

# Commission Client Services

*The Commission provides the following services to the public:*

- *legal information, advice and advocacy*
- *community legal education*
- *duty lawyer services*
- *legal representation*
- *family dispute resolution conferences*
- *independent children's lawyers*

# Legal Information, Advice and Advocacy Services 2017-18

## What we do

The Commission provides free legal information and advice–

- by telephone, through the legal helpline on 1300 366 424
- in person, at seven city and regional offices and at various outreach locations.

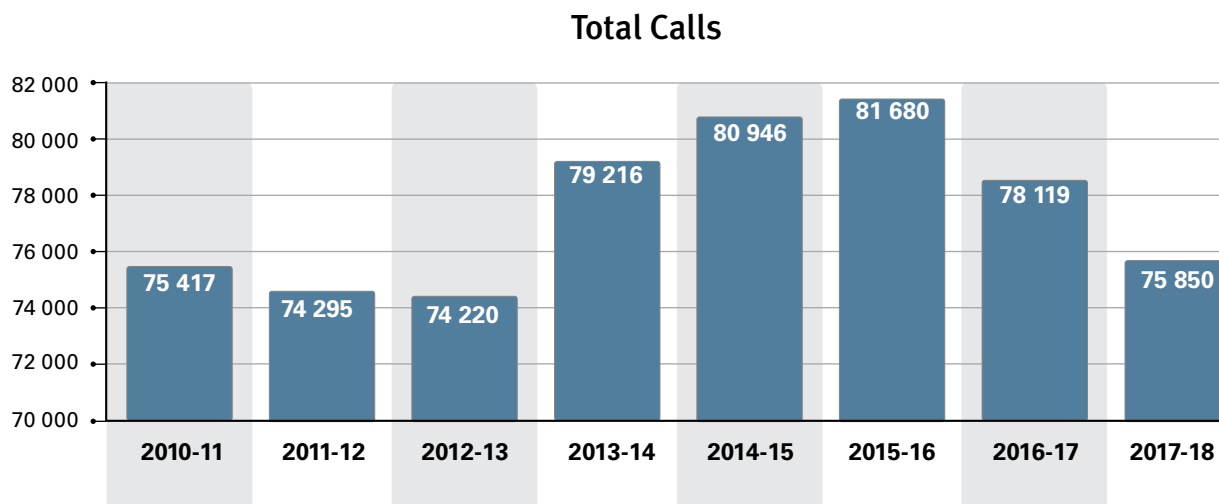
In addition, legal information can be accessed–

- through the online services of Legal Chat, 24Legal and the Law Handbook, all available through the Commission website - <http://www.lsc.sa.gov.au>
- via information posts on Twitter, YouTube and Facebook.

## Telephone information and advice

Calls to the Commission legal helpline are answered from 9am to 4.30pm each business day, with callers receiving immediate legal information and advice or referral to an appropriate specialist agency.

## Number of recorded calls to and from the legal helpline



## Legal Information, Advice and Advocacy Services 2017-18

### In person advice appointments

If it is identified during a telephone call that further legal advice from a Commission adviser is required, an appointment will be scheduled, generally at one of the Commission offices.

In addition, Commission advice services are provided through the following programs.

**Murray Bridge Outreach Clinic** Advisers visit the Murray Bridge Community Centre to provide general legal advice to clients who have booked appointments. When an adviser is not present, the Centre allows clients to use the interview room for a telephone appointment with an adviser.

**Adelaide Magistrates Court Information and Civil Advice Service** An information and civil advice service is provided by Commission advisers at the Adelaide Magistrates Court (AMC). Clients attend the service at the suggestion of the Magistrate before whom they have appeared, or on referral from the registry staff. The advisers give extensive advice on civil jurisdiction procedures and civil law generally, as well as advice on traffic matters and minor criminal matters.

**Investigation Summons Court in the Adelaide Magistrates Court** A specialist adviser in consumer law and consumer credit law is based in the Adelaide office. This lawyer regularly attends the Investigation Summons Court in the Adelaide Magistrates Court to provide advice and assistance to unrepresented debtors and to make referrals to financial counselling services.

