

34th Annual Report 2011-12



Legal Services Commission of South Australia

www.lsc.sa.gov.au



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Contents

03

02	Chairman's Report
05	Directorate Program
06	Director's Report
10	The Commission
14	The Year in Review
18	Finance
47	Human Resources
52	Policy and Research
53	Client Relations
56	Freedom of Information
57	Clients of the Commission
61	Representation Program
62	Representation Program Manager's Report
63	Chief Counsel
64	Grants of Aid and Assignments Division
70	Criminal Law Practice Division
74	Family Law Practice Division
81	Access Services Program
91	Whyalla and Port Augusta Program
95	Physical Resources Program
99	Appendices
100	App 1 LSC Strategic Plan
103	App 2 Compliance with South Australia's Strategic Plan
105	App 3 Expensive Criminal Cases
113	App 4 Statutory Charges
114	App 5 Community Involvement
115	Feedback Form

Chairman's Report 2011-12

The Honourable John Rau MP
Deputy Premier
Attorney-General
Level 11, 45 Pirie Street

ADELAIDE SA 5000

02

Dear Deputy Premier,

I am pleased to present the Annual Report of the Legal Services Commission for the year ended 30 June 2012 pursuant to section 33 of the *Legal Services Commission Act 1977*.

The Commission has had a year full of new challenges, with the announcement by the Commonwealth Government of the National Review of Legal Assistance Services early in the financial year and the implementation of a new computer system in April.

The National Review will examine the provision of Commonwealth funded legal assistance in legal aid commissions, Aboriginal and Torres Strait Islander legal assistance services, family violence prevention centres and community legal centres and its outcome is likely to have a wide-ranging effect. As a first step, the Commonwealth Government has engaged Allen Consulting Group to develop an evaluation framework to measure performance across the sector.

The Commission can be justly proud of the successful implementation of the first stage of its new computer system, LAW Office. The implementation process was remarkably trouble-free and post-implementation questions have been addressed promptly.

The South Australian Review of the Commission, announced by you in February 2011, remains ongoing, with continued input and cooperation from the Commission's Director, Deputy Director and other senior staff.

During the year, the Commission continued the complex process of improving accommodation at its Adelaide Head Office. The current premises have reached capacity and no longer comply with appropriate occupational health and safety and working standards. A deliberately lit fire in August 2011 highlighted the Commission's accommodation challenges. The Commission's Director and Deputy Director have been working closely with the Department of Planning, Transport and Infrastructure to develop

a business case for improved accommodation. It is pleasing that the Commission has finished this year in a positive financial position as improvements in accommodation will make considerable demands on its funds in the coming years.

In April, the Commission's long-serving Director, Hamish Gilmore, announced that he would retire in the new financial year. Mr Gilmore had been the Director of the Legal Services Commission for the past 13 years and his contribution to the sound financial management of the Commission has been significant.

He was the sixth person to hold the position of Director and the first non-lawyer. In fact he was the first non-lawyer Director of a legal aid commission anywhere in Australia. While his appointment represented a departure from tradition, it was also a recognition of the changing skills required to run such a public agency. In an increasingly complex corporate world, experience in finance and management are needed as much as an understanding of the law. Mr Gilmore in fact came from a legal background, having been the Commissioner for Consumer Affairs. Prior to that he worked extensively in the Courts Administration Authority and the Attorney-General's Department. He was a public servant for 38 years. I am sure you join with me in thanking Mr Gilmore for his excellent leadership and in wishing him well for his retirement.

In November 2011, the Commission reviewed its Corporate Plan at a half-day seminar for all staff and Commissioners. The seminar provided an opportunity for the Commission to revisit and refresh its goals as well as discuss new challenges. In 2011-12, the Commission embraced new technology, setting up its own Facebook and Twitter accounts and launching an iPhone App in order to reach many new, and in particular young, clients. As this Annual Report shows, in 2011-12, the Commission has consistently delivered a high value return to government and the community.

It is with great pleasure that I acknowledge the appointment this year of one of the Commission's Senior Counsel, Mr Paul Muscat SC, as a Judge of the District Court. Mr Muscat joined the Legal Services Commission as head of the Criminal Practice Division in 2006 after a successful career in private practice and at the DPP. In 2010, he took silk while working for the Commission. One of the unique aspects of Mr Muscat's role was travelling to the regional offices in Port Augusta and Whyalla to supervise the criminal law files. From these offices he travelled on circuit with local Commission staff to the Anangu Pitjantjatjara Yankunytjatjara (APY) lands. He travelled long distances to defend clients living in communities spread over 150,000 square kilometres. During his time at

Chairman's Report 2011-12

2

the Commission, Mr Muscat made great contributions to the law as counsel in a number of noteworthy appeals. With his appointment, the Commission has not only lost a wealth of knowledge and experience, but also a respected mentor and leader.

I would also like to congratulate one of my fellow Commissioners, Ms Geraldine Davison SC, who was made a Judge of the District Court at the same time.

I am sure that their contact with the Commission will serve them both well on the Bench.

Against this background of change, Commission staff have had a busy year responding to the ongoing demand of the South Australian community for legal assistance, representation, advice and education. The Commission continues to enjoy the support of the private legal profession in the delivery of legal aid. This important partnership ensures access to justice for many South Australians who would otherwise be unable to exercise their legal rights.

Your encouragement and support as Attorney-General is a vital part of the Commission's success and is acknowledged and welcomed by Commissioners and staff. We look forward to working under your leadership in 2012-13.



D J ESZENYI
Chairman

Directorate Program

05

Our Vision

*To provide quality legal assistance
to people in South Australia*

Our Goals

- *To provide clients with accessible information, advice and representation to meet their legal needs.*
- *To work in partnership with other members of the legal community to deliver to our clients equitable access to the justice system.*
- *To provide a safe, healthy, rewarding, satisfying work environment.*
- *To provide quality legal assistance efficiently and effectively.*
- *To satisfy the community that we fulfil our statutory and contractual obligations and are deserving of ongoing financial support.*
- *To provide timely research and advice on legal issues to the government and the community.*
- *To inform governments of the likely impact on the Legal Services Commission and the community of proposed changes to legislation and policy.*

Director's Report 2011-12

06

This has been a truly memorable year for appointments that recognise the value and quality of Commission staff.



Hamish Gilmore, Director.

The Commission has ended the financial year in a sound position with moderate surpluses on both the Commonwealth and State budgets. This circumstance has arisen as a consequence of two factors. Firstly, receipts, particularly on the State account, exceeded budget and secondly, expenditure on payments to private practitioners were lower than anticipated. These surplus funds have been allocated to increased computer hardware and accommodation requirements which the Commission has approved for the next financial year.

Whilst applications for grants of aid continued to marginally increase, actual grants of aid were less this year than the previous year. This lack of significant growth in applications for aid reflects a plateauing of demand, especially in the criminal jurisdiction, which had experienced considerable growth for many years.

Technology

During the year the Commission undertook an upgrade of its major operating system, LA Office, to a new system, LAW Office. LAW Office was developed in conjunction with the Queensland and Western Australian Legal Aid Commissions. Despite the project taking longer than planned, project costs did not run over budget. This is the first stage of moving the Commission's business to a more "online" computerised process. Subject to funds being available, the second phase of the project should commence in late 2012. My sincere thanks go to the dedicated project team and the consultants who persevered, bringing the new system online successfully in April this year. The introduction of the LAW Office computer system will increase efficiency in the assessment and processing of applications for grants of legal aid, ensuring that clients can be advised of the outcome of their applications more quickly.

At Christmas the Attorney-General launched the Commission's iPhone App, resulting in South Australia being the first jurisdiction in Australia to offer such a service. The Commission's new Duty Solicitor's Handbook was launched on the same occasion, in both hard copy and online.

The Commission's Twitter and Facebook accounts continue to promote the Legal Helpline and the Community Legal Education and Child Support Unit services.

Director's Report 2011-12



2011 iPhone App launch, (L-R): the Hon John Rau, Attorney-General; Dymphna Eszenyi, Chair, Legal Services Commission; Hamish Gilmore, Director

Communication via Facebook by the Child Support Unit has had exceptional reach thanks to the ongoing work of dedicated staff. As an example, during one week in the reporting period, 1948 people were reached. The key communities identified as returning visitors were in rural, regional and outer metropolitan areas.

In May, filming commenced of an adaption of the Commission's highly successful product *Expect Respect*. I am delighted that this resource will have a permanent form as the message it delivers about respectful relationships is an important one for young people in our community.

Infrastructure

The number of staff able to be accommodated at the Commission's head office has reached its maximum and a new lease is being negotiated. The Commission has been working with an architect and with government advisers over recent years to formulate a long term accommodation solution for the Commission. Any solution involves a considerable rent increase, requiring approval from the State Government.

National Partnership Agreement

A second year of the National Partnership Agreement (NPA) has now concluded and a refinement and better understanding of reporting requirements has been achieved. A comparison between the states and territories of their outputs and costs reflects very favourably on the South Australian Commission and the efforts of both its staff and private practitioners. This Commission has prided itself on maintaining very minimal overheads and this is clearly reflected in the low costs of services when compared with most other states. The challenge for the next two years of the NPA will be to meet the aspirational targets set in the Agreement to significantly grow our early intervention services.

Legal Aid Reviews

Over the past 12 months, the Commission has been the subject of two reviews. The State Attorney-General announced a State Government review of Commission services on 10 February 2011, at the same time as seeking a funding increase for the Commission. This review remains ongoing. The focus of the State review is the Commission's Criminal Law Practice Division which is predominantly State funded. The terms of reference for the review require the Review Committee to examine

the Commission's legal fee structure for criminal matters, the operation of its Criminal Law Practice Division and that Division's service provision. A subsequent term of reference directs the Committee to examine the governance of the Commission.

On 30 January 2012, the Commonwealth Attorney-General announced a major review of legal assistance services across Australia involving the legal aid commissions, the community legal centres, family violence prevention centres and Aboriginal and Torres Strait Islander legal services. The purpose of the review is to consider legal assistance as a national system. The review will assess the progress made by the states and territories towards achieving the specific legal aid performance indicators set out in the National Partnership Agreement. The first stage of the review will involve the development of a common evaluation framework for measuring performance across the sector. The framework is being developed by the Allen Consultant Group. Allens are due to provide the framework to the Commonwealth by July 2012, after which a pilot study using this evaluation tool will be conducted.

Both these reviews have involved, and will continue to involve, Commission staff in extensive data analysis, research and information provision which, given

Director's Report 2011-12

o8



Paul Muscat SC 2012 Presentation, (L-R): Hamish Gilmore, Director; Greg Mead SC, Commission Chief Counsel; Paul Muscat SC, Gabrielle Canny, Deputy Director



Outgoing Commissioner, Wendy Purcell (centre) with Commissioners, Tracee Micallef (L) and Maurine Pyke QC (R)

the Commission's minimal overhead funding allocation, will put some strain on those staff members who must perform their existing duties as well as respond as required to the reviews.

Strategic Goals

In November 2011 the Commission held a planning day, open to all staff and Commissioners, to review the Commission's corporate goals. The planning day was a great success and as a consequence a new Corporate Plan was developed and released. Providing a regular opportunity to review the organisational direction of the Commission is essential if the Commission is to continue to deliver value to its clients and funders.

Congratulations

This has been a truly memorable year for appointments that recognise the value and quality of Commission staff. In June 2012 one of the Commission's Senior Counsel, Paul Muscat SC, was made a Judge of the District Court. Whilst employed at the Commission Paul was an excellent leader and mentor for junior staff. He took silk while working at the Commission and was counsel on a number of significant criminal cases in this state. One of our Commissioners, Geraldine Davison SC, was made a District Court Judge at the same time. Although a Commissioner for only a short time, Geraldine impressed with her commitment to access to justice. My heartiest congratulations to them both. In addition, the new Chief Justice of the Supreme Court, the Hon Christopher Kourakis CJ, spent his early employed years in the Commission's Criminal Law Practice Division. What a wonderful

acknowledgment of the Commission as an important legal institution in the South Australian community!

This year saw the retirement of a long-standing Commissioner, Wendy Purcell. On behalf of the Commission I would like to thank Wendy for her years of dedicated service to the Commission. I wish her well in retirement.

I congratulate Andrew English from our Criminal Law Practice Division on his reappointment as a Commissioner on the nomination of the employees of the Commission. He has carried out his role with great energy.

My congratulations go to Sue Brebner, Julian Kelly and Lynne Hughes who this year celebrated 25 years of service with the Commission. The celebration of such milestones is becoming a regular event at the Commission. As Director, I am tremendously proud that we have such dedicated staff and can provide the working environment in which they flourish.

Director's Report 2011-12



*Indigenous Cadetship Support program placements
(L-R): Dwayne Coulthard, Jamila Sekiou, Narrah O'Loughlin, Olivia Sansbury*

I also congratulate our group of Aboriginal law student cadets. These law students have undertaken a 12 week placement with the Commission. Since becoming Director, I have strongly advocated the Commission's role in the training and employment of Aboriginal staff.

This will be my final report as Director as I will retire from this position after 13 years on 31 July 2012. It has been my privilege to serve the Commission and South Australia as Director for this time. To work with enthusiastic Commissioners and dedicated staff has been an inspiration. The challenges of managing a diverse organisation always struggling for funding, and liaising with both State and Federal Governments,

has provided me with a very rewarding career and despite some challenges

I have enjoyed my time at the Commission. I believe the Commission's role in the community is vital to maintain a fair and just society and I know that I leave it in good health with many skilful and committed staff to continue the Commission's essential work into the future.

Hamish Gilmore
Director

The Commission 2011-12

010

The Legal Services Commission is a body corporate. It is not an instrumentality of the Crown and is independent of the Government. It is established by the *Legal Services Commission Act 1977* (the Act) and has the powers, functions and duties prescribed or imposed on it by that Act. It consists of the following members:

- the Chairman, appointed by the Governor on the nomination of the Attorney-General;
- a person to represent the interests of assisted persons, appointed by the Governor on the nomination of the Attorney-General after consultation with the South Australian Council of Social Services Incorporated;
- 3 persons appointed by the Governor on the nomination of the Attorney-General;
- 3 persons appointed by the Governor on the nomination of the Law Society;
- an employee of the Commission, appointed by the Governor on the nomination of the employees on the Commission;
- the Director.

Each appointed member of the Commission holds office for 3 years and at the end of the term of appointment is eligible for reappointment.

For the reporting year 2011-12, the Commission consisted of the following members:

- **Dymphna Eszenyi BA, LLB**—Chairman (appointed Chairman 20 January 2005);
- **Michael Dawson BA, Dip Ed**—Appointed 16 February 2006—representative of the interests of assisted persons (appointed 16 February 2006);
- **Michael Burgess B Ec, FCA**—nominee of the South Australian Attorney-General (appointed 20 November 1997);
- **Wendy Purcell BA, LLB**—nominee of the South Australian Attorney-General (appointed 16 February 2006, retired 15 February 2012);
- **David Mazzone B Com (ACC)**—nominee of the South Australian Attorney-General (appointed 17 January 2008);
- **Geraldine Davison SC**—nominee of the South Australian Attorney-General (appointed 16 February 2012, retired 26 June 2012);
- **David Meyer LLB**—nominee of the Law Society of South Australia (appointed 21 August 1997);
- **Maurine Pyke QC**—nominee of the Law Society of South Australia (appointed 24 March 2005);
- **Tracee Micallef LLB, GDLP, B Com**—nominee of the Law Society of South Australia (appointed 6 November 2008);
- **Andrew English LLB**—nominee of the employees of the Legal Services Commission (appointed 16 July 2009);
- **Hamish Gilmore B Ec**—Director of the Legal Services Commission (appointed Director 17 June 1999).

The Commission 2011-12



Top: Wendy Purcell,
Commissioner 2006-12



Bottom: Judge Geraldine
Davison, Commissioner 2012



The Commissioners. Front (L-R): Hamish Gilmore, Dymphna Eszenyi, Maurine Pyke QC, Michael Dawson.
Back (L-R): Andrew English, David Meyer, David Mazzone, Michael Burgess, Tracee Micallef.

011

Functions

The Commission has the following legislated functions:

- to provide, or arrange for the provision of, legal assistance in accordance with the Act;
- to determine the criteria under which legal assistance is to be granted;
- to conduct research with a view to ascertaining the needs of the community for legal assistance, and the most effective means of meeting those needs;
- to establish such offices and other facilities as the Commission considers necessary or desirable;
- to initiate and carry out educational programs to promote an understanding by the public (and especially those sections of the public who may have special needs) of their rights, powers, privileges and duties under the laws of the Commonwealth or the State;
- to inform the public by advertisement or other means of the services provided by the Commission, and the conditions upon which those services are provided;
- to co-operate and make reciprocal arrangements with persons administering schemes of legal assistance in other States and Territories of the Commonwealth or elsewhere;
- where it is practicable and appropriate to do so, to make use of the services of interpreters, marriage guidance counsellors and social workers for the benefit of assisted persons;
- to encourage and permit law students to participate, so far as the Commission considers practicable and proper to do so, on a voluntary basis and under professional supervision, in the provision of legal assistance by the Commission;
- to make grants to any person or body of persons carrying out work that will in the opinion of the Commission advance the objects of the Act;
- to perform such other functions as the Attorney-General may direct.

The Commission 2011-12

012

Principles under which the Commission operates

In determining the criteria under which legal assistance is to be granted the Commission is required, under the legislation, to have regard to the principles—

- (a) that legal assistance should be granted where the public interest or the interests of justice so require; and
- (b) that, subject to paragraph (a), legal assistance should not be granted where the applicant could afford to pay in full for that legal assistance without undue hardship.

In the exercise of its powers and functions the Commission must—

- (a) seek to ensure legal assistance is provided in the most efficient and economical manner;
- (b) use its best endeavours to make legal assistance available to persons throughout the State;
- (c) have regard to the following factors:
 - i. the need for legal assistance to be readily available and easily accessible to disadvantaged persons;
 - ii. the desirability of enabling all assisted persons to obtain the services of legal practitioners of their choice;

- iii. the importance of maintaining the independence of the legal profession;
- iv. the desirability of enabling legal practitioners employed by the Commission to utilise and develop their expertise and maintain their professional standards by conducting litigation and doing other kinds of professional legal work.

In developing policy the Commission consults regularly with the State and Commonwealth Governments, the courts, representative bodies of the legal profession, community legal centres and other community organisations.

Staff of the Commission

The Commission employs 213 staff (both legal and non-legal) to carry out its functions under the Act. The employees are overseen by the Director of Legal Services who is appointed by the Commission and holds office on terms and conditions determined by the Commission and approved by the Governor. The employees of the Commission are located at the Commission's head office in Wakefield Street, Adelaide and in metropolitan and regional offices at Elizabeth, Holden Hill, Port Adelaide, Noarlunga, Mt Barker, Whyalla and Port Augusta.

During the reporting year many members of staff contributed, in

their own time, to their respective professional associations. Additionally, staff members were involved in a wide variety of community organizations, a list of which is attached as *Appendix 5*.

Services to the public

The Commission provides the following services to members of the public:

- legal representation to people eligible for legal representation under criteria set by the Commission in accordance with the Act;
- free legal advice and minor legal assistance provided over the telephone, at a Commission office by appointment or in a gaol;
- a free duty solicitor service to eligible people attending metropolitan, and some country, Magistrates Courts, Youth Courts and the Family Court where those people have not yet consulted a legal practitioner;
- a range of free publications explaining the law in simple terms, available from Commission offices, various community organisations and on the Commission website;
- a comprehensive and up to date Law Handbook Online available at www.lsc.sa.gov.au, providing legal information in plain English;
- an extensive range of legal education programs, some free and others fee paying.

The Commission 2011-12

The Legal Services Commission provides legal assistance through 2 programs—the Representation Program and the Access Services Program.

The Representation Program consists of the Assignments Division (the division that grants funding to pursue a particular matter) and the Criminal Law Practice and Family Law Practice Divisions of the Commission.

The Access Services Program delivers telephone advice, minor assistance, community legal education and library services. The provision of advice in this program is not means or merit tested.

The Commission also provides services to rural and remote clients through its offices at Whyalla and Port Augusta.

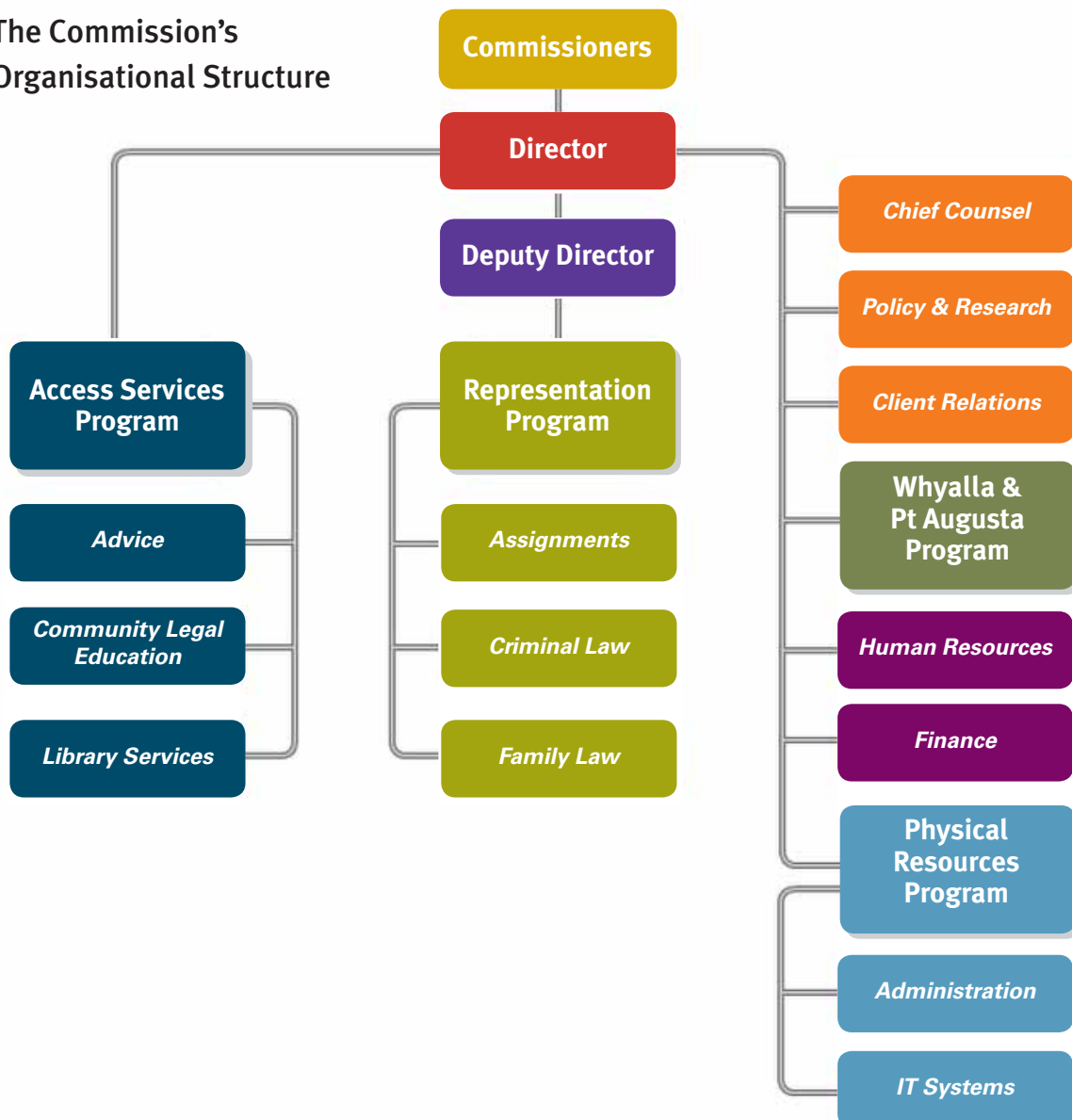
The Commission's services to the public are supported by the work of a Chief

Counsel, a Policy and Research section and a Client Relations Coordinator. In order to ensure the smooth and ongoing operation of the Commission a Human Resources section and a Finance section report directly to the Director.

Each section within the Commission is supported by the Physical Resources Program, consisting of administration, information technology systems and secretarial services.

013

The Commission's Organisational Structure



The Year in Review 2011-12

014

In the 2011-12 financial year the Commission continued to provide quality legal assistance to the people of South Australia.



Hamish Gilmore welcomes Commissioners and staff to the 2011 Commission Planning Day

The value of the Commission to the community and to its funders, as South Australia's prime provider of legal assistance, is reflected through the significant number of services the Commission delivered during this period. These services included—

- 15 480 duty solicitor assistance services;
- 13 896 grants of aid for legal representation;
- 65 061 telephone advice sessions;
- 34 783 face to face advice appointments, including prison and child support services;
- 7686 services to people in receipt of an age or disability pension;
- 457 legal education and professional development sessions;
- 106 225 publications distributed;
- 1 859 228 views of our Law Handbook Online website.

Highlights 2011-12

Corporate Plan 2012-13

On 4 November 2011 the Commission held its annual strategic planning conference. The planning exercise was an excellent opportunity to bring together Commissioners and staff to celebrate Commission achievements and to develop a new Corporate Plan, setting out key targets, programs and initiatives for 2012-13.

The new Plan reflects the Commission's value to both its funders and the people of South Australia and emphasises a commitment to best practice in service delivery. The Plan also includes details for enhancing the Commission's information technology and communication and marketing systems. Importantly, the Plan focuses on strengthening early intervention and prevention programs and increasing the Commission's research and reporting capacity in order to meet its obligations under the National Partnership Agreement and to respond to major performance reviews in 2012.

Disability Action Plan

In August 2011, the Commission presented its annual report on progress against the *Promoting Independence* strategy. In addition to noting the Commission's commitment to staff and clients with a disability, the report discussed in detail the challenges faced

The Year in Review 2011-12

by people with disabilities in accessing justice. The report referred to national research on legal needs which identified people with disabilities as a highly vulnerable group often experiencing 'clusters' of legal problems. The report also highlighted the important work undertaken by the Commission in advising and representing clients with disabilities, as well as raising awareness amongst workers in the disability sector of the legal considerations associated with working with clients with a disability.



LegalAidSA, iPhone app, Finalist, 2012 Australian Mobile Apps Awards

Communication technology

A number of important online communication strategies implemented this financial year have enhanced the way the Commission promotes its services to the public. The launch of a Twitter account in November was soon followed by a Facebook page and the launch of an iPhone app as additional news and update channels for the Commission. The LegalAidSA Twitter account is steadily growing

into an online community. Similarly, the Commission's Child Support Unit Facebook page is becoming an important source of information and updates about child support, family dispute resolution and family law matters with over 292 930 views registered over a period of six months.

In December 2011 the Commission launched its free iPhone app, LegalAidSA. With mobile web technology increasingly becoming the platform of choice for online search and communication, the app provides the Commission with an excellent online medium to promote its services. In June 2012 the LegalAidSA app was nominated as a finalist in the 2012 Australian Mobile Apps Awards, an annual event recognising the best of the Australian mobile industry. It is anticipated that the android version of the LegalAidSA app will be released in December 2012.

High Court appearance

During the reporting year one of the Commission's Senior Counsel was involved in the conduct of a complex, common law 'rape in marriage' trial where the allegations predated the statutory crime. The case was heard on appeal in the High Court. It attracted considerable public interest and involved very extensive research into the history of marital rape immunity.

People smuggling trials

In 2011-12 the Commission began funding the defence of four defendants charged with people smuggling offences facing prosecution in South Australia. Commission staff were appointed to two of the cases, while the other two were assigned to external practitioners due to conflict.



Tahlia Wanganeen, Aboriginal Advice and Education Officer

Aboriginal Advice and Education Officer

The appointment this year of an Aboriginal legal advisor and education officer by the Commission is an important development for the provision of culturally competent legal assistance and early intervention legal education for Aboriginal communities in the Pt Augusta, Whyalla and APY Lands areas. Based in Pt Augusta, the Aboriginal legal advisor also provides a comprehensive liaison function aimed at increasing awareness of

The Year in Review 2011-12

016

Commission services and developing working partnerships with Aboriginal organisations and communities. The activities undertaken by the legal officer since the inception of the position in November 2011 have been diverse and numerous. They have ranged from providing legal advice, information on wills and advance directives to Aboriginal elders and planning further legal education sessions for Aboriginals, through to meeting with key community leaders and presenting as a guest speaker at a number of community forums.

Consumer law adviser

In November 2011 a specialist consumer law legal practitioner was appointed by the Commission. This position is part of the Commission's implementation of the provision of specialist legal assistance on a range of consumer law matters. Specialist advice is available for matters involving consumer credit, unconscionable and unfair contract terms, insurance and superannuation contracts, the purchase of goods or services and claims against persons providing advice or representation in consumer transactions.

