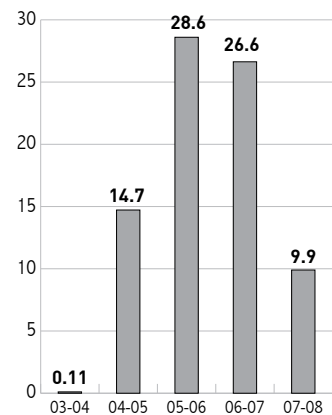
Our major expenses are employee-related expenses associated with the inhouse legal practice of \$73.147 million (\$55.085 million in 2006–2007), excluding the effect of the superannuation schemes and therefore increased superannuation in 2007–2008 and decreased superannuation in 2006–2007, the comparable figures for the 2 years are \$68.111 million in 2007–2008 and \$62.296 million or 9.3% increase. Payments to private lawyers for services provided to clients for work undertaken on behalf of Legal Aid NSW of \$91.150 million (\$73.104 million in 2006–2007) represents 44.7% of total expenses.

The two graphs show movements in our total expenses and surplus for the year over the past five years. It should be noted that 2003–2004 figures are under Australian Generally Accepted Accounting Principles while 2004–2005 to 2007–2008 figures are presented under Australian Equivalents to International Financial Reporting Standards.

TOTAL EXPENSES (\$M)



TOTAL SURPLUS (\$M)



Assets

Assets have increased by \$15.192 million or 14.9% during 2007–2008 mainly due to the increase in cash balances, caused by higher revenue and lower expenses than expected.

Liabilities

Liabilities have increased by \$5.290 million or 12.8% during 2007–2008 mainly due to an increase in creditors balance and an increase in unbilled work in progress by external private lawyers.