**Family Law Prisoner Advice Service** Commission staff attend the Adelaide Women's Prison, the Adelaide Pre-release Centre, Yatala Labour Prison, the Adelaide Remand Centre and Mobilong Prison to provide prisoners with access to legal advice on matters that impact on the lives of their families. Advice commonly includes matters relating to family law, child protection, debts and wills and estates. Advisers assist prisoners who wish to self-represent in children's issues before the Federal Circuit Court, and in trials in child protection matters in the Youth Court if they do not qualify for a grant of legal aid.

**Administrative Law Group** An advice outreach service is provided at the Administrative Appeals Tribunal to applicants involved in internal reviews of comcare decisions, veteran's appeals or Tier 2 decisions in centrelink matters. This work complements the representation service provided for applicants seeking internal reviews of decisions of the National Disability Insurance Agency.

## Legal Information, Advice and Advocacy Services 2017-18

Commission advisers also provide advice and advocacy services to clients under the South Australian Civil and Administrative Tribunal (Mental Health & Guardianship) Representation Scheme, the National Disability Insurance Scheme, and in eligible migration law matters.

- Domestic Violence Unit (Elizabeth)** This service provides legal information, advice and warm referrals to other support services and agencies for women suffering the impact of domestic violence. Specialist advice and support is provided in relation to–
- intervention orders
  - family law
  - debts/property
  - tenancy/housing issues
  - victims of crime compensation
  - migration matters.

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### Case study—Domestic violence unit

*M, a woman in her late twenties, had been living in a domestic violence relationship with her de facto spouse since 2012. The relationship was characterised by the de facto spouse's sexual, psychological, and verbal violence and threats and controlling behaviour. Some of the verbal abuse occurred in the presence of the two infant children of the relationship, whom he also physically abused and neglected. The children required hospitalisation on several occasions for injuries resulting from his abuse. These injuries were the subject of mandatory reports to the Child Abuse Report Line. The de facto spouse was non-compliant with medicating for a diagnosed mental health disorder and had admitted to intentionally harming the children in the past.*

*The DV Unit assisted M by collaborating with her social worker at Northern Domestic Violence Service to facilitate accommodation for her and her children away from the de facto spouse. The Unit then successfully represented M in an application to SACAT to terminate the joint tenancy with the de facto spouse on the grounds of domestic violence and had her debt to Housing SA waived on the grounds of domestic violence. Consequently, M has no financial burden as a result of the other party's actions, despite having been in a joint tenancy.*

*The Unit is continuing to provide support and legal assistance to M in relation to advice regarding the father's access to the children.*

# Legal Information, Advice and Advocacy Services 2017-18

## Key achievements

### Legal Chat

Legal Chat is an online chat tool that is accessed through the Commission's website. It was launched in September 2015 and as at 30 June 2018 over 13 000 legal chats had occurred between the public and Commission advisers. Between 2016-17 and 2017-18 a 7% increase in users was recorded, with 91% of users stating they would use the service again.

Legal Chat provides a very effective triage service, with 69% of the chats in 2017-18 requiring no further action. Through it, clients with data on their phone, but no credit, are able to access legal information and advice. The service is delivered very efficiently, with a legal chat adviser able to provide information to multiple clients simultaneously.

### 24Legal

24Legal is an online platform, available on the Commission website, which provides legal information through a decision tree format. Clients find answers to legal questions by clicking on questions and answers contained in 36 decision trees, with each decision tree targeting a specific area of law. The service commenced in March 2017 in response to requests for legal information outside normal Commission hours. As at 30 June 2018, over 6 500 individual clients had accessed more than 10 100 information trees. The Commission is very grateful to the Law Foundation of SA for providing seed funding for the development of this project.

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## Client Feedback

Client feedback received in relation to the Commission's legal information and advice service includes–

*“Dear T,*

*I wish to express my deep appreciation towards our meeting of yesterday.*

*I was really stressed with my issue when I came to you but you were such a good listener and so calm in explaining the process which would follow if the issue would be escalated, that I felt so good after speaking to you.*

*I was truly blessed to having meeting with such a wonderful legal advisor who is so well versed with amazing solutions to problems and steps in resolving them.*

*Thank you T for your wonderful advice.*

*I would also like to thank M at the front desk who is so lovely and pleasing to welcoming people.*

*Keep up the good work guys!!”*

Received August 2017

## Legal Information, Advice and Advocacy Services 2017-18

### Facts and figures

In 2017-18 Commission advisers provided legal information and advice in more than 71 000 telephone calls and in more than 12 500 face to face appointments. The following tables indicate the types of matters in which information and advice was provided.