Aboriginal law student cadets

During the reporting year four Aboriginal law students continued to participate in the Commission's cadet program. The program provides a unique opportunity to gain hands-on experience in the various sections of the commission. Activities undertaken by the cadets included accompanying Commission lawyers to Family and Criminal Courts, preparing documentation for case matters, observing legal advice sessions and taking on administrative tasks in the records and reception sections.

Duty Solicitor Handbook

The 4th edition of the Duty Solicitor Handbook was officially launched by the South Australian Deputy Premier and Attorney-General, the Honourable John Rau MP, on 9 December 2011 at the Commission's head office in Adelaide. Published by the Commission, this edition of the Duty Solicitor Handbook was made possible with funding assistance from the Law Foundation of South Australia. The Handbook has been an essential part of the toolkit for the Commission's duty solicitors working in the Magistrates jurisdiction, as well as an excellent resource for all legal practitioners in this jurisdiction. Printed copies of the Handbook were presented to community legal centres, the Aboriginal Legal Rights Movement, university libraries and the Law Foundation. The Handbook is available through the Commission website.

UNHCR consultation

Two of the Commission's migration law practitioners attended the UNHCR consultation held in Canberra in October 2011. The event provided staff with an insight into the priorities of the UNHCR and other services in this field, as well as opportunities for networking and professional development. The consultation took place in the week following announcements made by the Minister for Immigration about the release of asylum seekers into the community on bridging visas, adding to the significance of the consultation for the Commission's migration lawyers.

What's the Law?

A new legal education resource titled *What's the Law? Australian law for new arrivals* was launched nationally in November 2011. This resource, developed by National Legal Aid, is an interactive and culturally appropriate resource that has enhanced the Commission's community legal education programs for newly arrived migrants and refugees.



*The Commission's Law Week display stand—
2012 Courts Open Day*

The Year in Review 2011-12

Do Not Knock campaign

During the reporting year the Commission delivered a number of targeted information sessions to raise awareness of the pitfalls in door to door sales and to promote the use of 'Do Not Knock' stickers. The sessions were



Do Not Knock campaign sticker

organised with the support of the Home and Community Care Program (HACC) operating across a number of Councils and private aged care providers. This was an important initiative, recognising that the elderly and people living on their own are particularly vulnerable to the predatory practices of some door to door salespeople.

Law Week and Courts Open Day

Every year the Commission supports this annual event aimed at increasing public understanding of the law and legal system. Two *Expect Respect!* legal theatre workshops were presented by the Commission at the Law Week *Smart Kids Know Their Rights* public event held on 21 May at the Bradley Forum,

UniSA City West Campus. The audience included young people, teachers, workers in youth services and legal practitioners.

As part of the 2012 Courts Open Day, the Commission set up a display in the Sir Samuel Way Building. This event attracted a significant number of the public keen to take part in guided tours of holding cells and jury deliberation rooms and participate in mock trials. The Commission's display attracted over 200 visitors who received information about the Commission and copies of the Commission's many publications.

Youth legal education

June 2012 marked the end of the Commission's highly successful sexual assault prevention project *Expect Respect!*. Since its inception in 2012, this innovative legal theatre workshop has been presented to

over 1000 young people in high schools and youth centres across South Australia. A new short film by the Commission titled *Trusted Moments* will continue the work of *Expect Respect!* by raising awareness in young people about the importance of consent and respect in relationships. *Trusted Moments* is due for release in October 2012.

Legal placement students

The Commission is an employer of choice for many law students undertaking their practical legal training (PLT). The feedback of these students is an important reflection on the Commission as an organisation committed to the training of future legal practitioners. A PLT student with the Commission in 2012 provided the following comment:

“

During my placement I have observed and learnt so much more than I thought possible in such a short time, and I have each of you to thank. I thank you for allowing me to observe your exciting and rewarding work, which I hope to soon be a part of.

Most of all, thank you for taking the time in your busy schedule for sitting down with me and patiently answering my questions and explaining the processes. I do not take it for granted and I appreciate it very much. I hope to see you very soon and to hopefully one day work in a team as well-rounded and welcoming as yours.

”

Finance 2011-12

018



Chinh Dinh-Pham, Finance Manager

The Commission is funded by the State and Commonwealth Governments. The State Government provides funding for State law related legal matters and State projects and the Commonwealth Government provides funds for Commonwealth law related legal matters and Commonwealth projects.

Commonwealth funding

The National Partnership Agreement on Legal Assistance Services was entered into between the Commonwealth of Australia and States and Territories, effective from 1 July 2010. Pursuant to that Agreement, the Commonwealth Government committed funding to South Australia for the next four financial years, ending on 30 June 2014. The Commonwealth Government provided funding of \$15 434 000 in 2011-12.

State funding

The State Government funds State criminal law and child protection (in need of care) matters and reimburses the Commission for expenditure in excess of the Commission's funding caps for approved State criminal expensive cases. The State Government provided funding of \$18 903 000 in 2011-12. In addition, the State Government reimbursed \$1 618 000 for expensive cases which was not included in the Commission's budget. State expensive criminal cases are subject to a case management plan approved by the Attorney-General.

The Commission receives income from the Law Society pursuant to the *Legal Practitioners Act 1981* (LPA). LPA income is made up of statutory interest, solicitor's trust accounts interest and excess guarantee funds. This income is used for State related matters.

The Commission generates income from investments, client contributions, the recovery of costs, education courses and the sale of legal kits. The Commission also actively pursues other funding, including State and Commonwealth funding, where the projects to be delivered provide a service to the community and are related to, and enhance, services.

Over the years, the Commission has expanded its duty solicitor services to enable a duty solicitor to be available when certain regional and country Magistrate and Youth Courts are in operation. Matters heard before regional and country courts mainly relate to State law. The service is provided by both country private legal practitioners funded by the Commission and Commission legal practitioners.

The Commission completed the 2011-12 financial year with a consolidated comprehensive result of \$3 032 000 surplus and a consolidated cash reserve balance at 30 June 2012 of \$18 252 000. The Commission allocates the cash into State and Commonwealth portions. Part of the cash is specifically reserved for future liabilities and the uncommitted portion is held for future operating expenditure as presented at *Table 5*.

The detailed 2011-12 financial reports are presented at *Tables 1 to 5* and forecasts for 2012-13 and 2013-14 are shown at *Table 6*.

Finance 2011-12

Table 1

Income and expenditure - Commonwealth and State by output allocation as at 30 June 2012

		2011-12 Total Actual	2011-12 Commonwealth Actual	2011-12 State Actual
Income	Statutory Interest	1 343 300	-	1 343 300
	Interest on Solicitor's Trust Account	2 222 670	-	2 222 670
	Excess Guarantee Fund	64 140	-	64 140
	Interest on Investments	1 002 440	327 800	674 640
	Costs Recovered and Contributions	429 490	133 260	296 230
	Government Grants - Commonwealth	15 434 000	15 434 000	-
	Government Grants - State	18 903 000	-	18 903 000
	Commonwealth IAAAS Funding	186 270	186 270	-
	Statutory Charges	915 250	550 110	365 140
	State Expensive Criminal Cases	1 618 050	-	1 618 050
	Other Income	733 030	173 360	559 670
	Total Income	42 851 640	16 804 800	26 046 840
Expenditure	Assignments	2 138 200	675 550	1 462 650
	Private Practitioner Representation			
	Criminal Law Services	9 464 550	234 760	9 229 790
	Family Law Services	4 097 050	4 087 250	9 800
	Family Dispute Resolution	874 210	874 210	-
	Civil Law Services	541 120	23 100	518 020
	Civil Law - Veteran's Matters	34 700	34 700	-
	In-House Representation			
	Criminal Law Services	5 647 480	71 720	5 575 760
	Criminal Law Duty Lawyer Services	1 610 470	26 290	1 584 180
	Family Law Services	4 039 580	4 039 580	-
	Family Law Duty Solicitor Services	216 950	216 950	-
	Family Law Dispute Resolution	678 780	678 780	-
	Civil Law Services	328 030	-	328 030
	Child Support Services	1 130 230	1 130 230	-
	Telephone & Face to Face Advice	4 200 920	2 265 110	1 935 810
	Migration Services	1 145 450	1 145 450	-
	Community Education Services	935 030	498 770	436 260
	Strategic Services	1 118 740	559 370	559 370
	Other Expenses			
	State Expensive Criminal Cases	1 618 050	-	1 618 050
	Total Expenses	39 819 540	16 561 820	23 257 720
	Net Result	3 032 100	242 980	2 789 120

Table 2
Commonwealth Government funding as at 30 June 2012

Financial Year	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000
Annual Funds	12 440	12 701	12 981	14 054	14 946	15 434

Table 3
State Government funding as at 30 June 2012

Financial Year	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000
Annual Funds	11 483	13 698	14 496	16 445	18 047	18 903

In addition the State Government separately funded the following:

Financial Year	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000
State Expensive Criminal Cases	460	472	289	373	532	1 618

Table 4
Breakdown of total cash expenditure as at 30 June 2012

Output	2009-10	% Expenditure	2010-11	% Expenditure	2011-12	% Expenditure
In House Practices	11 375 000	29.67	11 340 000	29.66	11 460 000	28.86
External Practices	20 124 000	52.49	19 765 000	51.69	18 533 000	46.67
Expensive Cases	373 000	0.97	513 000	1.34	1 618 000	4.07
Access Services	5 084 000	13.26	5 145 000	13.46	5 662 000	14.26
Strategic Services	1 151 000	3.00	1 138 000	2.98	1 049 000	2.64
Capital Expenditure	229 000	0.60	333 000	0.87	1 389 000	3.50
Total Cash Expenditure	38 336 000	100.00	38 234 000	100.00	39 711 000	100.00

Table 5
Cash reserves as at 30 June 2012

Financial Year	\$ Commonwealth	\$ State	\$ Total
<i>Comprised of:</i>			
Provision for Legal Commitment	1 767 000	2 554 000	4 321 000
Expensive Case Reserve	100 000	—	100 000
Long Service Leave Reserve	1 510 000	1 510 000	3 020 000
Computing System Replacement (LAW) Reserve	500 000	500 000	1 000 000
Desktop Replacement Reserve	365 000	365 000	730 000
Office Accommodation Reserve	2 338 630	879 410	3 218 040
Additional Rent Reserve	1 774 800	2 667 730	4 442 530
<i>Uncommitted Funds at 30 June 2012</i>	835 570	584 860	1 420 430
Total Cash Reserves 30 June 2012	9 191 000	9 061 000	18 252 000

Provision for legal commitment

The Commission issues certificates of legal commitment for each matter approved for legal aid. The Commission has a future legal commitment of \$4 321 000 on legal matters referred to private practitioners, for cases that are still to be finalised.

Expensive cases reserve

The Commonwealth expensive cases reserve was not used in 2011-12. The Commission has retained an expensive cases reserve of \$100 000 for Commonwealth cases that may exceed the Commission caps and for which separate funding will not be sought from the Commonwealth.

Long service leave provisions

The Commission has a long service leave staff entitlement of \$3 020 000 at 30 June 2012. Sufficient reserves are held to cover both State and Commonwealth long service leave liabilities.

Asset replacement reserve

The Commission allocated an additional reserve for desk top replacement and carried forward unspent funds from phase 1 of the computing system replacement for future computing requirements. In addition, the office accommodation reserve was increased to allow for upgrade of the Adelaide office accommodation. The Commission created a new reserve in anticipation of future rent increases for the Adelaide office.

Table 6
Cash budget forecast 2012-13 and 2013-14

	2012-13			2013-14		
	State \$'000	Commonwealth \$'000	Total \$'000	State \$'000	Commonwealth \$'000	Total \$'000
Cash Reserves at 1 July	9 061	9 191	18 252	9 464	9 052	18 516
Income	24 547	16 920	41 467	24 983	17 219	42 202
Total Budgeted Income	24 547	16 920	41 467	24 983	17 219	42 202
Expenses						
In-house Representation, Child Support and Family Dispute Resolution	9 671	5 916	15 587	9 913	6 064	15 977
Private Practitioner Representation	9 849	5 254	15 103	10 095	5 385	15 481
Information Services	158	114				
Advice & Minor Assistance	1 891	4 012	5 903	1 938	4 112	6 051
Community Legal Education	483	485	968	495	497	992
Assignment Services	1 513	699	2 212	1 551	716	2 267
Directorate	579	579	1 158	593	593	1 187
Total Budgeted Expenses	24 144	17 059	40 931	24 586	17 369	41 954
Net Cash Result	403	- 139	536	397	- 149	248
Cash Reserves 30 June	9 464	9 052	18 788	9 861	8 903	18 764

Note: The above table is based on a 'no activity change' outcome in the years 2012-13 and 2013-14.

Table 7
Accounts paid 2011-12

	Number of accounts paid	% of Accounts paid (by number)	Value in \$A of accounts paid	% of Accounts paid (by value)
Paid by Due Date	30 525	97.1%	\$24 741 310	96.7%
Paid within 30 days	897	2.8%	\$808 108	3.2%
Paid more than 30 days from Due Date	28	0.1%	\$32 439	0.1%
Total	31 450	100%	\$25 581 857	100%

Auditor-General's Letter 2012



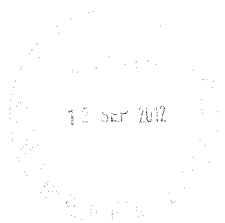
Government of South Australia

Auditor-General's Department

Our Ref: A12/111

17 September 2012

Ms D Eszenyi
Chairman
Legal Services Commission of South Australia
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Dear Ms Eszenyi

The audit of the Legal Services Commission for the year ended 30 June 2012

The audit of the accounts of the Legal Services Commission (the Commission) for the year ended 30 June 2012 has been completed.

The audit covered the principal areas of the financial operations of the Commission and included the test review of systems and processes and internal controls and financial transactions.

The notable areas of audit coverage included:

- payroll
- legal expenditure
- other expenditure
- revenue and receipting
- intangible assets
- LAW Office System

The audit coverage and its conduct is directed to meeting statutory audit responsibilities under the *Public Finance and Audit Act 1987* and also the requirements of Australian Auditing Standards.

In essence, two important outcomes result from the annual audit process, notably:

- the issue of the Independent Auditor's Report (IAR) on the integrity of the Commission's financial statements

Auditor-General's Letter 2012

024

- the issue during the year or at the time of financial statement preparation and audit or close thereto, an audit management letter advising of system, process and control matters and recommendation for improvement.

In this regard, returned herewith are the financial statements of the Commission together with the IAR, which is unmodified.

My Annual Report to Parliament indicates that an unmodified IAR has been issued on the Commission's financial statements.

In addition, during the year an audit management letter was forwarded to the Commission, detailing findings and recommendations from the audits of the areas reviewed. The findings and recommendations relate to weaknesses noted in financial systems and processes and associated internal controls, and improvements needed in these areas. Responses to the letter and matters raised were received and will be followed up in the 2012-13 annual audit.

My Annual Report to Parliament includes summary commentary for the Commission on the matters raised and responses received, and specifically indicates those matters that were assessed as not meeting a sufficient standard of financial management, accounting and control.

Finally, I would like to express my appreciation to the management and staff of the Commission for their assistance during the year.

Yours sincerely



S O'Neill
Auditor-General

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INDEPENDENT AUDITOR'S REPORT



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Auditor-General's Department

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To the Chairman Legal Services Commission of South Australia

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 25 of the *Legal Services Commission Act 1977*, I have audited the accompanying financial report of the Legal Services Commission of South Australia for the financial year ended 30 June 2012. The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2012
- a Statement of Financial Position as at 30 June 2012
- a Statement of Changes in Equity for the year ended 30 June 2012
- a Statement of Cash Flows for the year ended 30 June 2012
- notes, comprising a summary of significant accounting policies and other explanatory information
- a Certificate from the Chairman, the Acting Director and the Finance Manager.

Members of the Commission's Responsibility for the Financial Report

The members of the Commission are responsible for the preparation of the financial report that gives a true and fair view in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards, and for such internal control as the members of the Commission determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on the audit. The audit was conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing Standards. The auditing standards require that the auditor comply with relevant ethical requirements and that the auditor plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the members of the Commission, as well as the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial report gives a true and fair view of the financial position of the Legal Services Commission of South Australia as at 30 June 2012, its financial performance and its cash flows for the year then ended in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards.

S O'Neill
AUDITOR-GENERAL
17 September 2012

Income Statement 30 June 2012

Legal Services Commission of South Australia

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2012

	Note	2012 \$'000	2011 \$'000
Expenses			
Employee benefits expenses	4	16 858	15 470
Private Practitioner services	2.14	16 837	17 976
Private Practitioner services – State expensive case matters	5	1 618	513
Supplies and services	6	4 154	3 830
Depreciation and amortisation expense	7	317	269
Other expenses	8	<u>95</u>	<u>97</u>
Total expenses		<u>39 879</u>	<u>38 155</u>
Income			
<i>Legal Practitioners Act revenue</i>	9	3 630	3 836
Statutory charges		975	1 024
Interest revenue		1 003	865
Costs recovered and contributions	10	429	434
Other income	11	<u>869</u>	<u>870</u>
Total income		<u>6 906</u>	<u>7 029</u>
Net cost of providing services		<u>32 973</u>	<u>31 126</u>
Revenues from Governments			
Commonwealth Government:			
Funding agreement	12	15 434	14 946
Immigration Advice and Application Assistance Scheme income	12	50	94
State Government:			
Funding	13	18 903	18 047
Expensive cases - Other matters	13	<u>1 618</u>	<u>532</u>
Total revenues from Governments		<u>36 005</u>	<u>33 619</u>
Net Result		<u>3 032</u>	<u>2 493</u>
Total Comprehensive Result		<u>3 032</u>	<u>2 493</u>

Net result and total comprehensive result are attributable to SA Government as owner

The above statement should be read in conjunction with the accompanying notes

Balance Sheet 30 June 2012

Legal Services Commission of South Australia

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2012

	Note	2012 \$'000	2011 \$'000
Current assets			
Cash and cash equivalents	21	18 252	15 260
Receivables	14	1 493	1 635
Other current assets	15	<u>379</u>	<u>420</u>
Total current assets		20 124	17 315
Non-current assets			
Property, plant and equipment	16	968	1 018
Intangible assets	16.1	1 391	510
Statutory charge debtors	17	<u>5 460</u>	<u>5 049</u>
Total non-current assets		7 819	6 577
Total assets		27 943	23 892
Current liabilities			
Legal payables		1 475	1 102
Payables	18	401	572
Employee benefits	19	<u>1 300</u>	<u>997</u>
Total current liabilities		3 176	2 671
Non-current liabilities			
Payables	18	226	177
Employee benefits	19	<u>3 262</u>	<u>2 797</u>
Total non-current liabilities		3 488	2 974
Total liabilities		6 664	5 645
Net assets		21 279	18 247
Equity			
Revaluation surplus		79	79
Commonwealth expensive case reserve	20	100	100
Retained earnings		<u>21 100</u>	<u>18 068</u>
Total equity		21 279	18 247
Commitments	22,23		
Contingent liabilities	25		
Total equity is attributable to the SA Government as owner			

The above statement should be read in conjunction with the accompanying notes

Statement of Changes in Equity 30 June 2012

Legal Services Commission of South Australia

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2012

	Revaluation Surplus	Other Reserves	Retained Earnings	Total
	\$'000	\$'000	\$'000	\$'000
Balance at 30 June 2010	79	100	15 575	15 754
Net result 2010-11	-	-	2 493	2 493
Total comprehensive result for 2010-11	-	-	2 493	2 493
Balance at 30 June 2011	79	100	18 068	18 247
Net result for 2011-12	-	-	3 032	3 032
Total comprehensive result for 2011-12	-	-	3 032	3 032
Balance at 30 June 2012	79	100	21 100	21 279

The above statement should be read in conjunction with the accompanying notes

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Cash Flow Statement 30 June 2012

Legal Services Commission of South Australia

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2012

	Note	2012 Inflows (Outflows) \$'000	2011 Inflows (Outflows) \$'000
Cash flows from operating activities			
Cash outflows			
Employee benefits payments		(15 962)	(15 233)
Supplies and services		(5 118)	(4 596)
Private Practitioner services		(18 272)	(19 919)
Private Practitioner services - State expensive case matters		<u>(1 618)</u>	<u>(339)</u>
Cash used in operations		<u>(40 970)</u>	<u>(40 087)</u>
Cash inflows			
Legal Practitioners Act receipts		3 652	3 797
Costs recovered and contributions		385	500
Statutory charge receipts		680	740
Interest received		1 010	851
GST recovered from the ATO		2 204	2 094
Other receipts		<u>1 000</u>	<u>885</u>
Cash generated by operations		<u>8 931</u>	<u>8 867</u>
Cash flows from Governments			
Commonwealth Government:			
Funding agreement		15 434	14 946
Immigration Advice and Application Assistance Scheme income		50	94
State Government:			
Funding		18 903	18 047
Expensive Cases - Other matters		<u>1 792</u>	<u>358</u>
Total cash flows from Governments		<u>36 179</u>	<u>33 445</u>
Net cash provided by operating activities	21	<u>4 140</u>	<u>2 225</u>
Cash flows from investing activities			
Purchase of property, plant and equipment and intangible assets		<u>(1 148)</u>	<u>(458)</u>
Cash used in investing activities		<u>(1 148)</u>	<u>(458)</u>
Net increase in cash and cash equivalents		2 992	1 767
Cash and cash equivalents at the beginning of the financial year		<u>15 260</u>	<u>13 493</u>
Cash and cash equivalents at the end of the financial year	21	<u>18 252</u>	<u>15 260</u>

The above statement should be read in conjunction with the accompanying notes

Note Index 30 June 2012

Legal Services Commission of South Australia

NOTE INDEX

- Note 1 Objectives of the Legal Services Commission of South Australia
- Note 2 Summary of Significant Accounting Policies
- Note 3 New and revised accounting standards and policies

Expense Notes

- Note 4 Employee benefit expenses
- Note 5 Private Practitioner services - State Expensive Case matters
- Note 6 Supplies and services
- Note 7 Depreciation and amortisation expense
- Note 8 Other expenses

Revenue Notes

- Note 9 *Legal Practitioners Act* revenue
- Note 10 Costs recovered and contributions
- Note 11 Other income

Revenues from Governments

- Note 12 Commonwealth Government
- Note 13 State Government

Asset Notes

- Note 14 Receivables
- Note 15 Other current assets
- Note 16 Property, plant and equipment
- Note 17 Statutory charge debtors

Liability Notes

- Note 18 Payables
- Note 19 Employee benefits

Other Notes

- Note 20 Commonwealth expensive case reserve
- Note 21 Cash flow reconciliation
- Note 22 Legal expense commitments
- Note 23 Commitments for expenditure
- Note 24 Remuneration of board members
- Note 25 Contingent liabilities
- Note 26 Financial instruments/Financial risk management

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1. Objectives of the Legal Services Commission of South Australia

The Legal Services Commission of South Australia (the Commission) was established under the *Legal Services Commission Act 1977* (the Act) to provide, or arrange for the provision of legal assistance in accordance with the Act. The objective of the Commission is to provide clients with accessible information, advice and representation to meet their legal needs.

2. Summary of Significant Accounting Policies

2.1 Statement of Compliance

The Commission has prepared these financial statements in compliance with section 23 of the *Public Finance and Audit Act 1987*.

The financial statements are general purpose financial statements. The accounts have been prepared in accordance with relevant Australian Accounting Standards and comply with Treasurer's Instructions and Accounting Policy Statements promulgated under the provision of the *Public Finance and Audit Act 1987*.

The Commission has applied Australian Accounting Standards that are applicable to not-for-profit entities, as the Commission is a not-for-profit entity.

Australian Accounting Standards and interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Commission for the reporting period ended 30 June 2012.

2.2 Basis of Preparation

The preparation of the financial statements requires:

- the use of certain accounting estimates and requires management to exercise its judgement in the process of applying the Commission's accounting policies. The areas involving a higher degree of judgement or where assumptions and estimates are significant to the financial statements, these are outlined in the applicable notes.
- accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events are reported; and
- compliance with Accounting Policy Statements issued pursuant to section 41 of the *Public Finance and Audit Act 1987*. In the interest of public accountability and transparency the accounting policy statements require the following note disclosures, which have been included in these financial statements:
 - a) revenues, expenses, financial assets and liabilities where the counterparty/transaction is with an entity within the SA Government as at reporting date, classified according to their nature.
 - b) expenses incurred as a result of engaging consultants (as reported in the Statement of Comprehensive Income);
 - c) employees whose normal remuneration is equal to or greater than the base executive remuneration level (within \$10 000 bandwidths) and the aggregate of the remuneration paid or payable or otherwise made available, directly and indirectly by the entity to those employees; and
 - d) board member and remuneration information, where a board member is entitled to receive income from membership other than a direct out-of-pocket reimbursement.

The Commission's Statement of Comprehensive Income, Statement of Financial Position and Statement of Changes in Equity have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets that were valued in accordance with the valuation policy applicable.

The Statement of Cash Flows has been prepared on a cash basis.

The financial statements have been prepared based on a 12 month operating cycle and presented in Australian currency.

The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2012 and the comparative information presented.

2.3 Reporting Entity

The Commission was established under the Act to provide, or arrange for the provision of legal assistance in accordance with the Act and is independent of executive government.

2.4 Comparative Figures

The presentation and classification of items in the financial statements are consistent with prior periods except where a specific accounting policy statement or Australian Accounting Standard has required a change.

Where presentation or classification of items in the financial statements have been amended, comparative amounts have been reclassified unless reclassification is impracticable.

The restated comparative amounts do not replace the original financial statements for the preceding period.

2.5 Rounding

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$'000).

2.6 Taxation

The Commission is not subject to income tax. The Commission is endorsed by the Australian Taxation Office (ATO) as an income tax exempt charity and as a Public Benevolent Institution. The Commission is liable for goods & services tax (GST), payroll tax, fringe benefits tax, emergency services levy, land tax equivalents and local government rate equivalents.

Income, expenses and assets are recognised net of the amount of GST except:

- where the GST incurred by the Commission as a purchaser of goods or services is not recoverable from the ATO, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable;

- receivables and payables, which are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the Statement of Financial Position.

Cash flows are included in the Statement of Cash Flows on a gross basis and the GST component of cash flows arising from investing activities, which is recoverable from, or payable to, the ATO is classified as part of operating cash flows.

Unrecognised contractual commitments and contingencies are disclosed net of the amount of GST recoverable from, or payable to the Australian Taxation Office. If GST is not payable to, or recoverable from the Australian Taxation Office, the commitments and contingencies are disclosed on a gross basis.

2.7 Events after the Reporting Period

Adjustments are made to amounts recognised in the financial statements, where an event occurs after 30 June and before the date the financial statements are authorised for issue, where those events provides information about conditions that existed at 30 June.

Note disclosure is made about events between 30 June to the date the financial statements are authorised for issue where the events relate to a condition which arose after 30 June and which may have a material impact on the results of subsequent years.

2.8 Income

Income is recognised to the extent that it is probable that the flow of economic benefits to the Commission will occur and can be reliably measured.

Income has been aggregated according to its nature and has not been offset unless required or permitted by a specific accounting standard, or where offsetting reflects the substance of the transaction or other event.

The following are specific recognition criteria:

Government Funding

The Commission receives funding from the State and Commonwealth Governments, which are recognised as income when monies are received.

Government Funding Expensive Cases

The Commission recognises expensive case funding when the amount has been approved and can be reliably measured.

Other Revenue

Other revenue is recognised as it accrues.

2.9 Expenses

Expenses are recognised to the extent that it is probable that the flow of economic benefits from the Commission will occur and can be reliably measured.

Expenses have been aggregated according to their nature and have not been offset unless required or permitted by a specific accounting standard, or where offsetting reflects the substance of the transaction or other event.

The following are specific recognition criteria:

Employee benefits expenses

Employee benefits expenses includes all costs related to employment including wages and salaries, non-monetary benefits and leave entitlements. These are recognised when incurred.

Superannuation

The amount charged to the Statement of Comprehensive Income represents the contributions made by the Commission to the superannuation plan in respect of current services of current staff.

Salaries and related payments include superannuation contributions paid by the Commission under the following categories:

(a) The Commission paid an amount to Comsuper towards the accruing government liability in respect of currently employed contributors to the Commonwealth Superannuation Fund. Payments amounted to \$62 000 (2011 - \$60 000).

(b) The Commission contributed to various superannuation schemes towards the accruing government liability for superannuation in respect of all employees. Payments amounted to \$1 403 000 (2011 - \$1 375 000).

Depreciation and Amortisation

All non-current assets, having a limited useful life, are systematically depreciated/amortised over their useful lives in a manner that reflects the consumption of their service potential. Amortisation is used in relation to intangible assets such as software, while depreciation is applied to physical assets such as plant and equipment.

The useful lives of all major assets held by the Commission are reassessed on an annual basis.

The value of leasehold improvements is amortised over the estimated useful life of each improvement, or the unexpired period of the relevant lease, whichever is shorter.