#### Top five telephone information enquiries

2016-17	No. Enquiries	2017-18	No. Enquiries
Family law - contact with children	4 928	Family law - contact with children	4 244
Fences / retaining walls	4 323	Fences / retaining walls	4 233
Contract dispute	3 097	Court information	2 902
Property settlement	2 758	Property settlement	2 765
Court information	2 616	Contract dispute	2 584

#### Top five advice sessions

2016-17	No. Sessions	2017-18	No. Sessions
Family law - contact with children	1 296	Family law - contact with children	1 031
Property settlement	846	Property settlement	844
Contract dispute	760	Fences / retaining walls	718
Fences / retaining walls	719	Motor vehicle property damage	666
Motor vehicle property damage	665	Consumer problem	612

#### % of sessions by law type

2017-18	Legal chats	Telephone information	Advice appointments
Civil law	61%	61%	55%
Family law	22%	23%	32%
Criminal law	17%	16%	13%

# Community Legal Education Services 2017-18

## What we do

The Commission's community legal education program targets four priority groups–

- new migrants
- young people
- older people
- people with disabilities.

These groups are prioritised by the *National Partnership Agreement on Legal Assistance Services 2015-2020* and were identified by the 2012 *Legal Australia Wide Survey* as being amongst the groups most vulnerable to having unresolved legal problems.

Community Legal Education is delivered through the following programs.

Program	Description
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<b>Legal resource development and maintenance</b>	The production of clear, plain English, interpretations of the law for use by Commission legal advisers, duty lawyers, and the general public. As legislation is enacted, the law is analysed and resources updated.
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<b>Media and Communications</b>	The Commission has an extensive online presence, including social media and digital platforms. In the past year, the work of the Commission has been promoted through almost 200 news media articles and segments across print, online, radio and television (this figure excludes news reports about legally aided court cases). In addition, the Commission was directly responsible for a further 110 news media reports promoting the work of National Legal Aid.
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<b>Publications</b>	The Commission produces online legal information, multimedia resources and printed publications (factsheets and legal information guides) covering many legal topics. Fact Sheets and resources are available for download from the Commission website, and are generally available in hard copy to members of the public.
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<b>Webinars</b>	Educational webinars are delivered to other service providers and the public. These sessions draw on the specialist legal knowledge of Commission lawyers. Topics are selected primarily to address the issues that confront people who are facing disadvantage, as contemplated by the <i>National Partnership Agreement on Legal Assistance Services 2015-2020</i> .
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## Community Legal Education Services 2017-18

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Program	Description
Training & Information Sessions	<p>Commission advisers provide information sessions for professionals, community support workers and the public. Commission staff participate in community events, such as the disability expo and housing expo.</p> <p>The Commission participates in the Adelaide Women's Prison <i>Living Skills</i> program for inmates on <i>Keeping Safe Inside Et Out</i> by providing information and contacts for participants. The program is designed to equip inmates with skills to assist them both within prison and on release back into the community.</p>
Other	Commission staff engage in collaborative projects for hard to reach communities to increase awareness of the law and available services.

### Key achievements

#### Law Week Legal Health Check Up in Rundle Mall

As part of National Law Week the Commission held a *Legal Health Check-Up* in Rundle Mall. Lawyers met with people in the street, answering questions and distributing legal information packs containing a *Legal Health Check-Up* flyer and information on how to access legal help.

#### South Australia Community Legal Education Network

On 22 May 2018 the Commission initiated the first meeting of the South Australian Community Legal Education Network. This network comprises 13 agencies involved in community legal education, including community legal centres, the Aboriginal Legal Rights Movement, Family Violence Prevention Legal Services and university law school clinics. Drawing on the experience of similar forums interstate, the aim of the network is to bring community legal educators together to meet and share information regarding the development and delivery of community legal education activities and resources. The meeting focused on promoting projects and resources, identifying community legal education trends and strategies and discussing opportunities for cooperation. Professional development opportunities specific to legal educators were also discussed.



### **RIGHTS ON SHOW: Explaining your rights when engaging with Police**

RIGHTS ON SHOW is a new legal education resource specifically designed for someone with an intellectual disability or cognitive impairment who is under arrest, or is a victim or a witness. It explains a person's rights when interacting with a police officer and demonstrates the new rules regarding communication assistance in police interviews for people with complex communication needs. It covers five topics and includes a simple photo story with a corresponding easy to read factsheet.

The resource was developed with funding under the *Disability Justice Plan (SA) 2014-17* and produced in partnership with SA Police, using actors from *No Strings Attached, Theatre of Disability*. It can be accessed online at- [https://lsc.sa.gov.au/cb\\_pages/rights\\_on\\_show.php](https://lsc.sa.gov.au/cb_pages/rights_on_show.php)

The development of RIGHTS ON SHOW was profiled on the ABC Sunday evening news bulletin on 3 December 2017- [https://www.youtube.com/watch?v=xqs\\_xzCFQdM&feature=youtu.be](https://www.youtube.com/watch?v=xqs_xzCFQdM&feature=youtu.be)



### **Young People and the Law - Factsheets**

During the financial year, a new series of *Young People and the Law* factsheets was produced for young people, educators, and community workers. The factsheets cover key areas of interest nominated by young people and youth workers and include-

- Alcohol and the Law
- Bullying at School
- Buying Things
- Cigarettes and the Law
- Discrimination
- Drugs and the Law
- Families and the Law
- Graffiti and the Law
- Health Stuff
- Living Independently
- Parties and the Law
- Police and You
- Police Complaints
- Porn
- Sexual Photos and Films
- Pregnancy and Getting Help
- Public Transport and the Law
- Security Guards and Bouncers
- Sex and Consent
- Social Media
- Tattoos and Piercings.

The new factsheets are written and designed for young people but it is envisaged they will also be accessed by youth workers, teachers, and community workers for use in their programs. In addition to the factsheets, seven other new resources were created for young people and their workers, including tip sheets for educators and community workers and easy to read guides for people who have difficulty reading and understanding written information.

## Community Legal Education Services 2017-18

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### Linking the Law

In the course of the financial year the Commission obtained funding from the Law Foundation for a project to train community legal guides for new migrant communities. 34 volunteer guides were recruited from 14 ethnic groups to help their community members identify common legal problems and access legal help. An evaluation of the training program showed a 100% increase in the confidence of participants to assist community members with legal problems.

Eight videos and MP3 audio files were produced, featuring ethnic community leaders promoting free legal advice, in multiple languages. A video documenting the project was also produced. All videos and audio recording are available on the *Linking the Law* page of the Commission website, [http://www.lsc.sa.gov.au/cb\\_pages/linkingthelaw.php](http://www.lsc.sa.gov.au/cb_pages/linkingthelaw.php)

### Client Feedback

Client feedback received in relation to the new Commission website includes–

*Excellent site, comprehensive information and easy to read. Thanks!*

Received June 2018

Feedback received in response to education sessions includes–

*I work as Youth Development Officer. I just wanted to write to you to commend the fantastic work of E. We have a long relationship of working with E out here in the North and she is brilliant. Just recently she came out and spoke to a group of young teenage boys that we work with. At this session she busted many myths that they thought were true and let them know their legal rights. This work is crucial as these young men will now know the correct information and be able to tell other young people in the community. Many of the young people that we work with out here have a history of family trauma and end up in the legal system with very little education about how it all works. The fact sheets that E has created are great for youth workers and young people and there are many things on there that I did not know.*

Received 2017-18

*I'd just like to commend you on your professionalism and commitment to providing such high quality and tailored information sessions to our newly arrived clients on the Law in Australia. Your understanding of the law coupled with your strong cultural competence and understanding of the refugee experience are an asset to our orientation program. Thank you.*

Received 2017-18

# Community Legal Education Services 2017-18

## Facts and figures

Community Legal Education	2015-16	2016-17	2017-18
Sessions	178	238	230
Participants	6 174	7 250	6 176

Website page views	2013-14	2014-15	2015-16	2016-17	2017-18
Law Handbook	1 118 851	1 364 068	1 545 363	2 089 860	2 521 500
LSC website	708 019	795 411	984 352	931 234	1 002 364
<b>Total</b>	<b>1 826 870</b>	<b>2 159 479</b>	<b>2 529 715</b>	<b>3 021 094</b>	<b>3 523 564</b>

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## Top five online legal information topics

2015-16	2016-17	2017-18
Alcohol / drugs and driving	Traffic offences	Traffic offences
Traffic offences	Alcohol / drugs and driving	Alcohol / drugs and driving
Good behaviour bonds	Suspended sentence	Police powers
Rights of an arrested person	Rights of an arrested person	Rights of an arrested person
Cannabis – use and supply	Bail applications	Bail applications

## Top five publications distributed

	2017-18
Fences and the Law	7 776
Do Not Knock	5 655
Trees and the Law	5 204
Family Law and You	2 817
Community Titles	1 055

# Duty Lawyer Services 2017-18

## What we do

The Commission provides duty lawyers at the family law courts, the magistrates courts and the Youth Court. The courts repeatedly voice their appreciation and support for this program.