Depreciation/amortisation is calculated on a straight line basis over the estimated useful life of the following classes of assets as follows:

Class of Asset	Useful Life (Years)
Plant & Equipment	
Computers	3-5
Office equipment	5-13
Furniture and fittings	13
Leasehold improvements	10
Intangibles	3-5

2.10 Current and Non-Current Classification

Assets and liabilities are characterised as either current or non-current in nature. The Commission has a clearly identifiable operating cycle of 12 months. Therefore assets and liabilities that will be realised as part of the normal operating cycle will be classified as current assets or current liabilities. All other assets and liabilities are classified as non-current.

2.11 Assets

Assets have been classified according to their nature and have not been offset unless required or permitted by a specific accounting standard, or where offsetting reflects the substance of the transaction or other event.

Where an asset line item combine amounts expected to be settled within 12 months and more than 12 months, the Commission has separately disclosed the amounts expected to be recovered after more than 12 months.

Cash and Cash Equivalents

Cash and cash equivalents in the Statement of Financial Position includes cash at bank and on hand and in other short-term, highly liquid investments with maturities of three months or less that are readily converted to cash and which are subject to insignificant risk of changes in value.

For the purposes of the Statement of Cash Flows, cash and cash equivalents consist of cash and cash equivalents as defined above.

Cash is measured at nominal value.

Receivables

Receivables include amounts receivable from goods and services, GST input tax credits recoverable and other accruals.

Receivables arise in the normal course of selling goods and services to other government agencies and to the public. Receivables are generally settled within 30 days after the issue of an invoice or the goods/services have been provided under a contractual arrangement.

Collectability of receivables is reviewed on an ongoing basis. An allowance for doubtful debts is raised when there is objective evidence that the Commission will not be able to collect the debt. Bad debts are written off when identified.

Non-current assets

Acquisition and recognition

Non-current assets are initially recorded at cost or at the value of any liabilities assumed, plus any incidental cost involved with the acquisition. Non-current assets are subsequently measured at fair value less accumulated depreciation.

All non-current tangible assets with a value equal to or in excess of \$1 000 are capitalised.

Revaluation of non-current assets

All non-current tangible assets are valued at written down current cost (a proxy for fair value); and revaluation of non-current assets or group of assets is only performed when its fair value at the time of acquisition is greater than \$1 million and estimated useful life is greater than three years.

The revaluation surplus includes the net revaluation increments and decrements arising from the revaluation of non-current assets.

Impairment

All non-current tangible and intangible assets are reviewed for indication of impairment each reporting date. Where there is an indication of impairment, the recoverable amount is estimated. An amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

For revalued assets an impairment loss is offset against the revaluation surplus.

Intangible assets

An intangible asset is an identifiable non-monetary asset without physical substance. Intangible assets are measured at cost. Following initial recognition, intangible assets are carried at cost less any accumulated amortisation and any accumulated impairment losses.

The useful lives of intangible assets are assessed to be either finite or indefinite. The Commission only has intangible assets with finite lives. The amortisation period and the amortisation method for intangible assets is reviewed on an annual basis.

The acquisition of or internal development of software is capitalised only when the expenditure meets the definition criteria (identifiability, control and the existence of future economic benefits) and recognition criteria (probability of future economic benefits and cost can be reliably measured).

All research and development costs that do not meet the capitalisation criteria outlined in AASB 138 are expensed.

Subsequent expenditure on intangible assets has not been capitalised. This is because the Commission has been unable to attribute this expenditure to the intangible asset rather than the Commission as a whole.

2.12 Liabilities

Liabilities have been classified according to their nature and have not been offset unless required or permitted by a specific accounting standard, or where offsetting reflects the substance of the transaction or other event.

Where liability line item combine amounts expected to be settled within 12 months and more than 12 months, the Commission has separately disclosed the amounts expected to be settled after more than 12 months.

Payables

Payables include creditors, accrued expenses, GST payable and employment on-costs.

Creditors represent the amounts owing for goods and services received prior to the end of the reporting period that are unpaid at the end of the reporting period. Creditors include all unpaid invoices received relating to the normal operations of the Commission.

Accrued expenses represent goods and services provided by other parties during the period that are unpaid at the end of the reporting period and where an invoice has not been received.

All payables are measured at their nominal amount and are normally settled within 30 days from the date of the invoice or date the invoice is first received.

Legal Payables represent invoices for work completed up to 30 June 2012.

Employment benefit on-costs include superannuation contributions and payroll tax with respect to outstanding liabilities for salaries and wages, annual leave and long service leave.

The Commission makes contributions to several superannuation schemes operated by the State Government and a Commonwealth scheme. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the superannuation schemes. The only liability outstanding at balance date relates to any contributions due but not yet paid to the superannuation schemes.

Employee Benefits

Provision has been made in the financial statements for the Commission's liability for employee benefits arising from services rendered by employees to balance date. Related on-costs consequential to the employment of employees have been included in the determination of the liability.

Wages, Salaries, Annual Leave and Sick Leave

The liability for salary and wages are measured as the amount unpaid at the reporting date at remuneration rates current at reporting date.

The annual leave liability is expected to be payable within 12 months and is measured at the undiscounted amount expected to be paid. In the unusual event where salary and wages and annual leave are payable later than 12 months, the liability will be measured at present value.

No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees is estimated to be less than the annual entitlement for sick leave.

Long Service Leave

An actuarial assessment of long service leave undertaken by the Department of Treasury and Finance based on a significant sample of employees throughout the South Australian public sector

determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments.

Based on this actuarial assessment, the short hand method was used to measure the long service leave liability for 2012.

This calculation is consistent with the Commission's experience of employee retention and leave taken.

Workers Compensation

The Commission pays a workers compensation levy to the WorkCover SA to provide insurance coverage in relation to workers compensation. These contributions are treated as an expense as they occur. There is no liability to claimants as they have been assumed by WorkCover SA.

2.13 Financial Instruments

The Commission's accounting policies, including the terms and conditions of each class of financial asset and financial liability recognised at 30 June 2012, are as follows:

Financial Assets

Cash and cash equivalents (Note 21) comprises cash and deposits at call with the South Australian Government Financing Authority and are recorded at cost. Interest revenues are recognised as they accrue. Interest rates are at market rates and have fluctuated between 3.40% and 5.10% for the year ended 30 June 2012 (2011- 4.40% and 5.10%).

Receivables (Note 14) include client debtors and other debtors and are reported at amounts due.

The Commission is exposed to credit risk associated with amounts due from clients with respect to contributions for legal aid and other sundry charges. The credit risk relating to the financial asset recognised in the Statement of Financial Position is recorded at the carrying amount.

Allowance for impairment loss is based on past experiences and expected changes in client credit rating and is reviewed at each reporting date. As at 30 June 2012, there is no evidence to indicate that financial assets are impaired.

Financial Liabilities

Legal creditors are raised for amounts billed from private practitioners for approved cases undertaken but unpaid. They are normally settled within 30 days.

Creditors are raised for amounts billed but unpaid and are normally settled within 30 days.

All financial instruments are valued at the carrying amount as per the Statement of Financial Position, which approximates net fair value.

2.14 Private Practitioner Services

Comprise of solicitors' fees, counsel fees and disbursements due to private practitioners for approved cases undertaken during the financial year.

2.15 Trust Funds

Pursuant to the *Legal Practitioner's Act 1981* the Commission holds funds in trust on behalf of clients. As at 30 June 2012, the total funds held were \$84 000 (2011 - \$68 000). These funds are not controlled by the Commission. As such they are not recognised in the financial statements.

3. New and revised accounting standards and policies

The Commission did not voluntarily change any of its accounting policies during 2011-12.

Notes to and Forming Part of the Financial Statements 30 June 2012

4. Employee benefits expenses

	2012 \$'000	2011 \$'000
Salaries and wages	13 942	13 092
Superannuation	1 465	1 435
Long service leave	1 038	554
Payroll tax	323	314
Workers compensation	90	75
Total employee benefits expenses	16 858	15 470

Remuneration of employees

	Number of Employees	
	2012 No	2011 No
The number of employees whose remuneration received or receivable falls within the following bands:		
\$134 000 to \$143 999	4	4
\$144 000 to \$153 999	1	3
\$154 000 to \$163 999	1	1
\$164 000 to \$173 999	2	2
\$184 000 to \$193 999	1	1
\$204 000 to \$213 999	1	1
\$234 000 to \$243 999	1	1
\$264 000 to \$273 999	1	1
Total number of employees	12	14

The table includes all employees who received remuneration equal to or greater than the base executive remuneration level during the year. Remuneration of employees reflects all costs of employment including salaries and wages, payments in lieu of leave, superannuation contributions, salary sacrifice benefits and fringe benefits tax paid or payable in respect of those benefits.

The total remuneration received by these employees for the year was \$ 2 124 000 (2011 - \$2 380 000).

5. State Expensive Case matters

The Commission is required to provide litigation services pursuant to the *Criminal Law (Legal Representation) Act 2001* for State matters that exceed the Commission's prescribed funding cap. Section 18(6) defines the "funding cap" to mean an amount fixed as the funding cap for criminal cases by the Commission for a particular financial year. The funding cap is \$60 000 in the case of one party being aided and \$120 000 in the case of more than one party, irrespective of the number being aided. These matters are separately funded by the State Government (refer Note 13).

6. Supplies and services

	2012 \$'000	2011 \$'000
Accommodation	1 632	1 562
Computing and communications	1 166	1 078
Travel	287	250
Office requisites	318	266
Library	221	201
Consultancy fees	10	68
Other	520	405
Total supplies and services	4 154	3 830

Notes to and Forming Part of the Financial Statements 30 June 2012

038

Supplies and services provided by entities within SA Government

Accommodation	205	185
Computing and communications	238	226
Travel	85	61
Office requisites	15	10
Other*	<u>206</u>	<u>171</u>
Total supplies and services SA Government entities	<u>749</u>	<u>653</u>

*Includes Auditor's fees paid/payable to the Auditor-General's Department of \$57 000 (2011 - \$58 000) relating to the audit of the financial statements. No other services were provided by the Auditor-General's Department.

The number and dollar amount of consultancies paid/payable (included in supplies and services expenses) that fell within the following bands:

	Number	2012 \$'000	Number	2011 \$'000
Below \$10,000	2	10	5	12
Between \$10 000 and \$50 000	:-	-	2	56
Total paid/payable to the consultants engaged	<u>2</u>	<u>10</u>	<u>7</u>	<u>68</u>

7. Depreciation and amortisation expense

	2012 \$'000	2011 \$'000
Depreciation		
Plant and equipment	<u>163</u>	<u>183</u>
Total depreciation	<u>163</u>	<u>183</u>
Amortisation		
Leasehold improvements	71	86
Intangible assets	<u>83</u>	-
Total amortisation	<u>154</u>	<u>86</u>
Total depreciation and amortisation expense	<u>317</u>	<u>269</u>

8. Other expenses

	2012 \$'000	2011 \$'000
Statutory charge bad debts	60	43
Other bad debts	<u>35</u>	<u>54</u>
Total other expenses	<u>95</u>	<u>97</u>

9. Legal Practitioners Act revenue

In accordance with the *Legal Practitioners Act, 1981* the Commission is entitled to revenue from funds administered by the Law Society of South Australia.

Amounts related to the:	2012 \$'000	2011 \$'000
Statutory Interest account	1 343	1 519
Interest on Legal Practitioners Trust account	2 223	2 154
Legal Practitioners Guarantee Fund	<u>64</u>	<u>163</u>
Total Legal Practitioners Act revenue	<u>3 630</u>	<u>3 836</u>

Notes to and Forming Part of the Financial Statements 30 June 2012

10. Costs recovered and contributions

	2012	2011
	\$'000	\$'000
Costs recovered	169	145
Contributions*	260	289
Total costs recovered and contributions	429	434

*In addition, contributions of \$524 000 (2011 - \$635 000) in relation to referred cases were paid or are payable directly to private practitioners by clients.

11. Other income

	2012	2011
	\$'000	\$'000
Other income from entities external to the SA Government	703	588
Other income from entities within the SA Government	166	282
Total other income	869	870

12. Commonwealth Government

A National Partnership Agreement on Legal Assistance Services was entered into between the Commonwealth of Australia and States and Territories. The agreement was effective from 1 July 2010. Pursuant to that Agreement, the Commonwealth Government contributed funding of \$15 434 000 (2011 - \$14 946 000) to South Australia for the year ended 30 June 2012.

The Commission is also party to a separate agreement with the Commonwealth of Australia to provide services under the Immigration Advice and Application Assistance Scheme (IAAAS). The agreement contributed funding of \$50 000 (2011 - \$94 000)

13. State Government

In 2011-12 the State Government contributed funding of \$18 903 000 (2011 - \$18 047 000).

The Commission is separately funded by the State Government for matters that exceed the Commission's prescribed funding cap. The matters are funded pursuant to the *Criminal Law (Legal Representation) Act 2001*. The Commission enters into an approved case management agreement with the State Government for these matters.

The State Government provided \$1 618 000 (2011 - \$532 000) for approved expensive cases that exceeded the Commission cap.

14. Receivables

	2012	2011
	\$'000	\$'000
<i>Legal Practitioners Act</i> debtors	895	917
Goods and Services Tax	288	287
Client debtors and other debtors	310	431
Total Current Receivables	1 493	1 635

15. Other current assets

	2012	2011
	\$'000	\$'000
Prepayments	379	359
Prepaid salaries and wages	-	61
Total other current assets	379	420

Notes to and Forming Part of the Financial Statements 30 June 2012

040

16. Property, plant and equipment

	2012 \$'000	2011 \$'000
Leasehold improvements at fair value	870	865
Less: Accumulated depreciation	<u>700</u>	<u>629</u>
	<u>170</u>	<u>236</u>
Plant and Equipment at fair value	2 061	1 882
Less: Accumulated depreciation	<u>1 554</u>	<u>1 391</u>
	<u>507</u>	<u>491</u>
Library	291	291
Total property, plant and equipment	<u>968</u>	<u>1 018</u>

16.1 Intangible assets

	2012 \$'000	2011 \$'000
Computer software	1 557	89
Computer software in progress	<u>-</u>	<u>504</u>
	<u>1 557</u>	<u>593</u>
Less: Accumulated amortisation	<u>166</u>	<u>83</u>
Total intangible assets	<u>1 391</u>	<u>510</u>

16.2 Reconciliation of non-current assets

	Leasehold Improvements	Plant and Equipment	Library	Property Plant & Equipment Total	Computer Software	Intangible Assets Total
2012	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at 1 July	236	491	291	1 018	510	510
Additions	5	179	-	184	964	964
Depreciation/amortisation expense	(71)	(163)	-	(234)	(83)	(83)
Carrying amount at 30 June	170	507	291*	968	1 391	1 391

	Leasehold Improvements	Plant and Equipment	Library	Property Plant & Equipment Total	Computer Software	Intangible Assets Total
2011	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at 1 July	318	502	291	1 111	-	-
Additions	4	176	-	180	510	510
Adjustments	-	(4)	-	(4)	-	-
Depreciation/amortisation expense	(86)	(183)	-	(269)	-	-
Carrying amount at 30 June	236	491	291*	1 018	510	510

* Library collections were valued by The Australian Valuation Office during the 2006-07 financial year.

17. Statutory charge debtors

Statutory charge debtors are raised as a result of the Commission registering charges over property owned by some recipients of legal aid to secure legal costs owed on cases undertaken and are reported at amounts due. Debts are recovered when the property is refinanced or sold.

	2012 \$'000	2011 \$'000
Statutory charge debtors	5 460	5 049
Total Statutory charge debtors	<u>5 460</u>	<u>5 049</u>

Notes to and Forming Part of the Financial Statements 30 June 2012

18. Payables

	2012 \$'000	2011 \$'000
Current		
Creditors	215	395
Accrued expenses	44	53
Employment on-costs	<u>142</u>	<u>124</u>
Total current payables	<u>401</u>	<u>572</u>
Non-current		
Employment on-costs	<u>226</u>	<u>177</u>
Total non-current payables	<u>226</u>	<u>177</u>
Total payables	<u>627</u>	<u>749</u>

As a result of an actuarial assessment performed by the Department of Treasury and Finance, the percentage of the proportion of long service leave taken as leave has changed from the 2011 rate 35% to 40% and the average factor for the calculation of employer superannuation cost on-cost has remained at the rate of 10.3%. These rates are used in the employment on-cost calculation. The net financial effect of the changes in the current financial year is an increase in the employment on-cost of \$19 000 and employee benefit expense of \$184 000.

The estimated impact on 2013 and 2014 is \$19 500 and \$20 000 respectively.

19. Employee benefits

	2012 \$'000	2011 \$'000
Current		
Annual leave	878	849
Long service leave	<u>422</u>	<u>148</u>
Total current employee benefits	<u>1 300</u>	<u>997</u>
Non-current		
Long service leave	<u>3 262</u>	<u>2 797</u>
Total non-current employee benefits	<u>3 262</u>	<u>2 797</u>
Total employee benefits	<u>4 562</u>	<u>3 794</u>

AASB 119 *Employee Benefits* contains the calculation methodology for long service leave liability. It is accepted practice to estimate the present values of future cash outflows associated with the long service leave liability by using a shorthand measurement technique. The shorthand measurement technique takes into account such factors as changes in discount rates and salary inflation.

AASB119 requires the use of the yield on long term Commonwealth Government bonds as the discount rate in the measurement of the long service leave liability. The yield on long term Commonwealth Government bonds has decreased from 5.25% (2011) to 3.0% (2012).

The significant decrease in the bond yield, which is used as the rate to discount future long service leave cash flows, results in a significant increase in the reported long service leave liability.

The net financial effect of the changes in the current financial year is an increase in the long service leave liability of \$740 000 and employee benefit expense of \$740 000. The impact on future periods is impracticable to estimate as the benchmark is calculated using a number of assumptions - a key assumption is the long-term discount rate. With current conditions, the long-term discount rate is experiencing significant movement.

The actuarial assessment performed by the Department of Treasury and Finance left the salary inflation rate at 4%. As a result, there is no net financial effect resulting from changes in the salary inflation rate.

20. Commonwealth expensive case reserve

	2012 \$'000	2011 \$'000
Commonwealth expensive case reserve	<u>100</u>	<u>100</u>
Total other reserves at 30 June	<u>100</u>	<u>100</u>

Commonwealth expensive cases

The Commission did not use the Commonwealth Expensive Case allocation in 2011-12.

Notes to and Forming Part of the Financial Statements 30 June 2012

042

21. Cash flow reconciliation

Cash and cash equivalents as at the end of the financial year as shown in the Statement of Cash Flow is reconciled to the items in the Statement of Financial Position as follows:

	2012 \$'000	2011 \$'000
Deposits at call - South Australian Financing Authority	18 042	15 100
Cash	<u>210</u>	<u>160</u>
Cash and cash equivalents as disclosed in the Statement of Financial Position	18 252	15 260
Balance as per the Statement of Cash Flows	18 252	15 260

Reconciliation of net cash provided by operating activities to net cost of providing services:

	2012 \$'000	2011 \$'000
Net cash provided by operating activities	4 140	2 225
Less revenues from Government	(36 005)	(33 619)
Non cash items:		
Depreciation and amortisation	(317)	(269)
Bad debts	(95)	(97)
Movement in assets and liabilities:		
Increase in Statutory Charge debtors	411	431
(Decrease)/increase in receivables	(144)	355
(Decrease) in prepayments	(41)	(84)
(Increase) in employee benefits	(715)	(207)
(Increase)/decrease in legal payables	(373)	161
Decrease/(increase) in payables	<u>166</u>	<u>(22)</u>
Net cost of providing services	(32 973)	(31 126)

22. Legal expense commitments

As at 30 June 2012, the Commission has a future commitment of \$4 321 000 (2011 - \$3 213 000) on legal cases referred to private practitioners which are still to be finalised. The Commonwealth and State components are as follows:

	Commonwealth		State	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Legal expense commitments	<u>1 767</u>	<u>1 202</u>	<u>2 554</u>	<u>2 011</u>

In addition the Commission has a future commitment of \$965 000 (2011 - \$1 279 000) on State expensive cases which will be funded separately. The Commission is also funding a further 22 cases relating to murder. To date, none have been identified as potential expensive criminal cases because funding is in its early stages. However, history suggests that some may require additional funding.

The Commission reviewed outstanding legal commitments and determined that commitments less the underutilisation factor of 24.38% Commonwealth and 32.22% State (2011 - 25.2% and 33.28%) would be recognised on all outstanding amounts raised since January 2011 (ie the previous 18 months).

Commitments raised prior to this date have not been recognised. If any file prior to this date is reactivated, new commitments will be raised.

In the normal course of business, further commitments may be required on recognised legal cases. It is not possible to quantify that amount.

Notes to and Forming Part of the Financial Statements 30 June 2012

23. Commitments for expenditure

At the reporting date the Commission had the following obligations under non-cancellable operating leases. The obligations are not recognised as liabilities in the Statement of Financial Position. The operating leases held by the Commission are property leases with penalty clauses equal to the amount of the residual payments remaining for the lease term. The leases are payable one month in advance. The option to renew the lease is held by the Commission. There are no existing contingent rental provisions.

	2012 \$'000	2011 \$'000
Operating Lease commitments:		
Not later than one year	354	466
Later than one year but not later than five years	<u>508</u>	<u>75</u>
Total operating lease commitments	<u>862</u>	<u>541</u>

	2012 \$'000	2011 \$'000
Remuneration commitments:		
Not later than one year	2 096	2 607
Later than one year but not later than five years	<u>1 489</u>	<u>3 872</u>
Total remuneration commitments	<u>3 585</u>	<u>6 479</u>

The amounts disclosed as remuneration commitments, includes only those commitments arising from written contracts for executive and other written service contracts.

24. Remuneration of board members

Members of the board during the 2012 financial year were:

Ms Dymphna Eszenyi	Chairman
Mr Michael Burgess	
Ms Geraldine Davison, SC.	Appointed 16 February 2012 (Resigned 25 June 2012)
Mr Michael Dawson	
Mr Andrew English	
Mr Hugh Gilmore	
Mr David Mazzone	
Mr David Meyer	
Ms Tracee Micallef	
Ms Wendy Purcell	Retired 15 February 2012
Ms Maurine Pyke, QC.	

The members of the Commission are appointed by the Governor in accordance with the provisions of the Act and include partners of legal firms. In the ordinary course of business the Commission enters into transactions with legal firms, some of which are associated with members of the Commission. Payments made to these firms are in accordance with the Commission's scale of fees and are payments that apply to practitioners generally.

The number of members whose remuneration received or receivable fell within the following bands was:

	Number of Members	
	2012	2011
\$NIL	2	1
\$1 - \$10 000	2	1
\$10 001 - \$20 000	6	7
\$20 001 - \$30 000	<u>1</u>	<u>1</u>
Total	<u>11</u>	<u>10</u>

The total remuneration received or due and receivable by these members was \$110 000 (2011 - \$118 000).

Amounts paid to a superannuation plan for members was \$9 000 (2011 - \$10 000).

25. Contingent liabilities

At balance date and at the date of certification of the financial statements by the Commission there was no known contingent liabilities. However, legal expense commitments existed as disclosed at Note 22.

26. Financial instruments/Financial risk management

Table 26.1 Categorisation of Financial Instruments

Details of the significant accounting policies and methods adopted including the criteria for recognition, the basis of measurement, and the basis on which income and expenses are recognised with respect to each class of financial assets, financial liability and equity instrument are disclosed in note 2

Category of financial asset and financial liabilities	Statement of Financial Position line item	Note	Carrying Amount	
			2012 \$'000	2011 \$'000
Financial Assets				
Cash and cash equivalents	Cash and cash equivalents	21	18 252	15 260
Receivables	Receivables ⁽¹⁾	14	232	93
	Total financial assets		18 484	15 353
Financial Liabilities				
Financial liabilities at cost	Payables ⁽¹⁾	18	-	-
	Total financial liabilities		-	-

⁽¹⁾ Receivable and payable amounts disclosed above exclude amounts relating to statutory receivables and payables. In government, certain rights to receive or pay cash may not be contractual and therefore in these situations, the requirements will not apply. Where rights or obligations have their source in legislation such as levy receivables/payables, tax equivalents, Commonwealth tax, etc they would be excluded from the disclosure. The standard defines contract as enforceable by law. All amounts recorded are carried at cost (not materially different from amortised cost).

Fair Value

The Commission does not recognise any financial assets or financial liabilities at fair value (refer to notes 2, 21, 14 and 18).

Credit Risk

Credit risk arises when there is the possibility of the Commission's debtors defaulting on their contractual obligations resulting in financial loss to the Commission. The Commission measures credit risk on a fair value basis and monitors risk on a regular basis. The carrying amount of financial assets as detailed in table 26.1 represents the Commission's maximum exposure to credit risk. No collateral is held as security and no credit enhancements relate to financial assets held by the Commission. The Commission has minimal concentration of credit risk. The Commission has policies and procedures in place to ensure that transactions occur with customers with appropriate credit history. The Commission does not engage in high risk hedging for its financial assets.

Allowances for impairment of financial assets are calculated on past experience and current and expected changes in client credit rating. Other than receivables, there is no evidence to indicate that the financial assets are impaired. Refer to note 2.13 for information on the allowance for impairment in relation to receivables.

Table 26.2 Ageing Analysis of Financial Assets

The following table discloses the ageing of financial assets past due, including impaired assets past due.

	Past due by <30 days \$'000	Past due by 30 – 60 days \$'000	Past due by >60 days \$'000	Total \$'000
2012				
Not Impaired				
Receivables ⁽¹⁾	19	17	196	232
2011				
Not Impaired				
Receivables ⁽¹⁾	15	16	62	93

Notes to and Forming Part of the Financial Statements 30 June 2012

⁽¹⁾ Receivable and payable amounts disclosed here exclude amounts relating to statutory receivables and payables. In government, certain rights to receive or pay cash may not be contractual and therefore in these situations, the requirements will not apply. Where rights or obligations have their source in legislation such as levy receivables/payables, tax equivalents, Commonwealth tax, audit receivables/payables etc they are excluded from the disclosure. The standard defines contract as enforceable by law. All amounts recorded are carried at cost.

Maturity Analysis of Financial Assets and Financial Liabilities

The Commission has assessed the maturity of its financial assets and financial liabilities as being less than one year.

Liquidity Risk

Liquidity risk arises where the Commission is unable to meet its financial obligations as they are due to be settled. The Commission is funded principally from appropriation by the State and Commonwealth Governments. The Commission works with the Department of Treasury and Finance to determine the cash flows associated with its Government approved program of work and to ensure funding is provided through SA Government budgetary processes to meet the expected cash flows. The Commission settles undisputed accounts within 30 days from the date of the invoice or date the invoice is first received. In the event of a dispute, payment is made 30 days from resolution.

The Commission's exposure to liquidity risk is insignificant based on past experience and current assessment of risk. The carrying amount of financial liabilities recorded in table 26.1 represents the Commission's maximum exposure to financial liabilities.

Market Risk

Market risk for the Commission is primarily through interest rate risk. There is no exposure to foreign currency or other price risks.

Sensitivity Disclosure Analysis

A sensitivity analysis has not been undertaken for the interest rate risk of the Commission as it has been determined that the possible impact on total comprehensive result or total equity from fluctuations in interest rates is immaterial.

Certification of the Financial Report 30 June 2012

Legal Services Commission of South Australia

CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the attached general purpose financial statements for the Legal Services Commission of South Australia:

- complies with relevant Treasurer's instructions issued under section 41 of the *Public Finance and Audit Act 1987*, and relevant Australian accounting standards;
- are in accordance with the accounts and records of the Legal Services Commission of SA; and
- presents a true and fair view of the financial position of the Legal Services Commission of SA as at 30 June 2012 and the results of its operation and cash flows for the financial year.

We certify that the internal controls employed by Legal Services Commission of SA for the financial year over its financial reporting and its preparation of the general purpose financial statements have been effective throughout the reporting period.



Chinh Dinh-Pham
FINANCE MANAGER
29 August 2012



Gabrielle Canny
ACTING DIRECTOR
29 August 2012

Dymphna Eszenyi
CHAIRMAN
29 August 2012



Human Resources 2011-12

Operational matters revolving around personal development, providing a safe working environment and the administration of family friendly activities have been the focus in this past year.

All Commission programs are applied equally across metropolitan and country regional offices.



Glen Wadrop, Manager, Human Resources

Personal Development Review Program

This new program has been operating for a year. In that time, Managers have conducted a personal development review for almost 80% of staff. In response to an electronic survey, 85% of respondents advised that they were satisfied with the program intent, its set up and the manner in which the reviews were undertaken. In terms of development opportunities, 72% of staff advised that they had taken up the development opportunities discussed and offered.

Learning and development activities

This year saw an increase of 25% on expenditure on learning and development activities. In part, this is attributed to the requirement for all legal practitioners holding a practising certificate to undertake mandatory continuing professional development each year. The Commission has set up an on-line reporting program to assist legal practitioners in providing this information to the Law Society.

Occupational health, safety and welfare

Because of the increasing involvement of Commission staff in legal and legal-related activities in the State's far north, the Commission this year introduced a comprehensive policy and procedural recording for staff to observe while travelling in these remote locations.

There has also been a focus this year on applying customised ergonomic principles to all staff work areas. In addition to a significantly increased number of work site reports by a visiting occupational therapist, the Commission has introduced an on-line ergonomic assessment tool for staff to undertake and apply to their individual circumstance.

The Commission continues to be concerned about the safety of all

Human Resources 2011-12

048

clients. Reception areas in all offices have been assessed to ensure this and additional secure interview rooms have been provided.

The Commission has also enacted the provisions of applicable State legislation to ensure that a child safe environment is provided.

An external specialist firm has been engaged to ensure that a systematic approach for the training of fire wardens is in place and that required building evacuation exercises occur and are professionally monitored.

Family friendly workplace

The Commission now employs in excess of 200 staff with a predominately female gender base (75%). Of the total staff, 28% work part-time and 56% enjoy flexible working hours. While this staffing profile entails a heavy rostering workload with attendant accommodation issues, the Commission is certain that this flexible working approach provides overall a productive, motivated workforce.

Employee numbers, status and gender

Number of employees		Total
Persons		213
Full-time equivalent		190.96

Gender	% Persons	% FTE's
Male	24.88	26.86
Female	75.12	73.14

Status of persons	Total
Separated from the agency during the last 12 months	21
Recruited to agency during 2011-12 financial year	32
Recruited to agency during 2011-12 financial year AND who were active/paid at June 2012	29
On leave without pay at 30 June 2012	4

Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0 - \$51 599	7	50	57
\$51 600 - \$65 699	10	57	67
\$65 700 - \$84 099	13	30	43
\$84 100 - \$106 199	14	18	32
\$106 200+	9	5	14
Total	53	160	213

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	35.7	8.6	7	0	51.3
Female	121.33	12.33	5	1	140.0
Total	157.03	20.93	12	1	191.0

PERSONS	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	37	9	7	0	53
Female	140	14	5	1	160
Total	177	23	12	1	213

Human Resources 2011-12

Number of executives by status in current position, gender and classification

1 FTE separated on 24 June 2012. Figures are as at 30 June 2012.

Classification	Ongoing		Tenured		Untenured		Other		Male		Female		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	0	0	3	1	0	0	3	43%	1	14%	4
Executive B	0	0	0	0	0	1	0	0	0	0%	1	14%	1
Executive C	0	0	0	0	1	0	0	0	1	14%	0	0%	1
Executive D	0	0	0	0	1	0	0	0	1	14%	0	0%	1
Total	0	0	0	0	5	2	0	0	5	71%	2	28%	7

Number of Aboriginal and/or Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$51 599	0	57	0%
\$51 600 - \$65 699	0	68	0%
\$65 700 - \$84 099	2	43	4.65%
\$84 100 - \$106 199	1	32	3.13%
\$106 200+	0	14	0%
Total	3	214	1.41%

Total days leave taken

Needs to be divided by average FTE figure for the financial year for per FTE figure

Leave Type	2011-12
Sick Leave	1270.24
Family Carer's Leave	167.21
Miscellaneous Special Leave	217

Personal development review program

% Reviewed	Total
Within last 12 months	33
Prior to last 12 months	45
Not reviewed	22

Training and development expenditure

Training and Development	Total Cost	% of Total Salary Exp
Total training and development expenditure	\$144 681.00	0.9%
Total leadership and management development	\$21 889.00	0.14%

Human Resources 2011-12

050

Cultural and linguistic diversity

Employees	Male	Female	Total	% of Agency
Number of employees born overseas	11	27	38	17.84%
Number of employees who speak language(s) other than English at home	10	12	22	10.32%

Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	0	0	0%
20 - 24	5	7	12	5.63%
25 - 29	8	12	20	9.39%
30 - 34	5	20	25	11.74%
35 - 39	0	13	13	6.1%
40 - 44	3	17	20	9.39%
45 - 49	7	21	28	13.15%
50 - 54	11	31	42	19.72%
55 - 59	8	25	33	15.49%
60 - 64	5	11	16	7.51%
65+	1	3	4	1.88%
Total	53	160	213	100%

Total number of employees with disabilities

*according to
Commonwealth
DDA definition*

Employees	Number
Male	1
Female	1
Total	2
% of Agency	0.9%

Types of disability *where specified*

Disability	Male	Female	Total	% Agency
Requiring workplace adaptation	1	1	2	0.9%
Physical	0	1	1	0.5%
Intellectual	0	0	0	0%
Sensory	0	1	1	0.5%
Psychological/ Psychiatric	1	0	1	0.5%

Number of employees using voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	0	0	0
Flexitime	16	104	120
Compressed weeks	0	4	4
Part-time	5	56	61
Job share	0	0	0
Working from home	0	0	0

Human Resources 2011-12

Occupational health, safety and injury management

Table 1: OHS Notices and corrective action taken	Total
• Number of notifiable occurrences pursuant to OHS&W Regulations Division 6.6	Nil
• Number of notifiable injuries pursuant to OHS&W Regulations Division 6.6	Nil
• Number of notices served pursuant to OHS&W Act s35, s39, and s40 (Default, improvement and prohibition notices)	Nil

Note: The Commission is not an SA government exempt employer but has based its Occupational Health Safety & Welfare Programme on prescribed WorkCover requirements.

The Commission is self insured for workers compensation claims and rehabilitation management. It pays an annual premium to an insurance provider from which all income maintenance, medical and rehabilitation costs are met, excepting the first two weeks of salary following any injury.

For workers compensation purposes the Commission has been assessed as a low risk employer and accordingly pays a low workers compensation premium. For 2011-12, the premium cost was 0.6% of total salary remuneration. This amounted to \$129 602 for the 2011-12 year.

051

Table 2: Agency gross workers compensation expenditure 2011-12 (compared with 2010-11)	2011-12 \$m	2010-11 \$m	Variation \$m + (-)	% Change \$m + (-)
• Income maintenance	Nil	Nil	Nil	Nil
• Lump Sum Settlement Redemption - Sect 42	Nil	Nil	Nil	Nil
• Lump Sum Settlement Permanent Disability - Sect 43	Nil	Nil	Nil	Nil
• Medical/Hospital Costs combined	Nil	Nil	Nil	Nil
• Other	Nil	Nil		
• Total Claims Expenditure	Nil	Nil	Nil	Nil

Table 3: Meeting Safety Performance Targets	Base: 2005-06 Numbers or %	Performance: 12 months to end of June 2012*			Final Target Numbers or %
		Actual	Notional quarterly target**	Variation	
1. Workplace Fatalities	Nil	Nil	N/A		
2. New Workplace Injury Claims	2	5	N/A	+3	Nil
3. New Workplace Injury Claims Frequency Rate					
4. Lost Time Injury Frequency Rate***					
5. New Psychological Injury Claims	Nil	1	N/A	+1	
6. Rehabilitation and Return to Work	Nil	4	N/A	+4	
6a. Early Assessment within 2 days	2	4	N/A	+2	
6b. Early Intervention within 5 days	2	5	N/A	+3	
6c. RTW within 5 business days	1	4	N/A	+3	
7. Claims determination	2	4	10 days	+2	
7a. Claims determined in 10 business days	2	4	N/A	+2	
7b. Claims still to be determined after 3 months	Nil	Nil	N/A		
8. Income maintenance payments for recent injuries	Nil	Nil	N/A		
2009-10 Injuries at 24 months development	Nil	N/A	Nil		
2010-11 Injuries at 12 months development	Nil	1	Nil	+1	

* Except for Target 8, which is YTD, for Targets 5, 6c, 7a and 7b, performance is measured up to the previous quarter to allow reporting lag.

** Based on cumulative reduction from base at a constant quarterly figure.

*** Lost Time Injury Frequency Rate for new lost-time injury/disease for each one million hours worked.

This frequency rate is calculated for benchmarking and is used by the WorkCover Corporation.

Formula for Lost Time Injury frequency rate (new claims): $\frac{\text{Number of new cases of lost-time injury/disease for year}}{\text{Number of hours worked in the year}} \times 1\,000\,000$

Policy and Research 2011-12

052

In the 2011-12 financial year the work of the section has been dominated by matters on the national agenda.

The Policy and Research section supports the Director of the Legal Services Commission by—

- providing high quality research and policy advice in response to government proposals for policy and legislative change that may affect the Commission and its clients;
- analysing and assessing matters on the national legal aid agenda as proposed by the Commonwealth Government;
- assisting in arriving at informed decisions influencing the future direction of the Commission, including strategic planning;
- ensuring statutory and contractual obligations are met;
- providing a secretariat for Commission meetings;
- producing the annual report.

In the 2011-12 financial year the work of the section has been dominated by matters on the national agenda. In particular, this has involved responding to the National Review of Legal Assistance Services announced by the Commonwealth Attorney-General and continuing to report on a six monthly basis under the existing National Partnership Agreement.

Employees of the section have represented the Commission on new policy initiatives such as the national legal aid survey implementation project. One member of staff has taken the lead role in the development of a multi-media educational resource tool based on the Commission's successful *Expect Respect* project, targeting sexual assault issues. Employees of the section continue to represent the Commission on external committees, such as the SACOSS Policy Council and the Access to Justice Committee LSSA.

Client Relations 2011-12

The Client Relations Coordinator does not provide legal advice—this service is provided by the advice section of the Access Services Program provided there is no private legal practitioner acting for the client.

Client Relations Coordinator

The Commission employs a full-time Client Relations Coordinator to provide a point of contact for members of the public. The Client Relations Coordinator assists clients by—

- explaining why an application for legal aid has been refused;
- helping clients to write an appeal against the refusal of legal aid;
- identifying other sources of help if aid has been refused;
- explaining conditions that may be attached to a grant of legal aid, such as a contribution towards costs or a statutory charge;
- providing advice in relation to requests to change solicitors;
- responding to complaints regarding Commission staff or service, or complaints regarding another person's eligibility for aid;
- dealing with Freedom of Information applications.

Complaints in relation to refusal of aid

In 2011-12, complaints in relation to the refusal of aid made up nearly 46% of all contact made by members of the public to the Client Relations Coordinator. This is in comparison to 50% in 2010-11.

As in the previous financial year, the majority of complaints in relation to the refusal of aid were in family law matters (52% 2011-12 year, 57% 2010-11 and 52% 2009-10). The proportion of complaints in relation to the refusal of aid in criminal law matters was 41% in 2011-12, compared to 40% in 2010-11 and 47% in 2009-10. Complaints about aid refusal in civil law matters remained very low in this reporting year, with only five complaints. The level of complaints in this area has fallen dramatically over the past 12 years, reflecting the fact that the guidelines restricting access to aid in civil law matters have now been in place for some time.

Of the complaints in relation to the refusal of aid in family law matters, 182 (65.5%) were on the basis of the means test, 45 (16.2%) were on the basis of merit and 51 (18.3%) were on the basis of the guidelines employed by the Commission.

Client Relations 2011-12

054

Of the criminal law complaints in relation to the refusal of aid, 111 (52.6%) related to the means test, 37 (17.5%) related to the merit test and 63 (29.9%) related to the guidelines employed by the Commission. It should be noted that some applications are refused on more than one ground.

There were four complaints in relation to the refusal of aid in child support matters this financial year—the same number as in 2010-11.

Enquiries in relation to entitlement to legal aid

Enquiries in relation to entitlement to aid dropped from 28% in 2010-11 to 23% in 2011-12.

As in previous years, the majority of enquiries regarding entitlement to legal aid were in family law matters, (60%). Criminal law matters accounted for 31% of enquiries, civil law matters accounted for 4% of enquiries (nine enquiries this year—a decrease from twelve enquiries last year), child support matters accounted for 3.7% of enquiries and 1.3% of enquiries related to protection applications and general matters.

Commission service and process

Complaints about the service provided by the Commission, and Commission processes, totalled only 81 this year and represented only 8.59% of all

complaints and enquiries received.

In view of the vast number of client contacts occurring each year in representation and advice services this number is very low and reflects a high level of satisfaction.

Child representation

Child representation complaints have gone down from 12 complaints last year to 5 complaints this year. Two years ago there were 8 complaints.

Statutory charges

The number of contacts made to the Commission in relation to statutory charges in 2011-12 numbered 21, compared with only four in 2010-11.

Private practitioner services

The Commission continues to receive a small number of complaints (27) which more appropriately should be made to the acting private practitioner, the Law Society or the Legal Practitioners Conduct Board. This reflects a lack of understanding of the respective roles of the Commission, the Law Society and the Conduct Board.

Discrimination

This financial year the Commission received no complaints of discrimination. This is in comparison to 24 complaints in 2010-11. However, it must be noted that the majority of those complaints were made by one applicant.

Funding cap

There were 10 complaints relating to the funding cap in this financial year. Nine of these complaints related to family law matters and one complaint related to a criminal matter. Funding cap issues are very difficult matters to assist with as there are generally serious family law concerns involved.

Complaints to Ombudsman, Attorney-General, Members of Parliament, etc

The number of complaints and enquiries made through the Ombudsman, the Attorney-General, Members of Parliament, etc has been decreasing over the years. There were 41 contacts made by clients in 2009-10, 32 in 2010-11 and only 8 in 2011-12. Of the total received in this financial year, six related to family law matters and two related to civil law matters.

Other

This financial year, as usual, a few complaints were brought to the Commission that more appropriately belonged with other organisations such as the Family Court or Community Legal Centres. Also, many matters presenting as complaints were, when examined, enquiries either for advice or to discover the progress of an application for aid or the progress of an appeal.

Client Relations 2011-12

Annual Statistics

Client Relations Contacts 1 July 2011 - 30 June 2012

Basis of contact	Protection Application	PDR	Child Support	Family	Criminal	Civil	General	Total	% of all Contacts
Refusal of aid	9	9	4	225	176	5	0	428	45.39%
Entitlement to legal aid	2	0	8	129	68	9	1	217	23.01%
Child Representation	0	0	0	5	0	0	0	5	0.53%
Commission service	1	15	12	14	13	26	0	81	8.59%
Statutory charge	0	0	0	17	4	0	0	21	2.23%
Private practitioner service	3	0	0	14	10	0	0	27	2.86%
Discrimination	0	0	0	0	0	0	0	0	0.00%
Conditions of aid (other than statutory charge)	0	2	0	12	8	0	1	23	2.44%
CAP	0	0	0	9	1	0	0	10	1.06%
Complaint to MP, Ombudsman etc.		0	0	6	0	2	0	8	0.85%
Other	0	1	2	17	31	26	46	123	13.40%
Total	15	27	26	448	311	68	48	943	100%

Freedom of Information 2011-12

056

Access to Commission documents

Policy documents

The following Commission policy documents may be inspected free of charge:

- Assignments Policy Manual
- Agreement between the Commonwealth of Australia and the State of South Australia in relation to the provision of legal assistance.

Other documents

The Commission has a computerised records management system and databases that record details of accounts, clients, legal aid cases, legal aid files, legal advice and duty solicitor attendances. Hard copy files are maintained for each grant of aid and the location of these files is recorded in the computerised records management system. Management and administrative files are also maintained, with their location recorded on a manual system.

Arrangements can be made to inspect documents available under the *Freedom of Information Act* at 82-98 Wakefield Street, Adelaide between 9.00 am and 5.00 pm on ordinary working days. Copies may be purchased at a fee of 50 cents per page, which may be waived in appropriate cases.

By prior arrangement with the Freedom of Information Officer, these documents may also be inspected and copies purchased at any of the Legal Services Commission's offices:

Commission Offices

Adelaide

82-98 Wakefield Street,
Adelaide 5000

Elizabeth

Windsor Building,
Elizabeth Centre,
Elizabeth 5112

Holden Hill

Tenancy 7
560 North East Road
Holden Hill 5088

Mount Barker

18 Walker Street
Mount Barker 5251

Noarlunga

Noarlunga House
Colonnades Shopping Centre,
Noarlunga Centre 5168

Port Adelaide

306 St Vincent Street
Port Adelaide 5015

Port Augusta

13 Flinders Terrace
Port Augusta 5700

Whyalla

Tenancy 7
169 Nicolson Avenue
Whyalla 5600

Clients of the Commission 2011-12

Services by client origin 2011-12

Country of Birth	Grants of Aid	Advice Services	Duty Lawyer Services
Not stated	325	978	570
Born in Australia	10 390	16 240	11 609
Indigenous Australians	1 571	490	1 221
English speaking country	544	1 546	497
Non-English speaking country	1 066	13 781	1 583
Total	13 896	33 035	15 480

The Commission is committed to providing clients with accessible information, advice and representation to meet their legal needs. It is the role of the Commission to ensure that people have equal access to justice within the legal system.

*A total of **15 684** services were provided to clients who were born in a non-English speaking country.*

Promoting independence

The Commission recognises its role in ensuring that elderly people and people with disabilities have equal access to justice within the legal system.

The Disability Action Plan identifies a number of strategies to review and improve services and access to Commission buildings for people with a range of disabilities.

Since 1993, the Commission has employed a Client Relations Coordinator to assist clients in their dealings with the Commission. A telephone typewriter service is available to clients. The Commission collects information on disability

in our nationally mandated Legal Aid database, LAW Office. These statistics do not record every client who has a disability as the provision of this information is voluntary. The data is drawn from information provided about a client's receipt of a disability support allowance or when the assistance provided relates to a disability specific problem.

The following table shows the number of identifiable clients in receipt of disability or aged allowances who accessed services at the Commission this financial year.

Clients of the Commission 2011-12

Services to clients receiving the disability pension 2011-12

	Age			Disability				Total pension
	Female	Male	Total	Female	Male	Other	Total	
Grants of Aid	18	63	81	595	1 695	2	2 292	2 373
Legal Advice interviews	563	549	1 112	1 010	1 261	1	2 272	3 384
Duty Lawyer	14	71	85	408	1 435	1	1 844	1 929
Total	595	683	1 278	2 013	4 391	4	6 408	7 686

Aid granted by age bracket, gender and law type 2011-12

Age Bracket	Family				Crime			Civil				Total
	Female	Male	Other*	Total	Female	Male	Total	Female	Male	Other*	Total	
0 - 17	89	94	177	360	172	711	883	108	115	74	297	1 540
18 - 20	98	35	0	133	201	976	1 177	18	3	0	21	1 331
21 - 30	573	258	0	831	560	2 289	2 849	50	36	0	86	3 719
31 - 40	496	288	0	784	560	2 289	2 849	50	36	0	86	3 719
41 - 50	169	192	1	362	294	1 309	1 603	17	19	0	36	2 001
51 - 65	34	43	1	78	87	459	546	3	16	0	19	643
66+	8	3	1	12	8	61	69	0	2	0	2	83
Not provided	1	0	0	1	3	8	11	0	0	0	0	12
Total	1 468	913	180	2 561	1 986	8 773	10 759	274	228	74	576	13 896

*Other includes matters involving children and where the application for legal aid was from more than one gender

Clients of the Commission 2011-12

Legal advice services by age bracket, gender and law type 2011-12

Age Bracket	Family				Crime			Civil				Total
	Female	Male	Other	Total	Female	Male	Total	Female	Male	Other	Total	
0 - 17	65	21	1	86	26	89	115	139	735	0	874	1 075
18 - 20	242	56	0	298	71	238	309	259	408	0	667	1 274
21 - 30	1 681	762	0	2 443	268	721	989	2 070	2 291	0	4 361	7 793
31 - 40	2 555	1 226	0	3 781	228	576	804	1 909	2 651	0	4 560	9 145
41 - 50	1 993	1 183	0	3 177	215	456	671	1 587	1 979	1	3 567	7 415
51 - 65	606	464	0	1 1070	187	357	544	1 217	1 518	0	2 735	4 349
66+	103	79	0	182	26	134	160	718	790	0	1 508	1 850
Not provided	29	19	0	48	9	8	17	48	21	0	69	13
Total	7 274	3 810	1	11 085	1 030	2 579	3 609	7 947	10 393	1	18 341	33 035

Includes prison service and child support unit advices.

Telephone advice services by gender and law type 2011-12

	Female	Male	Other	Total
Family	12 080	5 440	4	17 524
Crime	4 916	5 896	82	10 894
Civil	21 838	14 790	5	36 633
Total	38 834	26 126	91	65 051

Birth dates are not collected for telephone advice

Clients of the Commission 2011-12

Duty lawyer services by age bracket, gender and law type 2011-12

Age Bracket	Family			Crime				Civil			Total
	Female	Male	Total	Female	Male	Other	Total	Female	Male	Total	
0 - 17	6	1	7	305	1 114	4	1 423	0	4	4	1 434
18 - 20	26	5	31	252	1 282	0	1 534	1	3	4	1 569
21 - 30	256	164	420	766	3 591	1	4 358	5	15	20	4 798
31 - 40	381	280	661	623	2 558	0	3 181	13	19	32	3 874
41 - 50	221	286	507	375	1 508	0	1 883	8	11	19	2 409
51 - 65	136	157	293	159	597	1	757	2	10	12	1 062
66+	11	32	43	17	124	0	141	3	2	5	189
Not provided	2	1	3	53	84	0	137	2	3	5	145
Total	1 039	926	1 965	2 550	10 858	6	13 414	34	67	101	15 480

All tables show the number of services provided and contain clients who have used the service more than once during the period.

34th Annual Report 2011-12

Legal Services Commission of South Australia

Representation Program

061

Representation Program 2011-12

062

The Commission provides funding for legal representation by private legal practitioners and the Commission's in-house legal practitioners. Funding in criminal law matters is provided predominantly by the State Government for breaches of State laws whereas funding for matters in the Family Court is a Commonwealth responsibility.



*Gabrielle Canny, Deputy Director
Manager, Representation*

The Representation Program is made up of three divisions: grants of legal aid and assignments, criminal law practice and family law practice. If a client is unable to afford the cost of a private practitioner, and it is determined that a matter has merit and falls within the Commission's guidelines, a client may be granted legal aid. It is then determined whether a matter will be handled in-house, or assigned to a private legal practitioner. A private practitioner may be granted a legal aid case if that practitioner has been nominated by a client as the client's solicitor of choice and the

Commission determines that the choice is appropriate. If a client does not nominate a particular legal practitioner, the client will be represented by an experienced lawyer with specialty knowledge of the area concerned, either on the staff of the Commission or in private practice.

Set fees paid to private practitioners acting on grants of legal aid are considerably less than scale or commercially negotiated fees. Private practitioners this year performed 70% of legal aid grants in criminal law, 74% of legal aid grants in family law and 44% of legal aid grants in civil law cases. The Commission, and the South Australian community, are extremely well served by the generous cooperation of these practitioners in the delivery of legal aid services.

The Commission has 100 FTE in-house legal practitioners. Of these, 38 practice in the criminal law division, 22 practice in the family law division and 36 practice in the advice section.

Representation Program 2011-12

Duty lawyer services (all matters) by court and work type 2011-12

Work Type	Youth Court	Magistrates Court	Family Court	Federal Magistrates Crt	N/A to a Court	Total
Adjourned/Mention	37	901	4	61	1	1 004
Advice and Information	73	542	81	826	375	1 897
Advice Only	41	3 377	7	62	37	3 524
Contested Bail Application	114	3 063	0	3	0	3 180
Explaining Consent Orders	1	4	3	18	12	38
Hearing	2	37	1	3	1	44
Legal Aid Application	0	4	9	71	44	128
Mention	715	2 873	0	1	19	3 608
Minor legal Assistance	0	22	12	163	15	212
Negotiations/Draft Terms	1	1	1	10	0	13
Other	12	384	1	8	4	409
Plea	165	1 068	1	2	2	1 238
Referral	0	5	8	86	30	129
Urgent Hearing	0	1	1	50	4	56
Total	1 161	12 282	129	1 364	544	15 480

'Not Applicable to a Court' includes Family Law Duty Services where no Court was nominated

Duty lawyer service

The Commission's successful duty lawyer program is part of its broader prevention and early intervention initiative. Fully qualified legal practitioners from the Commission are based at the Magistrates Courts, the Family Law Courts and the Youth Court to assist people with free legal advice and minor initial representation (remand, bail and simple guilty pleas in the criminal law jurisdiction and adjournments and interim applications in the family law jurisdiction). This

duty lawyer service is free and available to all members of the public as it is not means tested. The Courts have repeatedly voiced their appreciation and support for this program. The assistance of a duty lawyer often reduces the hearing time for a matter and helps matters to settle more quickly.

In 2011-12 the Commission provided duty lawyer services in 18 different non-metropolitan South Australian courts from Amata to Whyalla. The largest number of non-metropolitan services (1759) were provided at Port Augusta. In the country regions where the Commission does not have offices,

the Commission has entered into public-private partnerships with private law firms to ensure that a duty lawyer service is available.

In the financial year 2011-12, the Commission provided 15 480 duty lawyer services. The table above shows the distribution of this figure across court and work type.

Chief Counsel 2011-12

064

Chief Counsel undertakes work at the highest level in trials and appeals.



Greg Mead SC, Chief Counsel

The role of Chief Counsel in the functioning of the Commission is important on a number of levels.

Most obviously Chief Counsel undertakes work at the highest level in trials and appeals. Over the last financial year that has involved appearances in the Court of Criminal Appeal in respect of appeals against either sentence or conviction or both. Chief Counsel has been briefed by Commission lawyers and external practitioners in Supreme and District court trials and pleas. A number of cases involved the successful defence of clients charged with serious offences.

In 2011-12, Chief Counsel appeared in a number of high profile cases including the Kapunda triple murder which was resolved quickly and efficiently with early pleas, and the Kageregere murder case in which an African man was convicted of the murder of his wife by setting fire to their flat.

In an unusual case, Chief Counsel was called upon to represent the Commission in relation to a subpoena seeking access to a Commission file. The matter was resolved by a Full Court judgment in the Commission's favour.

Less obviously, Chief Counsel is called upon by the Director and other Commission staff for advice about difficult management or ethical issues. The advice of Chief Counsel is sought by the Manager of the Assignments Section in relation to the merits of possible appeals to the Court of Criminal Appeal or to the High Court.

In addition, Chief Counsel provides mentoring advice to the legal staff, sits on selection panels in relation to senior staff appointments and, in the last financial year, has spoken at seminars on mental illness and the criminal justice system and legal professional privilege.

Grants of Aid and Assignments Division 2011-12

The Assignments Division of the Commission is responsible for the processing of applications for legal assistance and for the ongoing management of matters following the approval of aid, including extensions of aid and the payment of accounts.



Karen Lehmann, Manager, Assignments

Application for legal aid

Applicants for legal aid must complete an application form which is available for download from the Legal Services Commission website and in hard copy from all Legal Services Commission offices, community legal centres, the prisons and many private legal practitioners.

Who can receive legal aid

Demand for the Commission's services is high so strict criteria is applied when granting aid for legal representation.

To determine eligibility for legal aid, the following matters are considered:

- a means test
- a merit test
- a guidelines test

Means Test

The means test involves an assessment of the applicant's finances and the finances of anyone with whom the applicant has a financial relationship.

This includes assessing—

- income from work, Centrelink or other sources, minus the outgoings of tax, childcare, rent or mortgage payments (up to a determined threshold), a car and average household furniture;
- valuable assets including savings, investments, property or an expensive car;
- whether the applicant has dependents or is financially supported by someone else.

Merit Test

For an applicant to meet the requirements of the merit test, the Commission must be satisfied that the legal matter involved is a matter on which it is appropriate to expend public legal aid funds. If the matter has no reasonable chance of success, legal aid is refused.

Guidelines Test

The Commission's guidelines outline the areas in which legal aid is, or is not, normally given. For example, legal aid is not normally given in—

- criminal matters without a real risk of imprisonment; or
- civil matters such as divorce, defamation and conveyancing.

Grants of Aid and Assignments Division 2011-12

o66

For legal aid to be given in family law matters, the matter must involve urgent children's issues in circumstances where mediation has been attempted and failed.

Additionally, in assessing matters for aid, the National Legal Aid Funding Guidelines under the National Partnership Agreement are applied.

Applications for aid processed 2011-12

Of the 18 471 applications received by the Commission to process, 8719 (47%) were lodged by private legal practitioners on behalf of existing clients. These are 'claimed' applications because the client has nominated a solicitor of their choice. If approved, claimed applications in which a private practitioner is nominated are, in most cases, referred back to that practitioner. These cases are known as 'assigned' cases.

Applications in which no legal practitioner is nominated, ie 'unclaimed' applications are, if approved, assigned to a legal practitioner employed by the Legal Services Commission. These cases are known as "in-house" cases.

Some unclaimed applications are referred to private practitioners. This may occur if a conflict arises or if clients are located away from a Commission office.

Of the 13 896 approved applications for the reporting year, 9548 (69%) of legal aid grants were assigned to private practitioners and 4348 (31%) to the in-house practice.

Expensive criminal cases

Two criminal trials were funded by the Commission under the Expensive Criminal Cases Funding Agreement. In both cases the defendants faced charges of murder. One was a single accused and the other case involved co-accused.

Appendix 3 details the Expensive Criminal Cases Funding Agreement.

Contributions

Legal aid is usually not free. Legal aid may be granted on the condition that the applicant contributes towards the cost of the legal matter. The applicant may be asked to contribute by–

- an initial cash contribution;
- a final contribution following the finalisation of the case;
- agreeing to have costs secured by the placement of a statutory charge over the applicant's property or over that of any financially associated person. These costs are to be repaid to the Commission when the property is sold or transferred.

The amount of the contribution may vary and will depend on the level of accessible income and the likely cost of the matter for which assistance is sought.

Statutory charges

The Commission takes statutory charges over any real estate in which an applicant or their financially associated person has an interest in order to secure full repayment of legal costs. This charge does not arise if the costs of the case are less than the statutory charge threshold which is currently set at \$2000. The Commission allows the charge to remain on the title until the property is refinanced, further mortgaged, transferred, sold or until the owner dies. No repayments are required in the meantime. (The Commission may impose an administration fee to cover the costs of preparing and registering the charge documents, the eventual removal of the charge and any other administrative work).

Appendix 4 provides further details of the statutory charges taken for this financial year.

Fee scale payments

As in previous years, the Commission increased its fee scales for payments to private practitioners and for disbursements across the board effective from 1 November 2011. These fee scales are set by Commission resolution after consultation with the Law Society of South Australia.

National relationships

The Manager of the Assignments Division is a member of the National Legal Aid Grants National Statistics Working Group (GNSWG). This working

Grants of Aid and Assignments Division 2011-12

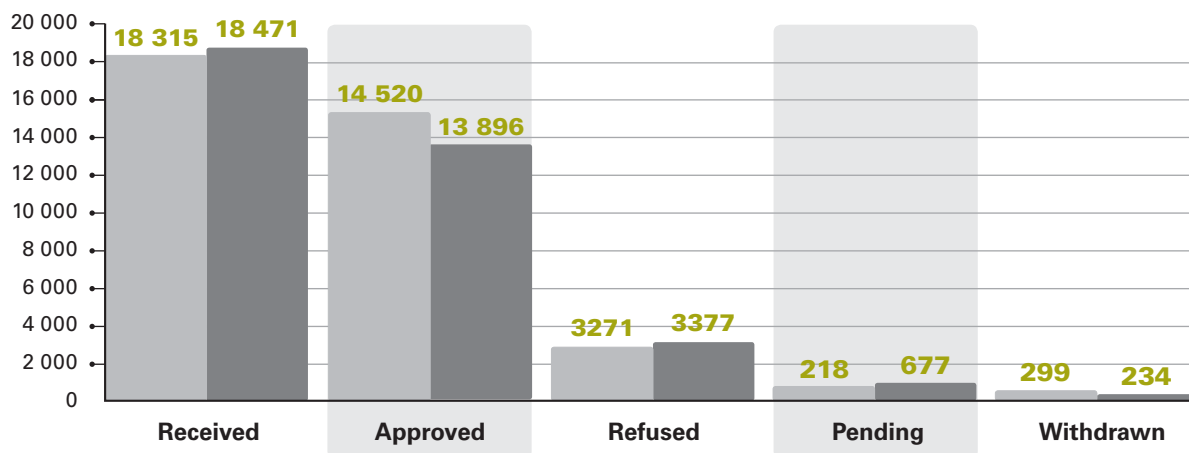
group is comprised of representatives from each Australian state and territory and meets at least once a year, with each jurisdiction taking it in turn to host the meeting. Several teleconferences are also convened each

year. This GNSWG has a sound working relationship with other national groups including the Data Collection Working Group and the Family Law Working Group and reports to National Legal Aid. The working group agendas

include such matters as National Partnership Agreement benchmarks, Commonwealth Funding Guidelines, the National Legal Aid Strategic Plan, consistent data collection and the National Legal Aid Statistics website.

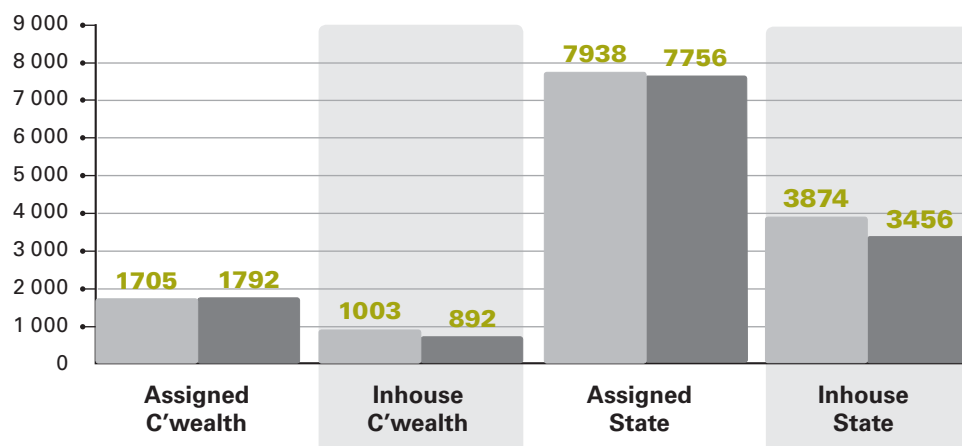
Applications for legal aid received and processed to 30 June 2012

The Commission received **18 471** applications for aid this financial year (an increase of **156** on 2010-11) and approved **13 896** (a decrease of **624** on 2011-12).



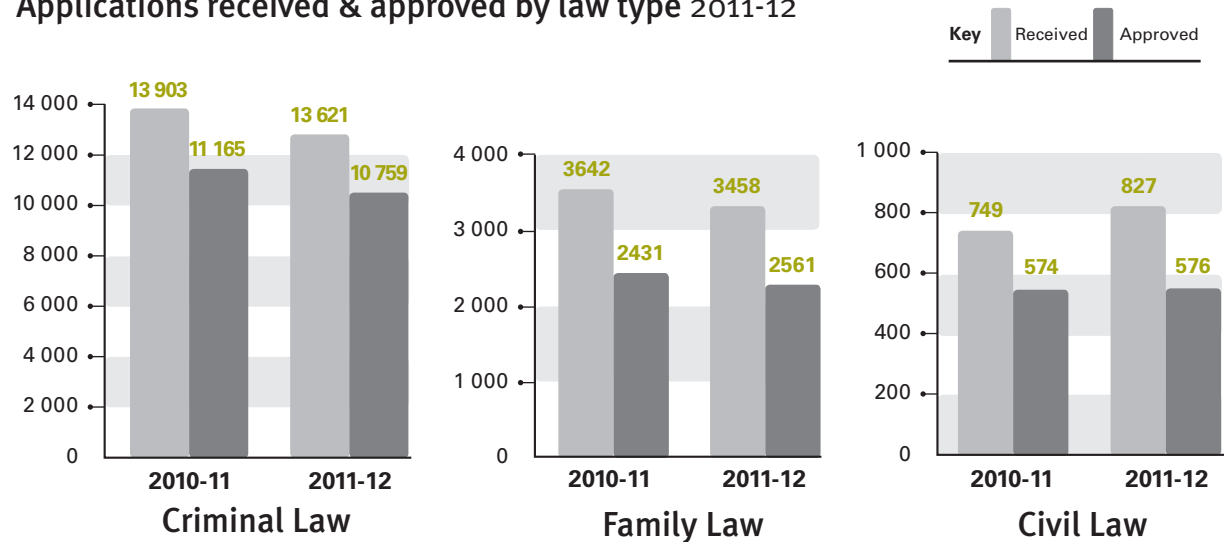
Assigned/in-house by State/Commonwealth

Key 2010-11 2011-12



Grants of Aid and Assignments Division 2011-12

Applications received & approved by law type 2011-12



Applications for aid received by source 2011-12

Source	Total	%
Child Support Unit	289	1.56%
Community Law Centre	10	0.05%
Direct from Client	6 312	34.17%
Duty Lawyer	2 014	10.90%
Family Court	36	0.19%
Federal Magistrates Service	308	1.68%
Interview	154	0.84%
Other Agency	57	0.32%
Prison	549	2.97%
Private Practitioner	8 719	47.20%
Unknown	23	0.12%
Total	18 471	100.00%

Grants of Aid and Assignments Division 2011-12

Applications for legal aid processed 2011-12

Application Status	Family	%	Crime	%	Civil	%	Total	% All Law Types
Pending	155	4.15	494	3.62	28	3.39	677	3.72%
Assigned	1 710	45.77	7 506	55.11	332	40.15	9 548	52.51%
In-house	851	22.78	3 253	23.88	244	29.50	4 348	23.9%
Refused	987	26.42	2 190	16.08	200	24.18	3 377	18.57%
Withdrawn	33	0.88	178	1.31	23	2.78	234	1.29%
Total	3 736	100.00	13 621	100.00	827	100.00	18 184	100.00%

287 applications for aid received were not processed by 30 June 2012

Applications for legal aid refused by reason 2011-12

Reason Refused	Family	%	Crime	%	Civil	%	Total	% Total Refused
Guidelines	228	23.10%	965	44.06%	134	67.00%	1 327	39.29%
Guidelines and Means	73	7.40%	403	18.40%	14	7.00%	490	14.51%
Means	535	54.20%	682	31.14%	32	16.00%	1 249	36.98%
Means and Merit	8	0.81%	1	0.05%	0	0.00%	9	0.27%
Means, Merit and Guidelines	38	3.85%	68	3.11%	2	1.00%	108	3.20%
Merit	31	3.14%	66	3.01%	16	8.00%	113	3.35%
Merit and Guidelines	42	4.26%	5	.23%	2	1.00%	49	1.45%
No Jurisdiction	32	3.24%	0	0.00%	0	0.00%	32	0.95%
Total	987	100.00%	2 190	100.00%	200	100.00%	3 377	100.00%

Grants of Aid and Assignments Division 2011-12

Case matters approved by primary matter group category 2011-12

		Inhouse % of all approved	Assigned % of all approved	Total Number approved matters	Total % of all approved matters
Family	Child Support	95.65	4.35	230	1.66
	Children	10.32	89.68	1 376	9.90
	Contempt	7.32	92.68	41	0.30
	Dissolution	46.67	53.33	15	0.11
	Family Dispute Resolution	49.91	50.09	543	3.91
	Independent Children's Lawyer	58.13	41.87	332	2.39
	Maintenance	90.00	10.00	10	0.07
	Property Settlement	42.86	57.14	14	0.10
	Total Law Family	33.23	66.77	2 561	18.43
Crime	Assaults (excluding Sexual Assaults)	35.40	64.60	2 675	19.25
	Burglary, Break and Enter	29.49	70.51	1 146	8.25
	Drugs Commonwealth Offences	19.23	80.77	26	0.19
	Drugs Conspiracy Offence	40.00	60.00	5	0.04
	Drugs Dealing and Trafficking	20.75	79.25	482	3.47
	Drugs Manufacture	12.59	87.41	143	1.03
	Drugs Possess/Use	21.05	78.95	38	0.27
	Environmental	27.27	72.73	11	0.08
	Extortion	0.00	100.00	6	0.04
	Fraud, misappropriation and deception	34.36	65.64	227	1.63
	Handling, Receiving and Unlawful Possession of Stolen Goods	19.19	80.81	198	1.42
	Homicide	26.50	73.50	200	1.44
	Motor Vehicle Driving Offences	32.97	67.03	1 016	7.31
	Motor Vehicle Other and Related Offences	33.52	66.48	358	2.58
	Offences against Good Order	37.17	62.83	113	0.81
	Offences against Government security	41.67	58.33	12	0.09
	Offences against Justice Procedure	24.58	75.42	2 071	14.90
	Offences against Person	18.09	81.91	94	0.68
	Offensive behaviour Offences	70.00	30.00	60	0.43
	Other Criminal Law Matters/Offences	10.00	90.00	10	0.07
	Property Damage (Criminal)	36.62	63.38	213	1.53
	Prostitution and related offences	33.33	66.67	3	0.02
	Rape and Sexual Offences	33.00	67.00	406	2.92
	Robbery	34.53	65.47	278	2.00
	Theft and Other Dishonest	31.54	68.46	745	5.36
	Unlawful Possession of Other Weapons	21.68	78.32	226	1.63
	Total Law Crime	30.24	69.76	10 759	77.43
Civil	Administrative Law	42.48	57.52	572	4.12
	Miscellaneous (Civil)	50.00	50.00	2	0.01
	Property (Civil)	0.00	100.00	2	0.01
	Total Law Civil	42.36	57.64	576	4.15
TOTAL CASE MATTERS		31.29	68.71	13 896	100.00

Criminal Law Practice Division 2011-12

The Criminal Law Practice division of the Commission provides high quality legal representation to clients who have received a grant of aid. In 2011-12 Commission staff represented clients in the State's criminal courts at all levels, including the High Court of Australia.



*Paul Muscat SC, Manager,
Criminal Law Practice Division*

In addition to legally aided representation, the in-house practice provides free duty solicitor services in the Magistrates and Youth Courts in the Adelaide metropolitan area and some country locations including the APY Lands, a free after hours custody advice service, a free prison advisory service, and a means tested, specialist Youth Legal Service. Services extend from representation at police interviews to advice and representation through the courts, committal hearings, trials, sentencing and appeals, and appearances before the Parole Board. Throughout the year, the Manager of the Criminal Practice Division made regular trips to the Commission's suburban and Port Augusta and Whyalla offices to ensure that those staff have the opportunity to discuss operational and practice matters and to maintain their important connection with the head office.

Rape in marriage case

In September 2011, on an appeal to the High Court, the Commission represented an elderly man charged with the alleged rape in 1963 of his former wife. The High Court had to consider if the 'marital rape immunity' rule applied at the time of the commission of the alleged offence, thereby precluding the prosecution of the client. In May 2012 the High Court, by a majority, decided the immunity did not exist at the time of the alleged offences.

People smuggling prosecutions

In 2011 the Magistrates Court of South Australia heard the first cases of people smuggling prosecutions against four defendants. The Commission provided legal aid grants to all four defendants, two of whom were represented by Commission senior legal practitioners. Due to potential conflict of interest, the other two defendants were represented by private legal practitioners.

In April 2012 two legal practitioners from the Commission attended the symposium *Prosecutions of Indonesian Boat Crew in Australia* organised by Victoria Legal Aid. This event brought together legal aid lawyers, members of the Bar and private legal practitioners from around Australia acting as defence counsel for boat crew. The symposium provided a unique opportunity to hear about the entire range of legal issues associated with these cases.

Criminal Law Practice Division 2011-12



Criminal Law Practice Division, Legal Services Commission—February 2012

072

Equal Opportunity Tribunal

In 2011 the Commission agreed to provide representation to clients under the *Equal Opportunity Act 1984*. A senior legal practitioner has now conducted a number of matters before the Equal Opportunity Tribunal, many with successful outcomes. The cases have usually involved claims of sexual harassment in the workplace or claims by landlords against tenants. This work can be legally and factually complex and is often time consuming, particularly as there is much solicitors work involved, including the taking of witness statements, drafting and issuing of subpoenas, preparing pleadings and replies and attending at directions hearings and trials.

Representation of children in need of urgent medical attention

The Commission's specialist youth lawyer was appointed by the State Government to represent a very young child who was suffering from a life-threatening condition and required urgent medical treatment, including blood transfusions and chemotherapy. The parents of the child objected to the treatment on religious grounds.

Doctors at the Women's and Children's Hospital believed that the child would die within weeks without treatment but stood a 90% chance of survival if treatment were commenced immediately and so petitioned the Supreme Court to compel the parents to consent to the treatment. Accordingly, the hospital commenced an urgent application to the Supreme Court, under its *parens patriae* jurisdiction, "for orders permitting the administration of blood and blood products to the child without the consent of the parents". This was the second time the Commission had taken on a role in relation to the medical treatment of a child.

At the conclusion of the hearing an order was made authorising the carrying out of the treatment procedures. Both the Supreme Court and the Crown Solicitor's Office thanked the Commission's specialist youth lawyer for his involvement. The Crown was particularly grateful for his readiness to be involved at very short notice, and to the Commission for providing his services at no cost to the Crown or to the hospital. It is noteworthy that the Commission was called upon by the Crown to provide advice and representation of a child's interest in such a sensitive and delicate matter, fulfilling an important role within the justice system.

Cooperation with the courts

The Commission has worked cooperatively throughout the year with the Courts Administration Authority to ensure the smooth and effective running of the justice system. The Director and the Manager of the Criminal Practice Division meet regularly with the Chief Magistrate to discuss common practice and administrative issues. The courts value the Commission's contribution and assistance in matters before them. On one occasion a District Court judge asked a Commission practitioner, who was at court on another matter, to assist an unrepresented litigant. The advice provided by the Commission's legal practitioner avoided a long and costly trial.

Cooperation with the Aboriginal Legal Rights Movement (ALRM)

The Commission works cooperatively with ALRM, particularly in relation to ALRM's conflict policy. ALRM is unable to represent an Aboriginal defendant where the matter involves the cross-examination of another Aboriginal person as to credit. In such circumstances, the client is referred to the Commission.

Criminal Law Practice Division 2011-12

Duty lawyer criminal law services by court location and work type 2011-12

Court Location	Advice only	Advice and Information	Adjourned/ Mention	Contested Bail Application	Hearing	Legal Aid Application	Mention	Minor Legal Assistance	Negotiations Draft /Terms	Other	Plea	Referral	Urgent hearing	Total
Adelaide	1 449	145	64	687	0	0	1 558	3	1	201	295	3	0	4 406
Amata	7	1	9	1	1	0	6	0	0	1	8	0	0	346
Berri	62	3	48	109	0	0	85	1	0	2	77	1	0	388
Christies Beach	332	15	47	612	0	0	41	1	0	3	37	0	1	1 089
Coober Pedy	22	0	28	6	0	0	18	0	0	0	21	0	0	95
Elizabeth	783	24	172	519	0	0	622	14	0	50	97	0	0	2 281
Ernabella	2	0	9	3	2	0	2	0	0	0	9	0	0	27
Fregon	2	0	6	0	0	0	0	0	0	0	5	0	0	13
Holden Hill	419	23	17	587	1	3	362	0	1	59	116	0	0	1 588
Indulkana	9	0	23	0	2	0	20	0	0	0	18	0	0	72
Kanpi	0	0	3	0	0	0	2	0	0	0	1	0	0	6
Leigh Creek	2	0	6	0	0	0	2	0	0	0	5	0	0	15
Marla	1	0	3	0	0	0	1	0	0	0	1	0	0	6
Millicent	12	0	0	0	3	0	5	0	0	2	15	0	0	37
Mimilli	1	0	11	1	0	0	1	0	0	0	7	0	0	21
Mount Barker	25	5	4	4	0	0	86	2	0	4	27	0	0	157
Mount Gambier	17	3	11	8	7	0	61	0	0	8	61	0	0	176
Murray Bridge	27	0	65	5	0	0	78	0	0	0	7	0	0	182
Pipalyatjarra	1	0	1	0	0	0	0	0	0	0	3	0	0	5
Port Adelaide	106	424	68	372	0	1	522	1	0	43	222	0	0	1 759
Port Augusta	89	1	216	160	4	0	54	1	0	11	125	2	0	663
Victor Harbor	1	0	1	1	0	0	6	0	0	1	1	0	0	11
Waikerie	11	0	5	0	0	0	12	0	0	0	5	0	0	33
Whyalla	44	7	122	110	19	0	64	0	0	11	74	0	0	451
Total	3 424	651	939	3 185	39	4	3 608	23	2	396	1 237	6	1	13 515

073

Duty lawyer criminal law services by court and work type 2011-12

Work Type	Adjourned/ Mention	Advice and Information	Advice only	Contested Bail Application	Explaining Consent Orders	Hearing	Legal Aid Application	Mention	Minor Legal Assistance	Negotiations Draft /Terms	Other	Plea	Referral	Urgent hearing	Total
Youth Court	37	73	41	114	1	2	0	715	0	1	12	165	0	0	1 161
Magistrates Court	901	542	3 377	3 063	4	37	4	2 873	22	1	384	1 068	5	1	12 282

Family Law Practice Division 2011-12

074

The Commission's family lawyers, at its Adelaide and regional offices, provide advice and representation to people who qualify for legal aid in family law matters. The practice also provides specialist advice on child support through the Child Support Unit and, through its duty lawyer service, assists unrepresented parties at all sitting days of the Family Law Courts. In addition, the Family Dispute Resolution Unit and the Commission's child and family counsellors provide family law conferencing and general family dispute resolution services to clients.



Graham Russell, Manager,
Family Law Practice Division

Changes to the family law system

There were again a number of important changes to the family law system in the past financial year. While the proposed merger of the Family Court and the Federal Magistrates Court will not now take place, the Courts have continued to operate as one administrative entity in a large number of areas. Over 90% of all applications are now filed in the Federal Magistrates Court, while the Family Court continues to hear the most complex cases including those cases where allegations of sexual abuse or serious physical abuse have been made. These cases are heard by the Court under its Magellan Case Management System.

The Family Court Judge with national responsibility for Magellan, Justice Burr, retired from the Bench in March. His Honour has been a passionate driver of Magellan both in Adelaide and at a national level. It is unclear whether the Adelaide Registry will get a replacement Judge. However, in the meantime, Justice Dawe will assume responsibility for the programme. The number of active Magellan files remains at about 40.

The *Family Law Legislation Amendment (Family Violence & Other Measures) Act 2011* took effect from 7 June 2012.

These amendments provide for a new expansive and illustrative definition of family violence and require the Family Law Courts to give "greater weight" to the requirement that the child be protected from harm when determining what is in that child's best interests.

The State restraining orders system was also revamped with the introduction of the *Intervention Orders (Prevention of Abuse) Act 2009*. This legislation came into force on 9 December 2011 and provides a comprehensive system of intervention orders (formerly called Domestic Violence Restraining Orders) which allows victims of violence to make applications to State Courts restraining the behaviour of another party towards them or a child.

Family Law Practice Division 2011-12

Community education

Members of the Family Law Practice Division were active in providing community education services to many organisations. Independent Children's Lawyers have continued to present sessions at the Technical and Further Education Interagency Course to staff of South Australia Police and Families SA about their role and its inter-relationship with these agencies and the courts. The Division also assists in the provision of Commission programs such as the monthly Family Law Information Sessions held at TAFE and beamed to many country areas by video-conferencing, and the Commission's Law for Community Workers Course.

Staff of the Division continued assisting other sections within the Commission in understanding the Commission's practice of family law. In the past, secretarial staff and advisers from the Access Services program have been involved in visits to the Court to see its operation, and in October the Division ran a programme where new staff in the Commission's Records Section spent time at the Courts with Commission legal practitioners, observing the courts in action and meeting court staff and family law practitioners.

South Australian Family Law Pathways Network

The Commission is represented on the Steering Committee and remains an active member of the SA Family Law Pathways Network, which comprises the major organisations in the family law system in South Australia.

In August the Network held its inaugural Family Law Conference *Tapas*. Most of the Commission's family legal practitioners attended together with all of the FDR Unit intake officers and the Commission's FDR Chairpersons.

The Commission was represented on the Steering Committee for the Conference and provided a panellist on the session on *Social Media and the Family Law System*.

In March and April of 2012 the Network launched its short film *Child Focused Dreaming*. This is a short (10 minute) film based on an Aboriginal story which includes both live action and a five or six minute segment of animation. It aims to encourage separating parents to use the resources of family dispute resolution in resolving disputes about their children. The moral of the story is that parents should put their children first and when they do their children will shine. Like stars.

Family law casework

In April the Law Society introduced its Mandatory Continuing Professional Development Scheme which requires practitioners to complete a minimum of 10 units of CPD activity each year in order to maintain their practising certificates. Members of the Family Law Practice Division have attended a number of external training programs while the Commission organised a number of in-house training sessions which were also open to our FDR Chairpersons and community legal centres. These have included a presentation at the Family Law Courts on e-filing and the use of the Commonwealth Courts portal, and presentations on Aboriginal families, kinship, connections and conflicts, Sharia Law, intervention orders, ethics and working with new migrants. All of the Commission's family legal practitioners complied with the requirements of the scheme.

Family Law Practice Division 2011-12

076

Independent children's lawyers

In the most difficult of children's cases heard in the Family Law Courts, the Courts may order that a child's interests be represented by an independent children's lawyer appointed by the Legal Services Commission. In 2011-12 the Commission appointed 333 independent children's lawyers. This compared with 301 appointments for the previous financial year. The Commission has continued to honour all ICL orders made by the courts.

Family law duty lawyer

The Commission has two duty lawyers who are based at the Family Law Courts and are present at the court each sitting day to assist unrepresented parties by providing a range of services to enable these clients to manage their appearances in court. Clients also receive assistance in making applications for legal aid and are provided with referrals to private family law practitioners or other community services, as appropriate.

In addition, the Family Courts Duty Lawyers have assisted in other aspects of the Division's practice, including community presentations and support for the lawyers during times of leave. These lawyers are a valuable resource to the Commission and to the Courts.

Liaison

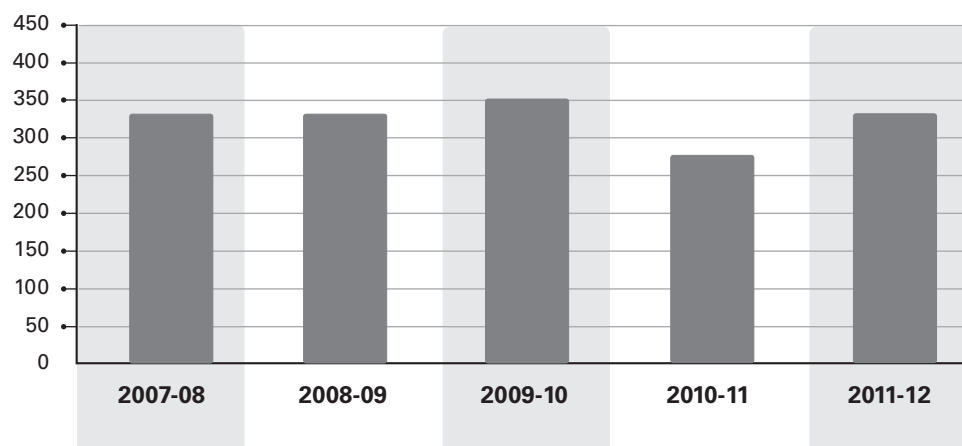
The Family Law Practice Division has continued its regular liaison with other sections of the Commission dealing with family law issues as well as with external organisations.

External liaison involved the following organisations—

- interstate legal aid commissions—the Family Law Working Group, Dispute Resolution Working Group and Child Support Sub-Group;
- the Family Law Courts—regular meetings with Judges, Federal Magistrates and Court staff, representation on a number of the Courts committees e.g. the Family Court's Community Reference Panel;
- child support service providers—the Child Support Agency, South Australian Stakeholders Engagement Group;
- family dispute resolution providers—Family Relationship Centres and other community based service providers;
- other organisations—the Aboriginal Legal Rights Movement, community legal centres, Grandparents FOR Grandchildren
- the Law Society—through Family Law Section membership and representation on committees.
- The SA Pathways Network—a collaboration of the major service providers in the area of family law.

Family Law Practice Division 2011-12

Number of ICL appointments 2007-12



077

Family law duty lawyer services 2011-12

Work Type	Family Court	Federal Magistrates Services	Family Law duty services where no Court was nominated	Total
Adjourned/Mention	4	61	1	66
Advice and Information	81	826	375	1 282
Advice Only	7	62	37	106
Contested Bail Application	0	3	0	3
Explaining Consent Orders	3	18	12	33
Hearing	1	3	1	5
Legal Aid Application	9	71	44	124
Mention	0	1	19	20
Minor legal Assistance	12	163	15	190
Negotiations/Draft Terms	1	10	0	11
Other	1	8	4	13
Plea	1	2	2	5
Referral	8	86	30	124
Urgent Hearing	1	50	4	55
Total	129	1 364	544	2037

Family Law Practice Division 2011-12

Family law dispute resolution (FDR)

The Family Law Dispute Resolution Conferencing program, as provided by the Commission, is a lawyer assisted dispute resolution program which deals with children and parenting matters, together with child support matters.

The FDR Unit of the Commission continues to work closely with the Federal Magistrates Court, conferencing matters where litigation has commenced. These cases are subsequently referred back out of the litigation stream to our conferencing program, in an effort to achieve a negotiated resolution. There is a well defined referral pathway which has been developed between the Court and the FDR Unit, and the types of matters referred to the program are the more complex matters. These matters are assisted by the provision of a Family

Assessment Report in most cases and also the involvement of an Independent Children's Lawyer at the conference, where one has been appointed.

South Australia maintains a strong Pathways connection. The FDR Chairpersons attended a two day conference on Family Dispute Resolution issues, which was presented by the South Australian Pathways Network in 2011.

In addition, the Commission has an outreach program with the Family Relationships Centres, with a family law legal practitioner employed as a liaison officer between the Relationships Centres (FRCs) and the Commission, and who also assists with legal advice to FRC clients.

The conferencing program continues to utilise the services of our in-house psychologist who undertakes the child inclusive work.

Summary of year's achievements

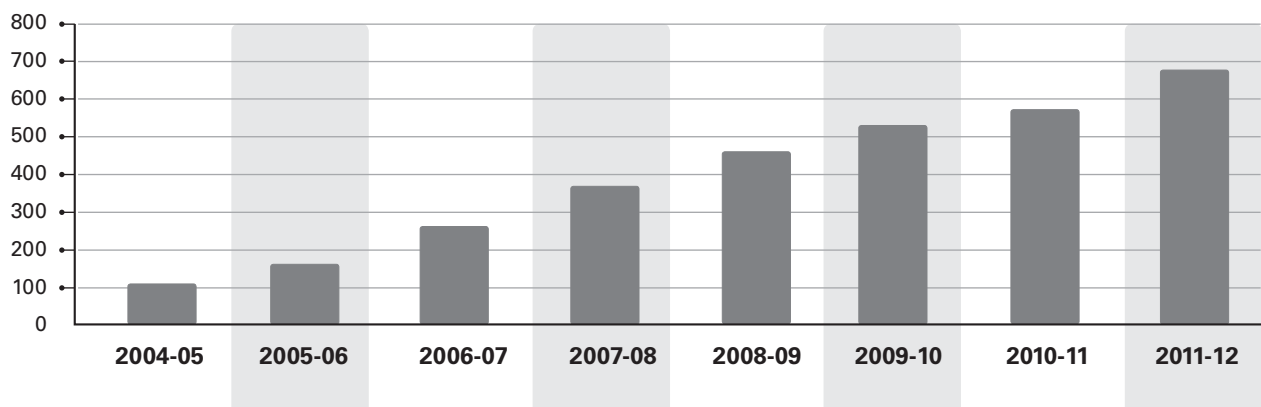
The number of files received into the FDR Unit again increased significantly during the 2011-12 financial year, as did the number of conferences held. The table below indicates the growth in the program since 2004.

Current and future challenges

Accommodation continues to be the most significant challenge for the Commission.

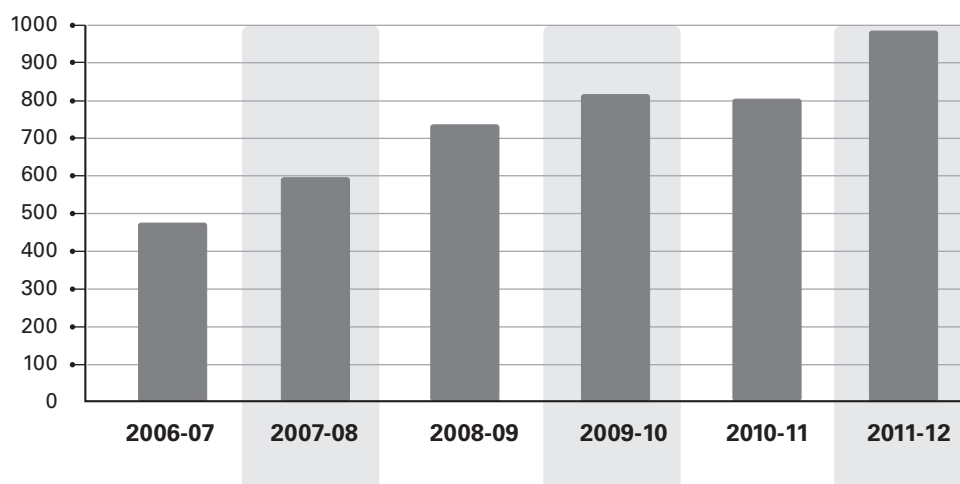
Despite this continuing issue, some changes were recently made to adapt our current accommodation to more appropriately provide for our expanding conferencing program. As a result of those changes, both conference rooms are now co-located, thereby improving the ability of staff to oversee the reception of clients and significantly improving the Commission's security processes.

Growth in the FDR Program since 2004-05 – conferences held



Family Law Practice Division 2011-12

New FDR files opened since 2006



Chairperson Panel

The Chairperson Panel continues to remain relatively stable, with two new panel members appointed during the year.

Chairpersons are invited to attend continuing professional development training, as offered by the Commission to staff members, where relevant. This has included training on the new Family Violence legislation.

Most recently, one of our panel members attended the Cross Border Family Mediation training offered by the Attorney-General's Department and, on return, conducted an in-house half day training module on Mediation in Cross Border Family Disputes. This training session was presented with the assistance of Pam Hemphill from

the Family Court of Australia, who was also an attendee at the Attorney-General's training.

Quality assurance issues

Our complaints mechanism continues to be handled by the Commission's Client Relations Officer, who receives complaints and responds in conjunction with the FDR Coordinator. Again, the number of complaints continues to be low.

Report on statistics

In the reporting year 706 Conferences were arranged, with 689 actually proceeding to conference. Of that 689, 527 fully or partially resolved, with 162 matters not resolved. The settlement rate for full and partial settlements was 76.5%, with 23.5% not resolved.

Approximately one third of the matters for which a conference was held were Court referred matters, involving complexity, serious conflict or dysfunction. These matters often have an Independent Children's Lawyer who attends the conference to assist with the negotiations.

The number of conferences held within 40 days of referral from the Court was 14.5% this financial year. This statistic does not reflect a true picture of the Commission's efficiency and ability to schedule and conduct timely conferences. As in previous years, this statistic is impacted by the time a file takes to reach the FDR Unit after lodgment with the Commission. A second factor which impacts on the time in which a conference is held is the

Family Law Practice Division 2011-12

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Court referred process. The Court will usually refer a matter to conferencing with a date set for the conference of at least six weeks from the date of the referral, to enable a Family Assessment Report to be prepared prior to the conference being convened. That report is therefore often available only after 40 days from the referral to the FDR Unit.

Certificates

The program accepts matters which would usually be screened out by community based Family Dispute Resolution. Each case is considered for suitability for conferencing on an individual basis and includes a consideration of the wishes of the parties as to whether they prefer to conference rather than litigate.

There were 262 section 60I Certificates issued during the financial year.

Certificates are issued by an FDR Chairperson where mediation has failed or is inappropriate. The parties file the certificate with the Family Court as evidence of their attempt to mediate. A certificate is only granted following a successful conference if there is a request. Where certificates are provided when a matter has not proceeded to conference, the majority are for failure or refusal to attend. A certificate is provided in all early intervention cases where there are concerns as to child abuse. The other contra indicators to conferencing are considered on an individual case by case basis, together with the wishes of the parties.

Child Support Unit

There are three services in South Australia that provide specialised advice in the area of child support—the Child Support Unit of the Commission, the Southern Community Justice Centre and the Northern Community Legal Service. Collectively, the aim is to ensure that every South Australian has access to specialist advice in this area of law.

Child support advice is available at the Commission to all South Australians through the Child Support Help Line, a free service provided by the Child Support Unit. Subsequent assistance and appointments are also available free of charge for clients (subject to conflict checks).

The Child Support Unit provides regular appointments at the Adelaide Office, Elizabeth Regional Office and the Noarlunga Regional Office. An adviser also travels to the Mt Barker Regional Office as needed.

Telephone appointments are made for clients who live in rural and remote areas. Increased use of technology, such as Facebook, has improved the assistance that can be provided to rural clients who have access to a computer or fax machine.

Staff of the Commission are the eyes and ears of the Child Support Unit and many clients are directed to the service through their interaction with regional office staff, advisers, community legal education events, prison advisers and duty lawyers.

In 2012 the Child Support Unit collaborated with the Northern Territory Legal Aid Commission in providing child support training and expertise to family lawyers working in the top end. This arrangement is a positive example of how Commissions can share their expertise across state and territory borders.

The value of having access to expert knowledge in child support law cannot be underestimated. Justice Kay (former judge of the Family Court of Australia) described the practice of child support law in the following way:

“ For a lawyer to embark upon a journey across the ever expanding ocean of the child support legislation is to embark upon a very perilous voyage. This ocean is often shrouded with dense fog. Large icebergs float silently across it. Miles of kelp and derelict drift nets lie in wait to tangle propellers. There are many uncharted reefs. Terrible storms can blow up from any direction. Given the existence of such circumstances, only the foolhardy set sail without all the navigational aids they can obtain. ”

34th Annual Report 2011-12

Legal Services Commission of South Australia

Access Services Program

081

Access Services Program 2011-12

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The Access Services Program serves the broader community through the provision of legal advice, information and education, with a focus on prevention and early resolution of legal problems. The advisory service is also able to provide referral pathways to people for further legal and non-legal assistance.



Christopher Boundy, Manager, Access Services

The Access Services Program contributes to the Commission's early intervention strategy and is accessible freely to anyone in South Australia. In the 2011-12 reporting year a total of more than 99 000 advisory services were provided through the program to people seeking information or advice about their personal legal rights.

Advice

Advice from qualified lawyers is provided by telephone as well as through interviews by appointment. A free legal information and referral service is also provided by para legal and legal staff.

The Legal Help Line is the Commission's widely publicised 1300 telephone number and is generally the first point of contact for many people seeking help and assistance.

More than 65 000 calls were handled through the Legal Help Line in the past year. This valuable, free resource is available to the public from 9am to 4.30pm each business day. Many callers are able to receive legal information and advice immediately, or they can be referred to a specialist agency appropriate to their particular needs.

For the consideration of more complex matters, more than 34 000 booked advice appointments were provided during 2011-12, most of which were face to face, but a number of which were provided by telephone so as not to disadvantage regional or remote clients, or those with mobility issues.

Personal appointments are available at each of the Commission's offices located at Adelaide, Noarlunga, Elizabeth, Holden Hill, Port Adelaide, Mount Barker, Whyalla and Port Augusta. Regular outreach services are provided at Murray Bridge. Open access to extensive legal information can be obtained through the Legal Services Commission's Law Handbook on-line which recorded more than 1 859 228 visits in the past financial year.

In the 12 month reporting period, Commission staff provided 30 793 general advice services, 2998 child support advice services, 992 prison advice services and 65 061 telephone advice services.

Access Services Program 2011-12

The Commission's Advice staff are available to provide general legal advice and more detailed or specialised advice in areas of high demand. Specialist areas include migration law, domestic violence situations, Administrative Appeals Tribunal matters and family law and child support advice to prisoners.

Access Services advisors often work collaboratively. An example is the case of a female client from an African country, who came to Australia with her husband and four young children approximately five years ago. She spoke a little basic English but an interpreter was required in interviews.

She reported to the domestic violence adviser that her husband had become violent towards her and then suddenly moved to Melbourne. There was an outstanding loan to a bank of \$10 000 in joint names. The husband had withdrawn the whole of the loan amount and was not making repayments on it. The client was left with the liability for the loan and was being pressed by the bank to make repayments. The client was relying on Centrelink income and child support for the four children and had no assets.

The Commission's domestic violence adviser conferred with the Commission's consumer credit adviser and they identified the following issues surrounding the lending:

- the client did not fully understand what she had signed;
- the client was taken to the bank under her husband's influence and duress; and
- there was no proper verification of the affordability of the loan under responsible lending guidelines.

The client was provided with further legal advice and referred to a financial counsellor who successfully negotiated a debt write off with the bank.

Specialist Services

Migration

There was a consistently high demand for legal advice and assistance in migration matters throughout the year. Each application for assistance is merit tested to help ensure that the Commission's resources are allocated prudently. The effect of this is reflected in the high rate of success achieved on behalf of visa applicants.

Migration lawyers at the Commission are primarily involved in providing assistance to applicants for onshore protection visas, and permanent spouse visas. The Commission has developed a profile within the South Australian community as the appropriate referral point for these types of visa applications, and it is anticipated that the need for assistance in these types of matters will continue.

Through a regular process of tender and contract the Commonwealth Government provides the framework and financial support for the Commission to provide migration advice and assistance to eligible visa applicants living in the community. This is referred to as the Immigration Advice and Application Assistance Scheme (IAAAS). In response to increased demand, the initial funding of \$40 000 under this scheme in 2009-10 has increased

Access Services Program 2011-12

to an allocation of \$120 000 for 2012-13. Many of the beneficiaries of this specially funded legal service have been the victims of domestic violence, and have been in need of urgent advice and assistance with visa applications.

Domestic violence

Domestic violence is experienced by people in many sectors of the community. As part of its Access Services program, the Commission employs experienced legal and para-legal advisers to provide expert assistance and referral support for victims who find themselves in such circumstances.

Administrative Appeals Tribunal

Specialist legal advice on Centrelink entitlements is provided at the Commission's Adelaide office and at the Administrative Appeals Tribunal (AAT) for clients involved in litigation with Centrelink. A legal adviser is also available to provide pre-hearing advice to unrepresented applicants who are due to appear at the AAT in Commonwealth workplace injury compensation matters.

Family law and child support advice in prisons

Commission staff visit the Adelaide Remand Centre, Yatala Labour Prison, the Adelaide Women's Prison and the Mobilong Detention Centre. Advisers regularly visit metropolitan prisons to provide information and advice on family law, child support and other civil matters. In the past year more than 990 of these prison services were provided. A pre-booked telephone advice service is available for prisoners in rural and regional prisons.

Public Service Association legal services scheme

A legal advisory service provided by the Commission to members of the Public Service Association (PSA) has been in operation for more than 19 years (since the inception of the PSA). The service was implemented following negotiations between the Attorney-General's Department, the Commission and the Law Society of South Australia in recognition of a need for a service for PSA members who would not normally qualify for legal aid in less serious legal issues.

The legal advice and referral service covers a diverse membership, including government departments and statutory authorities, and all financial members of the PSA. Coverage extends to members

of the Community and Public Sector Union/State Public Services Federation (SA Branch) which is the principal trade union representing workers who provide community services to South Australians.

The Commission's role increased this year to include the management of the scheme on behalf of the PSA (including supervision of the referral work to panel solicitors). The provision of general legal advice and information through a dedicated telephone advice line continued for PSA members.

Community legal education

Community legal education is one of the important functions of the Commission. The *Legal Services Commission Act 1977* requires the Commission to—

...initiate and carry out educational programs to promote an understanding by the public (and especially those sections of the public who may have special needs) of their rights, powers, privileges and duties under the laws of the Commonwealth or the State;

The purpose of community legal education is to help equip people with the awareness, knowledge and skills required to successfully resolve law related problems likely to be encountered in everyday life.

Access Services Program 2011-12

The education initiative focuses on providing innovative programs for priority client groups and structured programs for those community sector workers who work with socially and economically disadvantaged people.

In 2011-12, the education team members collectively provided more than 450 legal education sessions, involving 11 072 participants. A combined total of 106 225 publications were distributed and 2.3 million website pageviews were recorded in relation to legal information.

One of the desired outcomes of the National Partnership Agreement (NPA) which was implemented between the Commonwealth and the State and Territory Governments in 2010, was the targeted delivery of preventative legal services such as community legal education, legal information and referral. In accordance with these objectives the Commission has produced a Strategic Plan for the work undertaken in community legal education, and it is this Plan that guides the delivery of services to people at risk of experiencing social exclusion, including prioritised groups such as new migrants, young people, people with a disability, older persons and Aboriginal people.

The Commission continues to investigate the unmet legal education requirements of marginalised groups, such as people with disabilities,

prisoners and those with chronic health issues. The Strategic Plan requires Commission legal practitioners and educators to strive to meet the needs of hard to reach constituents, including those in the priority client groups.

Highlighted activities and achievements in the past year can be summarised as follows:

- The Commission is a member of the National Legal Aid Community Legal Education Working Group, a strategic group of legal aid commissions across Australia responsible for developing legal educational materials for the assistance of new migrants attending Adult Migrant Education classes. A DVD entitled *What's the Law? Australian law for new arrivals* is a recently developed tool to assist in teaching new migrants about Australian law through photo stories on a range of topics involving legal rights and obligations such as buying a car, dealing with Centrelink and responding to family violence. The DVD is part of a *What's the Law?* kit implemented in South Australia during the past year through a series of workshops designed to train English language teachers, humanitarian settlement providers and community workers in using the resource package.
- This reporting year the Commission increased its capacity to deliver quality community legal education sessions by sponsoring four staff members to obtain accredited qualifications in training and assessment.
- In development of the aims of the Strategic Plan, this year saw the introduction of a new Aboriginal Community Education program dedicated to legal education for Aboriginal communities and agencies in Port Augusta and other northern areas of South Australia.
- Regular free legal information sessions (FLIS) on topics such as juvenile justice, wills and advance directives, child support and family law were delivered at the Adelaide Campus of TAFE SA and at other TAFE sites. The sessions were broadcast by video link to metropolitan, rural and remote sites around South Australia. Registration for this continuing program is available on-line through the Commission's website.
- In May 2012 Access Services staff set up a display at the Sir Samuel Way Building (District Court) as part of the Courts Open Day during Law Week and, together with Commission staff volunteers, assisted members of the public with enquiries and gave away brochures and contact information.
- The Director joined staff and colleagues taking part in an early morning *Walk for Justice* to help to raise funds for JusticeNet SA, a pro bono clearinghouse that facilitates access to justice in South Australia.

Access Services Program 2011-12

Youth education

Having utilised all available grant funding the Commission completed the delivery of its theatre workshop performances of *Expect Respect*, a theatrical production promoting respectful relationships amongst young people. Between May 2010 and June 2012 over 4000 young people attended *Expect Respect* performance workshops conducted in schools and youth centres in Adelaide and regional centres. The *Expect Respect* project will be continued in the forthcoming year in a different guise through the promotion of a yet to be released short film entitled *Trusted Moments*. The film underscores the importance of respectful behaviour, particularly as exhibited by young people involved in personal relationships.

Migrant education

The New Migrant Education Program attempts to increase the independent capacity of new migrants and settlement services staff through educational sessions aimed at improving understanding of Australian law and the ways in which to access legal assistance and support.

During the reporting year community legal education staff conducted cultural awareness training on the *Tips and*



Commission staff with attendees of a family and parenting legal education session at the Northern Migrant Resource Centre, Salisbury

Traps of Working with New Migrants to explain to lawyers, community workers and volunteers some of the common legal issues and problems that may be faced by new arrivals.

Over 4100 new migrants took the opportunity to attend one or more of the legal information sessions during the year, a 26% increase on last financial year, and the highest number since the New Migrant Education Program began in 2004.

In the course of the financial year extensive consultations were undertaken with migrant community groups to ensure that education sessions are suitable to their needs. Using a model of community engagement, the Commission is continuing to develop its educational resources and is fostering partnerships across government and community sectors so as to improve both its services and the quality of its referrals.

This year, much of the community legal education work has been invested in the needs of the Afghan, Bhutanese, Burundian, Iranian and Syrian communities. At the same time, close working relationships have been maintained with the Australian Refugee Association, the Muslim Women's Association, English Language Services (TAFE) and Uniting Communities.

A significant partnership project has involved work with the Red Cross to support new arrivals who are placed in community detention, hold E-bridging visas or are unaccompanied minors. Specific education sessions have been designed for this vulnerable clientele and the feedback has been very positive. One participant stated:

“ Such sessions must be held more regularly and there should be a system through the government so that when a newcomer arrives they are advised of such seminars at once.

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Access Services Program 2011-12



Aboriginal education

The Commission is part of an enterprising pilot program with TAFE SA teaching legal studies to young Aboriginal people in Port Augusta. The scheme provides support for Aboriginal young people to study and gain work experience as an introduction to possible careers in law. The Commission is also involved in a scheme to train Aboriginal interpreters in the APY Lands on applying their interpreting skills in a legal setting. This is in partial response to a lack of available, skilled interpreters.

Aboriginal law cadets at the Legal Services Commission

The Commission's four Aboriginal law cadets continued their university studies and undertook summer placements across all programs and offices. They shadowed Commission lawyers in their daily work and gained practical experience by witnessing legal advice sessions, attending court proceedings and completing preparatory work on case matters.

ACE (Aboriginal Community Education) Law and Advice

This program commenced in November 2011 when an Aboriginal lawyer and educator was appointed to an adviser/

legal education role based at the Commission's two regional offices at Whyalla and Port Augusta. Since that time 33 community liaison meetings and 22 specific legal education sessions have been conducted for Aboriginal people in the North of the State. This initiative has provided an opportunity for 955 people to become personally acquainted with information about legal issues confronting Aboriginal people and the legal assistance services that are available to them.

Part of this new role has included tutoring and mentoring students enrolled in the TAFE SA Justice & Policing Studies Aboriginal Pathways Project (Certificate IV in Legal Services) which can become a precursor to further legal studies and a career in the legal sector.

ANANGU Work Expo

Two Commission legal education officers travelled to the APY Lands in June 2012 to attend the ANANGU Work Expo in a ten day trip covering over 3000 kms. As part of the travelling Expo they visited six remote communities over five days and set up a display in each community. This enabled them to provide legal information, education and advice (including advice about potential

career opportunities) under the new banner **ASK US – Tjapila Nganananya**. The visits were promoted by community leaders or local interpreters reading from a prepared information sheet that explained the Commission's services in the Pitjantjatjara language.

Consumer law education

In November 2011 the Commission appointed a lawyer with expertise in consumer law and consumer credit law. As well as boosting the Commission's advisory capacity in consumer law, this appointment provided an extra resource to undertake information and education sessions for financial counsellors in the not for profit sector and to conduct community legal education sessions about consumer issues – in particular, the nationwide *Do Not Knock* campaign, aimed at educating vulnerable consumers about their rights in relation to door to door sellers.

The specialist consumer lawyer has been a presenter on consumer and contract law at the TAFE SA Law for Community Workers course. She has conducted sessions as part of the TAFE SA Diploma in Financial Counselling, and has presented at Professional Development days for the South Australian Financial Counselling Association on mortgage recovery and debt recovery.

Access Services Program 2011-12

Law for Community Workers course

The Law for Community Workers course consists of weekly two hour lectures, per semester of 21 weeks, in two accredited subjects in the TAFE SA Certificate IV in Justice Studies. The course was originally developed in 1989 for Aboriginal Legal Rights Movement field officers and the Commission's paralegal staff. Since 1996 it has been broadcast via video link across the State to allow rural and remote students to participate. Staff from both original organisations still enrol to enhance their knowledge alongside students from a wide range of community workers (an average of 40 enrolments) annually. Each year six scholarships are provided to students from new and emerging communities to pay their TAFE enrolment fees.

Web Services

The Commission recognises that it is important to actively maintain its public profile with stakeholders and the community to facilitate easy access to available services. The website www.lsc.sa.gov.au increasingly helps to provide information about the Commission's services, and to promote the value of legal help and assistance to the community. This Commission website

experienced user growth of 17.3% with an average of 13 510 monthly visits. Included on the website is a services directory, a searchable database of some 270 services available to people with legal or related issues.

The growth of web traffic from mobile devices has been strongly reflected in the past year, during which the number of mobile web searches has grown by almost 400%.

Website Page-views

	2010-11	2011-12
Law Handbook online	1 818 962	1 859 228
LSC site	403 627	452 260
Total	2 222 589	2 311 488
State Law	1 388 585	1 434 628
Commonwealth Law	834 003	876 860
Criminal Law	592 783	611 614
Civil Law	1 222 608	1 266 290
Family Law	407 198	433 584

CLE Sessions by attendees

	2010-11		2011-12	
	Attendees	Info Sessions	Attendees	Info Sessions
Criminal Law	2021	46	987	38
Civil Law	696	31	1430	52
Family Law	973	60	1032	57
The Law in General	5182	182	7623	310
Total	8872	319	11072	457
by State	5308		6228	
by Commonwealth	3564		4844	

Access Services Program 2011-12

Law Handbook Online

The popularity of the Law Handbook Online grew 19.2% this financial year, with an average of 55 174 visits each month. It is widely acknowledged as the premier resource for free legal information in South Australia.

Social Media

Facebook

The Commission's Facebook site continues to provide an efficient means of delivering information about its Child Support Unit services to clients and stakeholders. The site recorded 292 933 views during the past 12 months and provides a low cost alternative method for clients to contact the Commission or to learn about the specialist child support services on offer.

LegalAidSA iPhone app

In response to the evident growth in mobile search traffic on its website the Commission launched Australia's first community law app – LegalAidSA – in December 2011. The LegalAidSA app enables direct contact with the Legal Help Line and Commission offices, as well as immediate access to the most sought after publications and online resources. In June 2012 the LegalAidSA app was nominated as a finalist in the 2012 Australian Mobile Industry Apps Awards. An Android version of the LegalAidSA app is due to be released late in 2012.

Twitter

A Twitter account was started in November 2011 as an additional news and information channel for the Commission. Launched as an adjunct to the new LegalAidSA iPhone app, the public take up of Commission 'tweets' has been very encouraging. The LegalAidSA Twitter account is linked to the Commission's Facebook and YouTube channel, creating further efficiencies in distributing news from and about the Commission.

YouTube

In October 2011 the Commission created a YouTube channel for the delivery of community legal education videos. An additional Vimeo video channel has been created to host in-house staff development and training videos.

Library

The library at the Legal Services Commission is a highly valued resource, as it enables legal staff at the Commission, and private practitioners undertaking legal aid matters, to access cases and other legal resources. The Librarian and Library Assistant endeavour to stay ahead of developments in technology so as to deliver a contemporary library service. Staff are provided with training in legal research and on-line facilities, information and updates on case law and legislative changes, news of recent legal publications and alerts about topical legal events.

Publications distributed

	2010-11	2011-12
Family Law	41 800	17 665
Criminal Law	15 300	8 810
Civil Law	75 800	79 750
Total	132 900	106 225
State Law	91 100	40 710
Commonwealth Law	41 800	65 515

Access Services Program 2011-12

Professional development

The Commission has introduced a formal Continuing Professional Development Program to assist its legal staff to comply with the mandatory professional development scheme introduced in South Australia in 2011. Regular training is part of the development program for all professional staff, and a register has been developed to maintain a record of staff attendances at internal and external events.

Community engagement

The Commission maintains strong professional relationships with—

- Aboriginal Legal Rights Movement
- Aboriginal Family Violence Legal Services
- Aged Rights Advocacy Service
- Alliance for the Prevention of Elder Abuse
- Community legal centres
- Domestic violence services
- Financial counselling services
- Housing Legal Clinic
- JusticeNet SA
- Law Foundation of South Australia
- Law Society of South Australia
- Magistrates Court Legal Advice Service
- Migrant community groups
- Settlement services
- TAFE SA
- University Law Schools
- Welfare Rights Centre (SA)
- Women's Legal Service.

The Commission promotes awareness of its services in South Australia by—

- delivering community education sessions
- working with local services and community legal centres in regional areas
- attending multicultural forums, festivals and events and networking with multicultural sector representatives
- providing information through publications and training sessions
- providing editorials and placing advertisements in community newspapers and magazines.

34th Annual Report 2011-12

Legal Services Commission of South Australia

Whyalla & Pt Augusta Program

091

Whyalla & Pt Augusta Program 2011-12

092

The Commission has recently appointed a community education officer and advisor who is particularly engaged in promoting legal education and legal services amongst the Aboriginal communities in Port Augusta and Whyalla and in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in the north of the state.



Tim Weiss, Manager, Whyalla & Port Augusta Program

The Legal Services Commission has offices in the northern towns of Whyalla and Port Augusta. Two criminal legal practitioners and two duty solicitors provide legal advice and representation in the Magistrates and Youth Courts sitting in Whyalla and Port Augusta and in the District and Supreme Courts sitting in Port Augusta. There is also one family legal practitioner who provides advice to, and representation for, clients in Whyalla and Port Augusta.

In addition, the Commission has recently appointed a community education officer and advisor who is particularly engaged in promoting legal education and legal services amongst the Aboriginal communities in Port Augusta and Whyalla and in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in the north of the state.

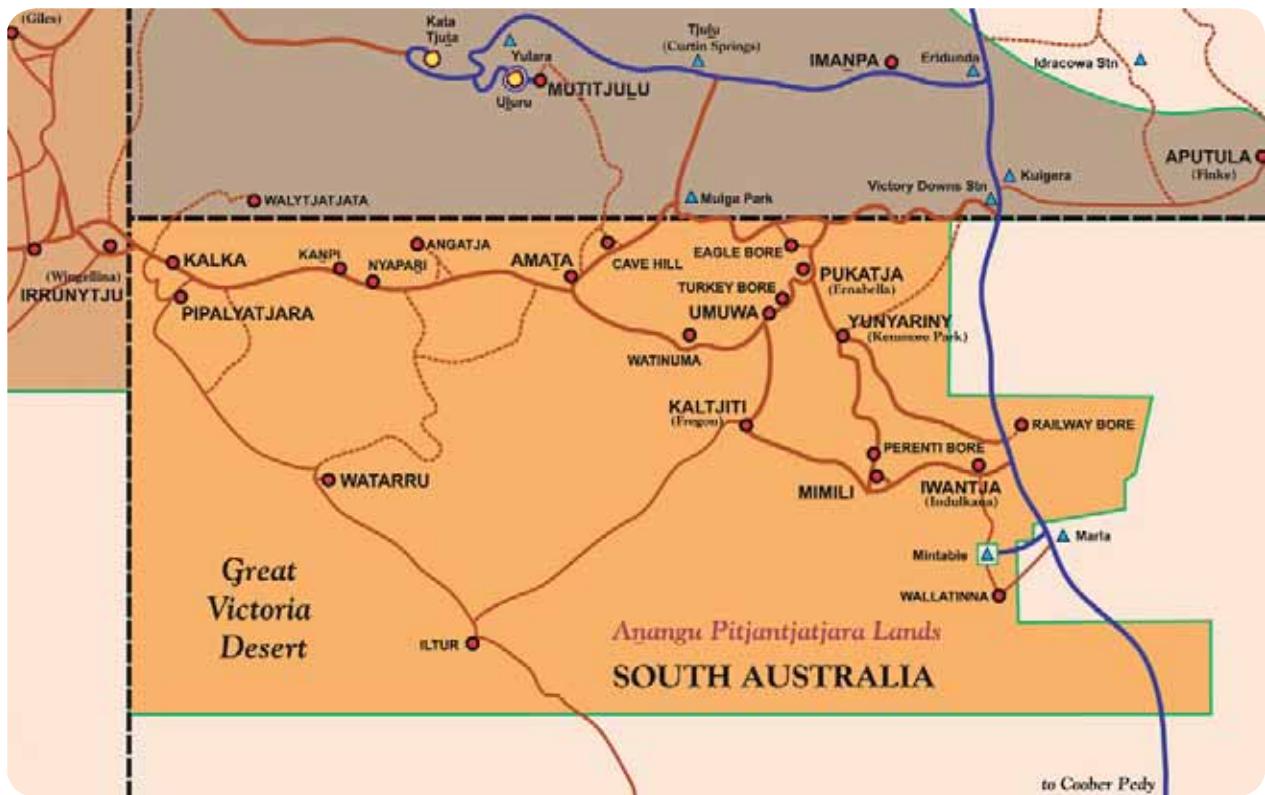
All of the legal staff are ably assisted by administrative staff in both Whyalla and Port Augusta.

Each year Commission criminal legal practitioners from Port Augusta and Whyalla travel to the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands to assist defendants appearing in the Magistrates and Youth Courts sitting in the communities of the Lands. This work is performed in conjunction with lawyers from the Aboriginal Legal Rights Movement.

In 2011 the Magistrates and Youth Courts sat for 16 weeks in the Lands, visiting the larger communities a number of times. The Courts sit in each of the communities of Iwantja (Indulkana), Mimili (Everard Park), Kaltjiti (Fregon), Pukatja (Ernabella), Amata, Kanpi / Nypari and Pipalyatjara.

The APY Lands cover more than 103 000 square kilometres of arid land in the northwest of South Australia running up to the border of South Australia with Western Australia and the Northern Territory. The communities have a fluctuating population of residents with 200-300 in the larger communities. The Lands are managed by an Executive Board established under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*. Title to the land was handed to the

Whyalla & Pt Augusta Program 2011-12



Anangu Pitjantjatjara Lands



traditional owners in 1981 and they, through the Executive Board, have managed the Lands ever since. The administrative centre of the Lands is Umuwa and it is there that a number of government agencies have established their basis.

Travel is by road via the Stuart Highway to Marla, about 1070 km from Adelaide, and then on unsealed roads to the communities. The most remote community, Pipalyatjara, is about 480 km from the Stuart Highway and about 1580 km from Adelaide.

As communities are located in a very remote part of South Australia, care must be taken travelling in that part of the world. The roads, while improving of late, can be very rough, corrugated, dusty, muddy or just plain flooded out. The weather in the summer months can be very hot and breaking down

or getting lost can become a life threatening experience. Commission legal practitioners undergo four wheel drive training before travelling to the APY circuits and travel in a four wheel drive vehicle equipped for remote area travel.

The work of Commission practitioners in both Port Augusta and Whyalla is enriched by the experience they have travelling to the Lands, a truly beautiful part of the country, and assisting often traditional Aboriginal people with their encounter with the judicial system.

Whyalla & Pt Augusta Program 2011-12

094



Whyalla & Port Augusta Program, APY Lands roads



Whyalla & Port Augusta Program, road sign in APY Lands

In March 2012 the Manager of the Family Law Practice Division of the Commission travelled from Adelaide to Port Augusta to spend time with the Commission's family lawyer in Port Augusta and Whyalla, and the Commission's newly appointed Aboriginal adviser. They met with staff of the Family Relationship Centre at Port Augusta and refined the referral processes that had first been put in place by an Adelaide based practitioner as part of the Commission's liaison role with the five Family Relationship Centres throughout South Australia.

The manager and adviser also attended the monthly Port Augusta Lawyers' meeting where they met with a total of 16 lawyers from ALRM, the Family Violence Legal Service Aboriginal Corporation and a number of private lawyers about referrals, family law assignments from the Commission and the practice of family law generally.

34th Annual Report 2011-12

Legal Services Commission of South Australia

Physical Resources Program

095

Physical Resources Program 2011-12

096

Facilities management, record keeping functions and information and communication technology are performed within the Physical Resources Program of the Commission.



Neil Traeger, Manager, Physical Resources Program

Infrastructure

The Commission's eight offices are supported from the Adelaide Office.

During the financial year additional secure interview rooms were created at each of the Holden Hill, Port Adelaide and Elizabeth Offices to provide staff with greater security when delivering services.

Four new work locations were created in the library at the Adelaide Office to provide extra staff accommodation.

The Whyalla Office, under the terms of the lease, was recarpeted. The library of the Noarlunga Office was sound proofed to enhance utilisation of the space.

The deliberately lit fire to the front counter of the Adelaide Office in August 2011 was of concern but security measures put in place

prevented injury to staff and restricted damage to a minimum. As a result of the incident a fire safety audit was undertaken by an independent firm, *First 5 Minutes*.

During the reporting period the leases for the Mount Barker, Noarlunga and Port Adelaide Offices were renewed and the process of renewing the Elizabeth, Port Augusta and Whyalla leases was commenced.

Adelaide Office

The Department of Planning, Transport and Infrastructure (DPTI) are providing assistance in lease renewal options. The lease to 30 June 2012 contains one four year option and at financial year end negotiations with the landlord were at an advanced stage. The current premises have reached capacity and a business case for improved accommodation is being developed.

Public Trustee

For several years, on a fortnightly basis, the Public Trustee has used the Commission's offices at Elizabeth, Port Adelaide and Noarlunga to see their clients. The Public Trustee's Office has been given notice that the space provided at Elizabeth and Port Adelaide is no longer available as it is fully utilised by Commission staff. The Public Trustee continues to use the Noarlunga Office.

Physical Resources Program 2010-11

Records

The Records Unit provides strategic and operational records management support to the Commission, including regional and metropolitan offices, to ensure staff have timely access to information to support their functions. The Records Unit services include general records management advice, management of the switchboard, stationery procurement, incoming and outgoing mail processing, file storage, retrieval and archival services.

The offsite storage of records project continued during the financial year with the retrieval, re-boxing to State Records standards and listing of approximately 5500 permanent files in storage.

Statistics from the project include—

- 76 017 files were approved by State Records for destruction and destroyed; and
- 436 cartons have been prepared for permanent transfer to State Records.

Analysis of off-site storage fees shows a reduction in costs of approximately 50% per month as a result of the destruction and transfer of records.



Robert Zanin, ICT Manager

During the financial year—

- recommendations for disposal requirements in LAW Office were developed – the disposal module will enable the management of electronic and physical records and assist the Commission to meet its records management obligations;
- a Commission Records Management Policy, and accompanying Records Management Procedures, were developed and provided to staff for consultation;
- a new Administrative File Management System was developed;
- a budget bid for an Electronic Document and Records Management System (EDRMS) was developed but not approved in the State Budget.

Information and Communication Technology Section

The significant project for the financial year was the successful implementation of LAW Office in April 2012. LAW Office replaced LA Office which had been used by the Commission since 1998.

LAW Office originates from Legal Aid Queensland. Legal Aid Queensland, Western Australia and South Australia undertook a joint project to move the software off the Ingres Database to a Windows SQL database. Queensland was the first State to implement the software. Western Australia, with consultation from South Australia, enhanced the software to meet Western Australia's specific requirements. Following the implementation by Western Australia the software was further enhanced to meet the Commission's specific needs.

The success of the project is due the dedication of Commission staff who worked long hours and remained proactive and in good spirits throughout the project.

Physical Resources Program 2011-12

Energy use/energy management

As part of the Government's commitment to energy efficiency, Government agencies are required to undertake a range of measures to reduce their output of greenhouse gases. In particular, energy use in Government buildings must be cut by 15% over the ten years from 2000-01 to 2009-10 (as an interim target) and a further 10% by 30 June 2014.

In the year 2011-12, the Commission had a 0.825% per cent increase or 15 Gigajoules (Gj) of energy used in buildings.

During 2004-05, as part of the energy audit, it was determined that the Commission had not been billed by the landlord, as specified in the lease, for electricity on an area first leased by the Commission since May 2003. In 2011-12 this has resulted in an increase in 404 Gj (\$35 837).

The Commission increased the size of its Adelaide Office by 263 square metres on 1 July 2004. The specific energy consumption for this area cannot be isolated. On a pro rata basis this was 102 Gj (\$7612).

2006-07 was the first full year of the Mount Barker Office which in 2011-12 consumed 48 Gj (\$4292) of energy.

2007-08 was the first full year of the Port Augusta Office which in 2011-12 consumed 51 Gj (\$4547) of energy.

In January 2009 the Whyalla Office moved to a new area of 646 m² from an area of 263 m². This was an increase in area of 383 m² or 242%.

In July 2009, 333 m² was subleased leaving an increased area of 50 m² that, on pro rata basis, would consume 13 Gj (\$1080) of energy.

Without the last five changes the Commission's energy consumption would have been 1215 Gj. In the 2011-12 year the Commission has increased energy consumption by 15 Gj.

Energy management activities

In line with the Government's Energy Efficiency Action Plan, the following measures were continued this year to reduce energy consumption across the Commission:

- the Whyalla Office, a high energy use office, was moved in January 2009 to a more energy efficient location and 333 m² of the total leased area was subleased in July 2009;
- the following measures continue to be implemented in the Adelaide Office:
 - replacing lighting with more efficient lights, de-lamping in some areas and installing eco light systems;
 - air conditioning timing adjustments;
 - reprogramming boiling water systems so they don't run after hours; and
 - vigilance by staff in turning lights out when areas are vacant;
- the Commission runs motor vehicles with dual fuel (petrol and LPG) to save energy and associated running costs.

Legal Services Commission	Energy Use (Gj)	Expenditure	Greenhouse Gas Emissions (Tonnes CO ₂)
2000-01	2 116	\$85 795	652
2008-09	1 850	\$107 813	432
2009-10	1 825	\$112 134	425
2010-11	1 818	\$119 849	424
2011-12	1 833	\$148 453	428
Target 2013	1 640		522

34th Annual Report 2011-12

Legal Services Commission of South Australia

Appendices

099

Appendix 1

Legal Services Commission Corporate Plan

Our Vision

To provide quality legal assistance to people in South Australia.

Our Goals

- To provide clients with accessible information, advice and representation to meet their legal needs.
- To work in partnership with other members of the legal community to deliver to our clients equitable access to the justice system.
- To provide a safe, healthy, rewarding, satisfying work environment.
- To provide quality legal assistance efficiently and effectively.
- To satisfy the community that we fulfil our statutory and contractual obligations and are deserving of ongoing financial support.
- To provide timely research and advice on legal issues to the government and the community.
- To inform governments of the likely impact on the Legal Services Commission and the community of proposed changes to legislation and policy.

We Believe

- In the rule of law
- People matter
- Our clients are entitled to be fairly treated
- Integrity and quality are important
- Our staff are valuable
- We deliver an essential service
- Cost efficiency matters
- Accountability is necessary
- Change for beneficial purposes is desirable

Key Result Areas

1. CLIENTS

1.1 Improve Accessibility of Services

Key Programs / Performance Indicators

What we want to achieve

- *Increase specialised outreach services to disadvantaged groups who have a barrier to legal assistance due to economic disadvantage, disability, language, culture, distance, incarceration or other factors.*
- *Investigate an increase in duty solicitor services to increase access to legal assistance for clients and with a view to minimising the number of unrepresented litigants, reducing remands in custody and reducing adjournments.*
- *Pursue opportunities to implement and publicise an effective civil legal aid program to increase access to legal assistance in the civil jurisdictions with a view to minimising the number of unrepresented litigants.*

Appendix 1

Legal Services Commission

Corporate Plan

1.2 Improve Satisfaction with Services

Key Programs / Performance Indicators

What we want to achieve

- Pursue opportunities to inform the public on the services provided by The Legal Services Commission.
- Increase the exposure of politicians to the effect on clients of legislative changes.
- Participate in the development and implementation of the Justice Reform Agenda whilst retaining the independence of the Legal Services Commission.
- Constantly review services to improve client satisfaction, including access requirements and application forms.

2. STAFF

2.1 Improve Human Resources

Key Programs / Performance Indicators

What we want to achieve

- Increased ability to deliver quality services through effective human resource management.
- Provide a satisfying and challenging career environment for staff.

- Develop a staff appraisal and career development mechanism for in-house practitioners with a view to improving output standards.

2.2 Improve Security

Key Programs / Performance Indicators

What we want to achieve

- Ensure the Commission offices are maintained as a secure and clean environment.

3. SERVICES

3.1 Improve Cost

Key Programs / Performance Indicators

What we want to achieve

- Pursue opportunities to ensure that we support nationally competitive unit costs.
- Pursue opportunities to ensure that a greater proportion of funds are spent on client services rather than overheads and indirect costs.

3.2 Improve Output Requirements

Key Programs / Performance Indicators

What we want to achieve

- Ensure output targets are appropriately determined.
- Investigate reporting requirements to ensure maximum efficiencies.

- Ensure that as far as possible the number of State and C/W services delivered equal or exceed output targets.

3.3 Improve Service Standards

Key Programs / Performance Indicators

What we want to achieve

- Develop standards for the delivery of services and compliance monitoring processes.
- Develop standards for measuring our reporting performance against delivery of services.

4. FINANCE

4.1 Improve/Secure Adequate Funding

Key Programs / Performance Indicators

What we want to achieve

- Maintain the current value of funding and secure additional predictable funding to meet emerging demand and avoid service cuts.

Appendix 1

Legal Services Commission

Corporate Plan

102

4.2 Improve Financial plans and Budgets

Key Programs / Performance Indicators

What we want to achieve

- Implement programs to maintain sufficient payments to private practitioners to ensure retention of services.
- Regularly monitor performance across all financial budgets.

5. COMMUNITY AND GOVERNMENT AWARENESS

5.1 Government/Public Sector

Key Programs / Performance Indicators

What we want to achieve

- Inform relevant policy and legislation makers of the consequences to the Commission of under-funded agencies.
- Investigate programs to ensure recognition by funders of the importance of legal aid funding to preserve the integrity of the criminal justice system.

5.2 Community Sector

Key Programs / Performance Indicators

What we want to achieve

- Maintain staff participation at community forums and involvement with community organisations.

6. LEADERSHIP

6.1 Provide Inspirational Leadership

Key Programs / Performance Indicators

What we want to achieve

- Instigate appropriate changes to empowering legislation to ensure the optimum delivery of legal assistance.
- Continuous research and review of client needs and appropriate service delivery to meet those needs.

6.2 Improve Change Management

Key Programs / Performance Indicators

What we want to achieve

- Maintain minimal disruption to service delivery when change is implemented.

7. STRATEGY AND PLANNING PROCESS

7.1 Improve Corporate Planning

Key Programs / Performance Indicators

What we want to achieve

- Continue to implement, monitor and develop the priorities identified in the Corporate Plan.

7.2 Maximise Technology Gains

Key Programs / Performance Indicators

What we want to achieve

- Optimise the effective use of information and technology.
- Strive to reduce operating overheads and improve services.

Appendix 2

Compliance with South Australia's Strategic Plan

South Australia's Strategic Plan is comprised of 100 targets.

These targets are specific and measurable and enable us to measure our progress towards achieving the Plan's visions and goals.

The Commission's performance against relevant state Strategic Plan targets which are also reflected in the Commissions goals and values–

T 5

Multiculturalism

Maintain the high rate of South Australians who believe cultural diversity is a positive influence in the community

The Commission conducts a number of legal information programs directed at specific cultural groups because a sound understanding of the local law assists migrants to integrate quickly with their new communities.

T 6

Aboriginal Wellbeing

Improve the overall wellbeing of Aboriginal South Australians

The Commission conducts regular circuits to the APY Lands to ensure accessible and culturally appropriate representation to these remote communities.

The Commission delivers legal and civic education to Aboriginal youth in schools and training facilities aimed at increasing personal development and social participation.

T 13

Work-life Balance

Improve the quality of life of all South Australians through maintenance of a healthy work-life balance

The Commission offers its staff flexible working arrangements with 120 or 56% of staff making use of flexible hours in 2011-12.

T 17

State-wide crime rates

Reduce victim reported crime by 38% by 2014, maintaining or improving thereafter

Crime prevention legal education is provided by the Commission on an ongoing basis to young people in schools, youth services and alternative learning environments.

Commission staff participate on a number of board and committees established by the courts and aimed at reducing recidivous behaviour. These memberships are set out in *Appendix 5* of this report.

T 18

Violence against women

A significant and sustained reduction in violence against women through to 2022

The Commission employs a domestic violence adviser and works closely with Commonwealth family violence centres. Staff of the Commission participate on local boards and committees aimed at reducing domestic violence as set out in *Appendix 5* of this report.

The Commission provides programs in schools and youth services aimed at educating young people in the prevention of relationship violence and sexual assault.

T 19

Repeat offending

South Australia has the lowest Australian rate of repeat offenders over the period to 2020

Commission staff participate on a number of board and committees established by the courts and aimed at reducing recidivous behaviour. These memberships are set out in *Appendix 5* of this report.

Appendix 2

Compliance with South Australia's Strategic Plan

104

T 30

Boards and Committees

Increase the number of women on all State Government boards and committees to 50% on average by 2014, and maintain thereafter by ensuring that 50% of women are appointed, on average, each quarter

The Legal Services Commission comprises four female Commissioners and six male Commissioners. The staff of the Commission comprise 160 females and 53 males.

T 31

Chairs of Boards and Committees

Increase the number of women chairing State Government boards and committees to 50% by 2014

The Chairman of the Commission is female.

T 50

People with disabilities

Increase by 10% the number of people with a disability employed in South Australia by 2020

The Commission employs two staff who self report as having a disability.

T 51

Aboriginal employees

Halve the gap between Aboriginal and non-Aboriginal unemployment rates by 2018

The Commission employs an Aboriginal legal adviser to provide culturally competent legal assistance and education to Aboriginal people in the Pt Augusta, Whyalla and APY Lands areas.

The Commission contributes to educational and employment opportunities for Aboriginal South Australians by offering paid cadetships to Aboriginal university students.

T 52

Women (executive levels)

Have women comprising half of the public sector employees in the executive levels (including Chief Executives) by 2014 and maintain thereafter

The Executive level of the Commission comprises two females and six males. The current Deputy Director is a woman.

T 61

Energy efficiency—government buildings

Improve the energy efficiency of government buildings by 25% from 2000-01 levels by 2014

A full report is contained under the physical resources program report.

T 96

Public Research Expenditure


Public expenditure on research and development, as a proportion of Gross State Product, to be maintained at 1.2% to 2020

In 2011-12, the Commission commissioned a report on crime rates from the Office of Crime Statistics and Research.

Appendix 3

Expensive Criminal Cases Funding Agreement

Page i of j
TABLE OF CONTENTS
1. DEFINITIONS AND INTERPRETATION..... 1
2. RECITALS..... 2
3. OPERATION OF AMENDMENTS..... 2
4. AMENDMENT TO CLAUSE 6..... 2
5. COSTS AND STAMP DUTY..... 2
6. CONFIRMATION OF PRINCIPAL AGREEMENT..... 3
ANNEXURE A THE PRINCIPAL AGREEMENT
CSO 55888 / 0820743 / Final
PXPIO / 1/12/04

DATED 2nd DAY OF December 2004
DEED OF AMENDMENT
BETWEEN
THE HONOURABLE MICHAEL ATKINSON, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA ("Attorney-General")
-AND-
THE LEGAL SERVICES COMMISSION ("Commission")
 CROWN SOLICITOR Level 9, 45 Pirie Street, Adelaide SA 5000

Appendix 3

Expensive Criminal Cases Funding Agreement

Page 1 of 3

THIS DEED is made the SECOND day of DECEMBER 2004

BETWEEN:

THE HONOURABLE MICHAEL ATKINSON, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA of 45 Pirie Street, Adelaide, 5000, in the State of South Australia (the "Attorney-General")

AND

THE LEGAL SERVICES COMMISSION a body corporate pursuant to the Legal Services Commission Act 1977 of 82-98 Wakefield Street, Adelaide, 5000, in the State of South Australia (the "Commission")

RECITALS:

A. The Attorney-General and the Commission entered into a deed dated 29 January 2003 (the "Principal Agreement"), and described as the Expensive Criminal Cases Funding Agreement, a copy of which is annexed hereto.

B. The parties have agreed to vary certain of the terms and conditions of the Principal Agreement and to record the same in this Deed.

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

1.1 Words and expressions defined in the Principal Agreement have the same meanings in this Deed unless the contrary is clearly intended.

1.2 Rules for the construction and interpretation of the Principal Agreement also apply in the construction and interpretation of this Deed.

Page 2 of 3

2. RECITALS

The parties hereto agree that the matters referred to in the recitals of this Deed are true and correct in every particular and that the recitals shall form part of this Deed.

3. OPERATION OF AMENDMENTS

This Deed shall have effect from and including the date hereof, and is supplementary to and shall be read in conjunction with the Principal Agreement.

4. AMENDMENT TO CLAUSE 6

The Principal Agreement shall be amended by adding the following two clauses after clause 6.4:

"6.4A Except where a Case Management Plan expressly provides that this clause does not apply, a Case Management Plan shall be deemed to be varied automatically to take account of any new scale of fees approved by the Commission pursuant to section 19(2) of the Legal Services Commission Act, 1977 (S.A.). Such a variation of a Case Management Plan shall take effect from the date that the Commission approves that the new scale of fees shall become operative. This clause 6.4A shall apply to all new scales of fees which are operative on or from 1 September 2004."

6.4B The Commission shall, as soon as practicable after approving a new scale of fees, inform the Attorney-General in writing of the financial impact on each Case Management Plan to which a new scale of fees applies."

5. COSTS AND STAMP DUTY

5.1 Each party hereto shall bear its own costs incurred in respect of the negotiation, preparation and execution of this Deed.

5.2 The Commission shall be responsible for and pay any stamp duty assessed or charged in respect of this Deed.

CSO 55888 / 0820743 / Final

XPPIO / 1/12/04

Appendix 3

Expensive Criminal Cases Funding Agreement

Page 1 of 9

EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

AGREEMENT dated 29th January 2002

BETWEEN:

THE HONOURABLE MICHAEL ATKINSON, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA of 45 Pirie Street, Adelaide 5000, in the State of South Australia (the "Attorney-General")

AND

THE LEGAL SERVICES COMMISSION a body corporate pursuant to the Legal Services Commission Act 1977 of 82-98 Wakefield Street, Adelaide, 5000, in the State of South Australia (the "Commission")

RECITALS:

- The State of South Australia has enacted the Criminal Law (Legal Representation) Act 2001 ("the Act") to ensure that legal representation is available for persons charged with serious offences, and for other purposes.
- Section 18 of the Act provides that an Expensive Criminal Cases Funding Agreement is to be made between the Commission and the Attorney-General governing the approval of case management plans for cases to which the Act applies.
- The parties wish to enter into this Agreement in order to give effect to section 18 of the Act.

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Page 3 of 3

6. CONFIRMATION OF PRINCIPAL AGREEMENT

Subject only to the amendments contained in this Deed, the parties hereto confirm the terms and conditions of the Principal Agreement in all other respects.

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE MICHAEL ATKINSON, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA in the presence of:

Witness
[Print Name: Susan Deere]

THE COMMON SEAL of THE LEGAL SERVICES COMMISSION

was hereunto affixed in the presence of:

CHAIRPERSON
[Print Name: Helen James Givrolle]

Director
[Print Name: Helen James Givrolle]
Deputy Secretary
[Print Name: Peter John Hargrave]

CSO 55888 / 0820743 / Final FXPHO / 11/2/04

Appendix 3

Expensive Criminal Cases Funding Agreement

AGREED TERMS:

1. DEFINITIONS

In this Agreement unless a contrary intention is evident:

- 1.1 "Act" means the Criminal Law (Legal Representation) Act 2001;
- 1.2 "Agreement" means this Expensive Criminal Cases Funding Agreement and includes the Schedules;
- 1.3 "approved case management plan" means a case management plan, including any variations to that plan, which has been approved by the Attorney-General in accordance with clause 5 of this Agreement;
- 1.4 "case management plan" or "plan" means a case management plan prepared by the Commission in accordance with clause 6 of this Agreement;
- 1.5 "certificate of commitment" or "certificate" means a certificate, incorporating an invoice, issued by the Commission to the defendant's lawyer, authorising him or her to provide a level of legal assistance up to the gross cost specified in the certificate;
- 1.6 "Commencement Date" means the date upon which the Act came into operation;
- 1.7 "Commission" means the Legal Services Commission, established pursuant to the Legal Services Commission Act 1977;
- 1.8 "defence proposal" means the report prepared by the defendant's lawyer on the scope and nature of the proposed defence containing the information described in Schedule 1;
- 1.9 "Treasurer" means the Treasurer of the State of South Australia.

2. INTERPRETATION

- 2.1 In this Agreement unless a contrary intention is evident:
 - 2.1.1 words and expressions defined in the Criminal Law (Legal Representation) Act 2001 shall have the same respective meanings herein;
 - 2.1.2 the clause headings are for convenient reference only and they do not form part of this Agreement;

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15 November 2002

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- 2.1.3 a reference to a clause number is a reference to all of its sub-clauses;
- 2.1.4 a reference to a clause, sub-clause, schedule or annexure is a reference to a clause, sub-clause, schedule or annexure of this Agreement;
- 2.1.5 a word in the singular includes the plural and a word in the plural includes the singular;
- 2.1.6 a word importing a gender includes any other gender;
- 2.1.7 a reference to a person includes a partnership and a body corporate;
- 2.1.8 a reference to legislation includes legislation repealing, replacing or amending that legislation; and
- 2.1.9 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings.
- 2.2 This Agreement incorporates the attached schedule.

3. TERM

The term of this Agreement commences on the Commencement Date and shall continue to operate for so long as an Expensive Criminal Cases Funding Agreement is required under section 18 of the Act.

4. AGREEMENT OPERATES AS A DEED

This Agreement operates as a deed between the Attorney-General and the Commission.

5. APPROVAL OF A CASE MANAGEMENT PLAN

- 5.1 For the purposes of section 18 of the Act, the Attorney-General shall approve a case management plan or a proposal to vary a case management plan if it complies with this Agreement.
- 5.2 Approval is effected by the Attorney-General returning a signed copy of the approved plan or approved variations to the plan to the Commission.

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CSO 21537

15 November 2002

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21/11/2002

Appendix 3

Expensive Criminal Cases Funding Agreement

6. CASE MANAGEMENT PLANS

- 6.1 A case management plan must be submitted to the Attorney-General by the Commission in writing as soon as possible after the Commission becomes aware that the costs of the case may exceed the legal aid funding cap AND as soon as practicable either after the defendant has been arraigned or after a direction of the court pursuant to section 8(3) of the Act.
- 6.2 A case management plan must contain:
- 6.2.1 the names of the legal representative(s) (solicitors, lead counsel, junior counsel (if one is to be engaged) to whom the Commission has assigned this case;
- 6.2.2 a defence proposal in the terms set out in Schedule 1;
- 6.2.3 a statement that it is anticipated that the costs of legal assistance will exceed the legal aid funding cap and identifying those parts of the defence proposal which the Commission proposes to be funded under the plan;
- 6.2.4 a memorandum:
- (a) identifying measures taken or to be taken to minimise costs or reduce the length of the trial; and
- (b) addressing any part of the defence proposal which might make the proposed plan non-compliant in terms of clause 6.3;
- 6.2.5 the Commission's estimate, on the information reasonably available to it, of:
- (a) the cost of each separate item proposed to be funded, including solicitors' fees, counsel fees, disbursements for expert evidence, disbursements for travel, fees for pre-trial applications, other disbursements, including how each is calculated; and
- (b) the extent to which these estimated costs will in total exceed the legal aid funding cap and require reimbursement under the Act.
- 6.3 A case management plan will not comply with this Agreement if it proposes:
- 6.3.1 to use expert evidence from outside Australia; or
- 6.3.2 to require repeat forensic testing or examination of evidence already so tested or examined; or

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21/11/2002

- 6.3.3 to proof distant expert witnesses other than by telephone, video link, email or other methods of long distance communication; or
- 6.3.4 to prove formally any aspect of the defence case which the prosecution will agree; or
- 6.3.5 to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence,
- unless the Attorney-General is satisfied, on the basis of the explanations given in the defence proposal, that this course of action is necessary for the defence and is a responsible use of public funds.
- 6.4 The Commission may from time to time submit in writing to the Attorney-General a proposal to vary an approved case management plan to reflect developments in the case which may affect its cost.
- 6.5 While the Attorney-General may approve expenditure retrospectively, the Commission is to use its best endeavours to avoid this by presenting proposals for variation as soon as possible after it becomes apparent that variation is necessary.
- 6.6 A proposal to vary a plan will:
- 6.6.1 describe how the plan is proposed to be varied, and the reasons for the proposed variation(s);
- 6.6.2 if any aspect of the proposed variation might be thought to make the plan non-compliant in terms of clause 6.3, include a memorandum to the Commission from defence counsel giving the reasons why this is necessary for the defence;
- 6.6.3 include an estimate, on the information reasonably available to the Commission, of the cost of each separate new item proposed to be funded, including counsel fees, disbursements for expert evidence, disbursements for travel, other disbursements, and solicitor's fees, including how each is calculated; and
- 6.6.4 if the variation proposes a change in defence counsel, a written undertaking from the new defence counsel in terms of clause 5 of Schedule 1.

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21/11/2002

Appendix 3

Expensive Criminal Cases Funding Agreement

Page 6 of 9

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7. COMMISSION'S OBLIGATIONS

- 7.1 The Commission shall manage each case for which a case management plan is approved, efficiently and effectively, and shall ensure that the management and cost of the case are kept under constant review.
- 7.2 The Commission shall make it a term of the assignment of a serious criminal case that should the case become subject to a case management plan, the assisted person's assigned solicitor (whether a legal practitioner in private legal practice or employed by the Commission) will provide to the Commission, on a monthly basis following approval of the plan:
- 7.2.1 an indication of and explanation for any current or anticipated expenditure that may exceed the estimates of expenditure in the approved case management plan; and
- 7.2.2 any information that may suggest that the trial will last longer than the estimated time given in the approved case management plan.
- 7.3 Where the Commission has terminated legal assistance in accordance with section 6(4) of the Act, all obligations pursuant to the case management plan will cease to exist and the Commission may seek reimbursement of the cost of providing legal assistance prior to the termination of that assistance.

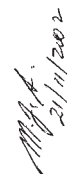
8. REIMBURSEMENT OF COSTS

- 8.1 If the Commission seeks reimbursement of the cost of providing legal assistance, it shall submit to the Attorney-General:
- 8.1.1 a copy of the relevant invoices signed by the defendant's lawyer;
- 8.1.2 a memorandum explaining any increase in the costs of the case from the estimates provided in the approved case management plan;
- 8.1.3 a report detailing the outcome of any investigation or enquiry into the financial affairs of the assisted person or a financially associated person, and the contribution that the Commission has received or has a reasonable prospect of recovering from the assisted person or a financially associated person.
- 8.2 In the case of an exceptionally long trial, the Commission may seek interim reimbursements of the cost of providing legal assistance.

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CSO 21537

15 November 2002



Page 7 of 9

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9. APPLICATION OF CONTRIBUTIONS

A contribution received or recovered by the Commission from the assisted person or a financially associated person shall be applied as follows:

- 9.1 the Commission shall be entitled to retain the contribution up to the amount of the funding cap, plus the amount of any costs incurred by the Commission in investigating the financial affairs of an assisted or financially associated person, plus the amount of any costs incurred by the Commission in recovering any contribution, including court costs;
- 9.2 the balance of the contribution received (if any) or recovered shall be paid by the Commission to the Treasurer.

10. CONFIDENTIALITY

- 10.1 The Attorney-General may disclose the anticipated cost of the case, including legal fees, expert's fees, and any other associated costs, in order to secure funding for the trial under the terms of an approved case management plan.
- 10.2 Except as provided in Clause 10(1), the Attorney-General must not disclose any information received pursuant to this Agreement without the consent of the assisted person.

11. AUDIT

Nothing in this Agreement derogates from the powers of the Auditor-General under the Public Finance and Audit Act 1987 (South Australia).

12. NO ASSIGNMENT

The Commission must not assign or encumber any of its rights and obligations under this Agreement.

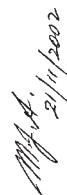
13. SURVIVAL

The clauses of this Agreement relating to confidentiality survive the expiry or termination of this Agreement and continue to apply unless the Commission notifies

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CSO 21537

15 November 2002



Appendix 3

Expensive Criminal Cases Funding Agreement

the Attorney-General that the assisted person has agreed to the Attorney-General's being released from his or her obligations of confidentiality.

14. COUNTERPARTS

This Agreement may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by facsimile.

15. ENTIRE AGREEMENT

15.1 This Agreement contains the entire agreement between the parties with respect to its subject matter.

15.2 This Agreement supersedes any prior agreement, understanding or representation of the parties on the subject matter.

16. PROPER LAW

The laws in force in South Australia, including law with respect to capacity to contract and manner of performance, apply to this Agreement.

17. JURISDICTION OF COURTS

The courts of South Australia have exclusive jurisdiction to determine any proceeding in relation to this Agreement.

18. MODIFICATION

Any modification of this Agreement must be in writing and signed by an authorised representative of each party.

19. SEVERANCE

If any provision or part of a provision of this Agreement is invalid or unenforceable in any jurisdiction:

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19.1 the provision must be read down for the purposes of the obligation of that provision in that jurisdiction, if possible, so as to be valid and enforceable; or

19.2 if the provision cannot be read down, it must be severed if it is capable of being severed without affecting the remaining provisions of this Agreement or affecting the validity or enforceability of that provision in any other jurisdiction and the parties must consult in good faith to determine whether any amendment or substituted provision is required.

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE

MICHAEL ATKINSON,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of:

Witness
[Print Name: *Helen Wighton* 21/11/02]

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:

Chairperson
[Print Name: *BRIAN WITHERS*]



Appendix 3

Expensive Criminal Cases Funding Agreement

Page 1 of 2

SCHEDULE 1

Contents of Defence Proposal

A defence proposal shall contain the following material:

1. A copy of the Information upon which the defendant has been arraigned.
2. The name of the court in which the matter is to be heard.
3. The following information:
 - (a) the number of witnesses who have provided declaration statements;
 - (b) whether any expert testing and evidence will be needed, and if so, in relation to what issues and for what purpose;
 - (c) if it is proposed to use an expert witness whose fees or expenses exceed Commission scale fees and expenses, or who is from outside South Australia, the reasons why this is necessary;
 - (d) if the case entails the use of an expert witness from outside Australia, an account of the enquiries made to identify any expert within Australia and the reasons why any identified expert is not available to the defence;
 - (e) where documentary evidence is significant, an indication of its volume;
 - (f) a preliminary estimate as to the length of pre-trial proceedings and the trial;
 - (g) any legal issues which are considered likely to impact upon the length of the trial;
 - (h) if the case requires senior or multiple counsel, the reasons;
 - (i) whether the case requires travel, additional reading time, conference time and viewing time or has any other features likely to add to the cost; and
 - (j) if the case entails travel outside South Australia, the reasons.
4. If it is proposed:
 - (a) to use expert evidence from outside Australia; or
 - (b) to require repeat forensic testing or examination of evidence already so tested or examined; or

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15 November 2002

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29/11/03

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21/11/2002

Page 2 of 2

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- (c) to proof distant expert witnesses other than by telephone, video-link email or other methods of long distance communication; or
 - (d) to prove formally any aspect of the defence case which the prosecution will agree; or
 - (e) to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence;
- transcript of anything said by the court about this course of action, and the reasons why such course of action is necessary for the defence.

5. A written undertaking by defence counsel to the Commission that he or she will:
 - (a) present the defendant's case as quickly and simply as may be consistent with its advancement;
 - (b) avoid unnecessary delay or unnecessary complication or prolongation of the proceedings;
 - (c) inform the defendant about the reasonably available alternatives to fully contested adjudication of the case;
 - (d) advise the defendant to agree matters as to which the prosecution case is overwhelming and the defence has no countervailing evidence, or matters which are purely formal;
 - (e) encourage consultation between defence and prosecution experts with a view to defining and confining the issues in dispute.

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Appendix 4

Statutory Charge Report as at 30 June 2012

1. Summary

Year	Amount Secured GST excl*	GST	Amount Recovered	Interest Levied **	Administration Fee Levied ***
1992-93	168 244	Nil	Nil	Nil —	Nil
1993-94	439 991	Nil	73 785	487 (Due 1/7/93)	Nil
1994-95	594 046	Nil	197 504	2 551 (Due 1/7/94)	Nil
1995-96	503 993	Nil	227 045	14 994 (Due 1/7/95)	Nil
1996-97	556 046	Nil	261 888	28 660 (Due 1/7/96)	Nil
1997-98	456 176	Nil	243 789	72 (Due 1/7/96)	Nil
1998-99	263 880	Nil	250 210	Nil	2 750
1999-00	360 977	Nil	253 335	Nil	23 420
2000-01	629 306	36 135	297 450	Nil	67 530
2001-02	688 879	67 059	609 803	Nil	75 250
2002-03	720 747	67 030	569 448	Nil	55 500
2003-04	1 046 674	101 604	885 825	Nil	51 700
2004-05	948 859	92 551	590 485	Nil	63 710
2005-06	758 695	71 762	726 033	Nil	48 970
2006-07	732 171	71 989	793 987	Nil	44 950
2007-08	1 002 285	96 587	764 477	Nil	56 100
2008-09	926 844	90 129	566 399	Nil	46 500
2009-10	938 593	91 889	593 891	Nil	41 660
2010-11	981 065	94 702	644 975	Nil	46 450
2011-12	915 429	88 175	591 926	NIL	35 400
Total	\$13 632 900	\$969 612	\$9 142 255	\$46 764	\$659 890

*total amount
secured during each
financial year

**interest was levied
between 1/7/92
and 30/6/96

***the charging of
an Administration
Fee commenced
on 1/10/98

Appendix 4

Statutory Charge Report as at 30 June 2012

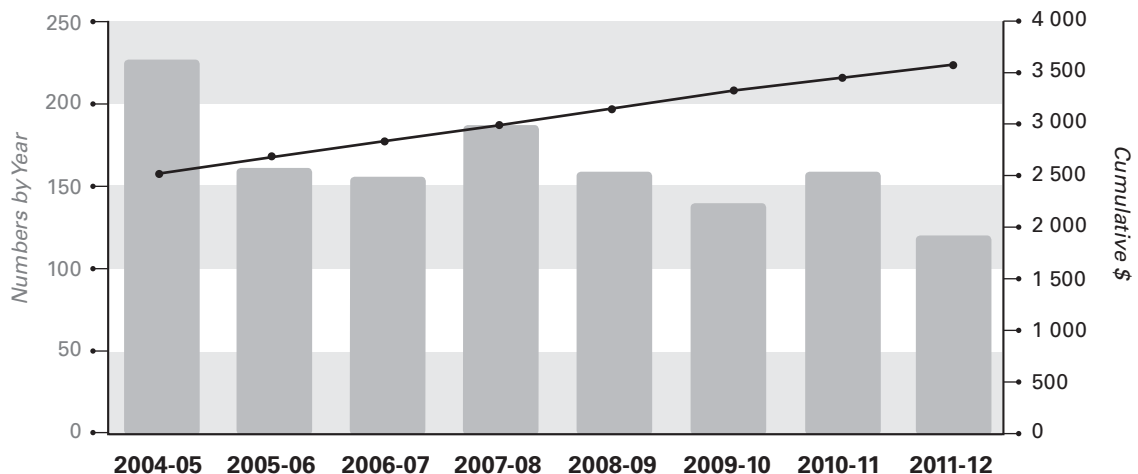
2. Cost secured analysis

a) As at 30 June, 2012, the Commission has taken 3 567 statutory charges securing a total of \$13 632 900 (GST exclusive). In the reporting period, 121 charges were taken. Refer to graph (i) and (ii).

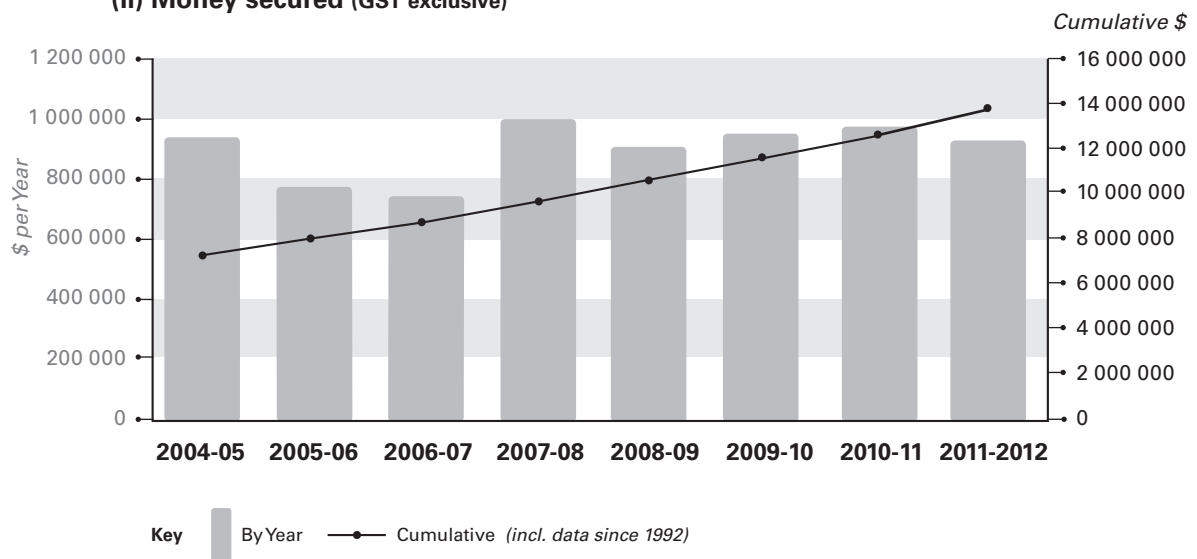
910 of these charges, securing \$5 460 254 (GST exclusive), remain outstanding. An average of \$6000 (GST exclusive) is secured by each charge. Refer to graph (iii).

Of the total charges outstanding, 789 secure funds for legal proceedings which have finalised or are no longer funded by the Commission. The balance of 121 secure costs of ongoing matters, therefore the costs secured by these charges will increase.

(i) Number of charges taken



(ii) Money secured (GST exclusive)

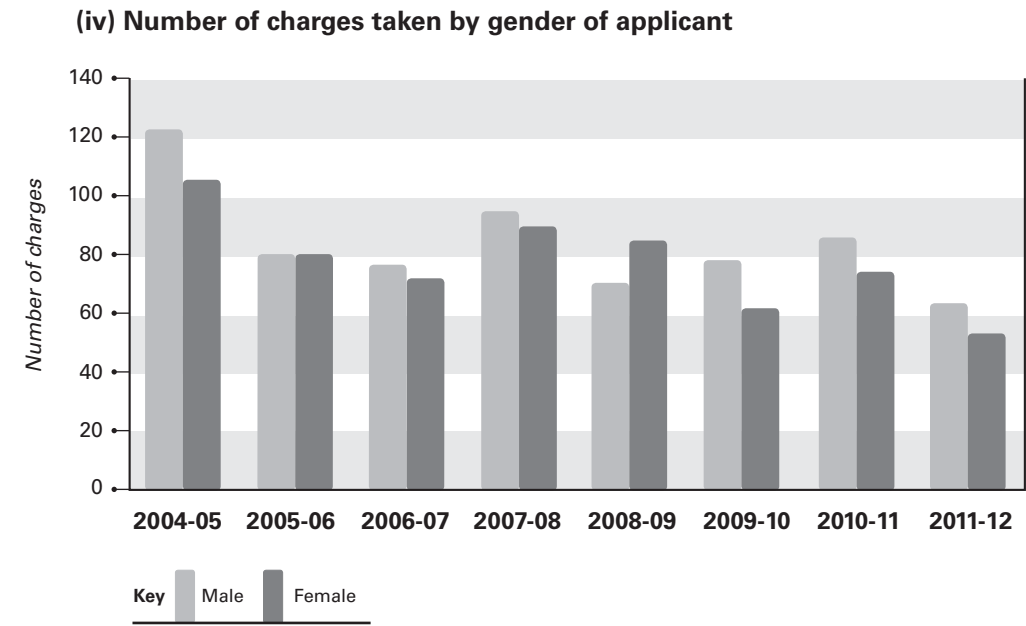
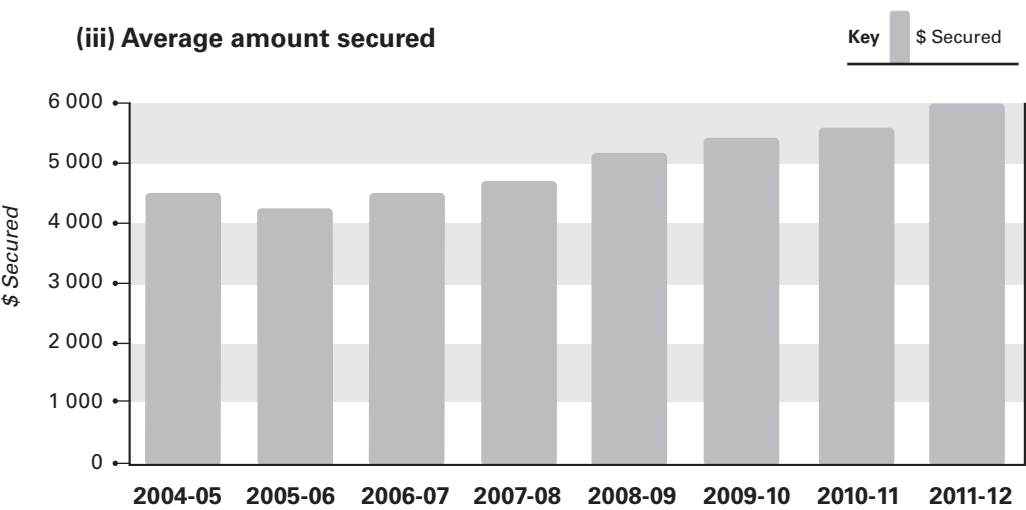


Appendix 4

Statutory Charge Report as at 30 June 2012

Of the charges taken in the 2011-12 financial year, 64 were taken for aid granted to male applicants and 55 were taken for aid granted to female applicants. Refer to graph (iv).

In the reporting period, 43 charges were taken for criminal law matters, 74 for family law matters and 4 for civil matters. 76 charges were for proceedings under commonwealth law and 45 for proceedings under state law.



Appendix 4

Statutory Charge Report as at 30 June 2012

3. Money recovered analysis

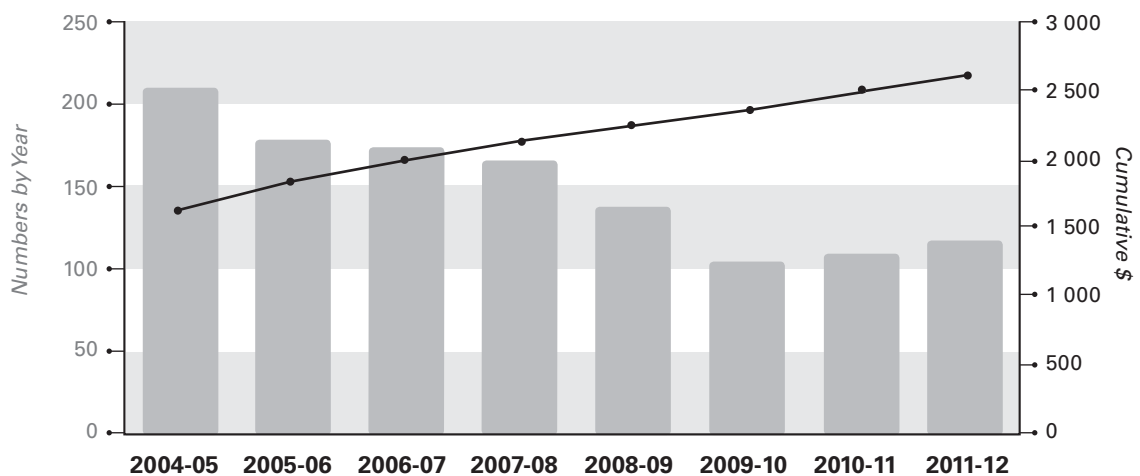
2597 of the 3567 charges taken have been removed. The Commission has received **\$9 142 255** from payments. In the reporting period 114 charges were removed. Refer to graph (v) and (vi) and table (vii).

The slow down in the real estate market, and the tightening of bank lending guidelines, has reduced the number of Commission clients selling and mortgaging or refinancing their real estate. In the reporting period the Commission

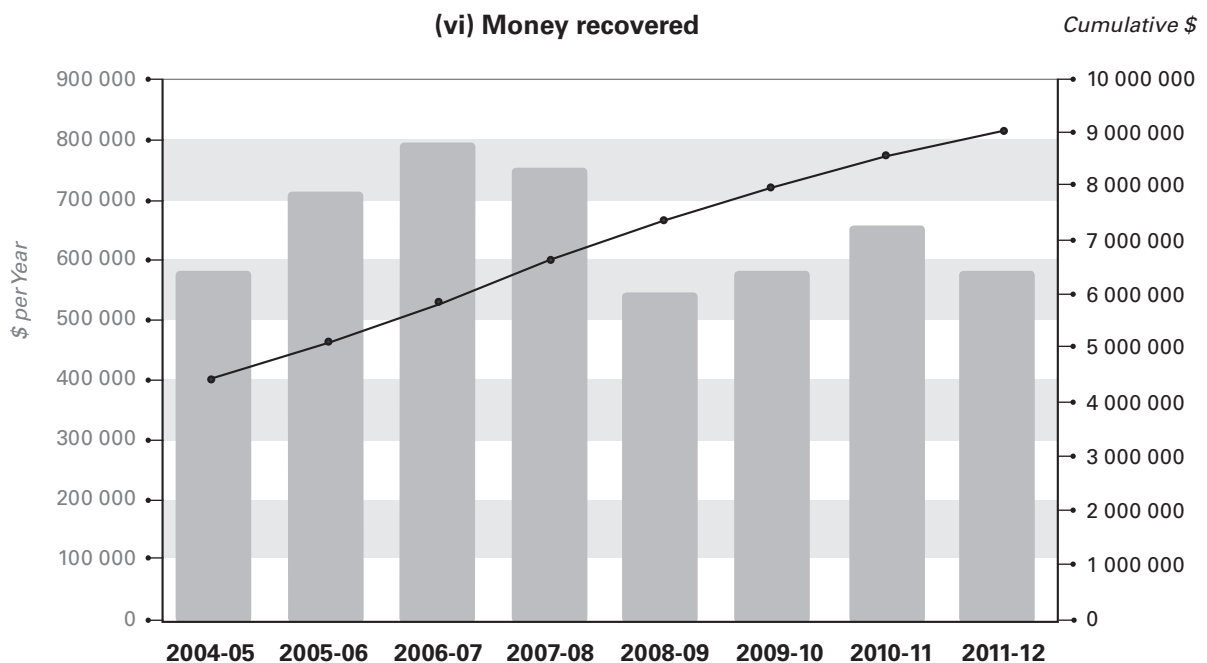
recovered four large statutory charge contributions of \$38 151, \$29 087, \$24 633 and \$16 709.

In the reporting period the Commission had bad debts due to non recovery of charges of \$65 692 (GST exclusive).

(v) Number of charges removed



(vi) Money recovered



Key By Year — Cumulative (incl. data since 1992)

Appendix 4

Statutory Charge Report as at 30 June 2012

- d) If a charge contribution is paid within–
- six months, the charge contribution is reduced by \$300;
 - two years, the charge contribution is reduced by \$150; and
 - four years, the charge contribution is reduced by \$100.

The total reduction of this type for the financial year totalled \$10 123.70 (GST incl.)

4. Operations

The Commission requested an amendment to the *Legal Services Commission Act 1977* to place the Commission (not the Director) in the same position as if a Notice of Charge was an encumbrance for the purposes of the *Real Property Act 1886*. Section 18A of the *Legal Services Commission Act* has now been amended and ss 6(a) has been added–

(6a) If the charged land is sold by a mortgagee or encumbrancee, the charge is, for the purposes of sections 135 and 135A of the Real Property Act 1886, to be treated as if it were an encumbrance referred to in those sections.

(vii) Charges removed by reason

Reason	Number of charges	
	2010-11	2011-12
Paid/Sale	34	45
Paid/Financed	19	18
Paid Voluntary	22	25
Paid/Mtgee/Sale	not recorded	1
Property Settlement*	14	9
Finalised	0	0
Waived Mortgagee Sale/Shortfall	0	3
Part Payment/Balance Cancelled	1	1
Deceased Estate	4	5
Substitute	3	3
Waived Sale/Shortfall	1	2
Survivorship	1	0
Recovered Other	2	0
Waived on Appeal	2	0
Waived/No Equity	0	1
Waived	4	0
Waived/Mtgee/Sale	0	0
Correction	0	1

*The Commission is not always aware that money has been received as a result of a property settlement and some may be recorded as Paid/Financed or Paid/Sale.

- b) In the last financial year the Commission has received requests from clients wishing to make payments via Bpay or direct debit. These are not payment methods offered by the Commission. Many Commission clients do not have cheque accounts and the cost of a money order discourages

payment by post. It is likely that if the Commission were to offer different payment methods to those currently available a greater number of instalment payments would be received by the Commission. The Commission now offers payment by credit card and clients are using this option.

Appendix 5

Community Involvement 2011-12

Staff membership of various community organisations

- Family Law Committee, Law Society of South Australia
- Criminal Law Committee, Law Society of South Australia
- Justice Access Committee, Law Society of South Australia
- Professional Standards Committee, Law Society of South Australia
- Human Rights Committee, Law Society of South Australia
- Law Week 2012
- Courts Community Reference Group
- Courts SA Intervention Programs Consultative Committee
- Magistrates' Court Process Redesign Committee
- Community Court Committee
- Migration Review Tribunal and Refugee Review Tribunal Community Liaison Committee
- Financial Counsellors of Australia SA Courts Sub-Committee
- JusticeNet SA
- SACOSS Policy Council
- SACOSS Law and Justice Strategy Group
- SACOSS Income Strategy Group
- Board of Management, Plaza Youth Incorporated, Whyalla
- Australian Law Librarians' Association
- Northern Community Legal Service
- South Australian Consumer Law Consultative Forum
- Southern Justice network Forum
- Heads of Churches Gambling Taskforce
- Child Support Agency's SA Stakeholders Engagement Group
- Murray Bridge Community Services Forum
- Low Income Support Providers Anti-Poverty Forum (Murray Bridge)
- Adelaide Hills Domestic Violence Action Group
- Adelaide Hills Community Services Forum
- Strathalbyn and Hills Mental Network Forum
- Adelaide Hills Regional Managers Forum
- Non-English Speaking Background Domestic Violence Action Group
- Central Domestic Violence Board
- Women's Information Service Support Group
- Domestic Violence and Aboriginal Family Violence Gateway Service
- Alliance for the Prevention of Elder Abuse
- Respecting Patient Choices Reference Group and Organisational Representatives
- Advance Care Directives Implementation Working Group
- Firearms Review Committee
- Multicultural SA Government Stakeholders Reference Group
- Refugee Advocacy Service of South Australia
- Refugee Week Committee

Feedback

34th Annual Report 2011-12



Legal Services Commission of South Australia

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Your main interest in the report is as a:

- | | | | |
|-----------------------------------|---|---|--|
| <input type="checkbox"/> Client | <input type="checkbox"/> Community legal centre | <input type="checkbox"/> Interested community member | <input type="checkbox"/> Contractor/supplier |
| <input type="checkbox"/> Employee | <input type="checkbox"/> Government stakeholder | <input type="checkbox"/> Community group/organization | |
| <input type="checkbox"/> Student | <input type="checkbox"/> Preferred supplier | <input type="checkbox"/> Legal/justice system stakeholder | |

How do you rate the report?

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- | | | | | | |
|--------------------------|------------------------------------|------------------------------------|-------------------------------|-------------------------------|-------------------------------|
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| Design and presentation: | <input type="checkbox"/> Excellent | <input type="checkbox"/> Very good | <input type="checkbox"/> Good | <input type="checkbox"/> Fair | <input type="checkbox"/> Poor |
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