### Family courts

In the family law courts Commission duty lawyers are available each sitting day to provide free legal information, advice and in some cases representation to clients who are not legally represented. These lawyers–

- assist parties to manage court appearances
- refer clients to a court located social worker
- provide assistance with legal aid applications
- refer clients to private family law practitioners or other community services as appropriate.

### Criminal and civil courts

Duty solicitors are available in all magistrates courts in metropolitan Adelaide, in some country courts and in the Youth Court. They also provide a regular advice service to clients in prison.

The presence of duty solicitors in the courts plays a significant role in the smooth running and administration of the criminal justice system. For people arrested the previous night, duty solicitors–

- conduct bail applications
- give legal advice
- conduct simple guilty pleas

Duty solicitors conduct bail applications for unrepresented people in custody, many of whom are vulnerable due to mental illness, substance abuse, family breakdown and homelessness.

When resources permit, duty solicitors provide general information and advice to unrepresented people in both criminal and civil cases

## Case Study

*B was arrested for property damage and assault. He was homeless and had mental health and alcohol problems. He had minor previous convictions and a history of poor attendance at court. The prosecution opposed his application for bail because he did not have a bail address and they were concerned he would not attend court in future if released from custody. The Commission's duty solicitor persuaded the court to grant B bail after linking him to a Bail Accommodation Support Program which provided accommodation and offered supervision and counselling.*

## Duty Lawyer Services 2017-18

### Facts and figures

In 2017-18, **13 610** duty lawyer services were provided by either a Commission in-house lawyer or a private legal practitioner funded by the Commission.

	Family	Criminal	Civil	Total
<b>2017-18</b>	2 242	11 152	216	<b>13 610</b>
<b>2016-17</b>	2 125	11 911	213	<b>14 249</b>

### Criminal law duty solicitor services by location and work type

Court	Advice	Mention	Plea	Contested Bail Application	Hearing	Other	Total
<b>Adelaide</b>	1 440	1 470	239	607	10	110	3 876
<b>Berri</b>	57	139	55	6	1	5	263
<b>Ceduna</b>	0	0	0	1	0	0	1
<b>Christies Beach</b>	374	103	38	458	1	22	996
<b>Cooper Pedy</b>	0	0	0	2	0	0	2
<b>Elizabeth</b>	539	212	68	1 937	21	94	2 871
<b>Millicent</b>	2	11	4	0	0	0	17
<b>Mount Barker</b>	42	43	17	7	0	7	116
<b>Mount Gambier</b>	4	38	16	1	0	1	60
<b>Murray Bridge</b>	36	50	12	26	0	26	150
<b>Port Adelaide</b>	334	707	85	599	0	33	1 758
<b>Port Augusta</b>	136	187	54	216	28	1	622
<b>Port Pirie</b>	0	1	1	1	0	0	3
<b>Renmark</b>	0	1	0	0	0	0	1
<b>Victor Harbor</b>	1	1	0	0	0	0	2
<b>Waikerie</b>	3	5	5	1	3	0	17
<b>Whyalla</b>	38	120	23	207	4	5	397
<b>Total</b>	<b>3 006</b>	<b>3 088</b>	<b>617</b>	<b>4 069</b>	<b>68</b>	<b>304</b>	<b>11 152</b>

## Duty Lawyer Services 2017-18

### Criminal law duty solicitor services by court type and work type

Court	Advice	Mention	Plea	Contested Bail Application	Hearing	Other	Total
<b>Supreme</b>	0	0	0	1	0	0	<b>1</b>
<b>District</b>	3	7	0	4	2	0	<b>16</b>
<b>Magistrates</b>	2 457	3 025	585	4 030	64	281	<b>10 442</b>
<b>Youth</b>	546	56	32	34	2	23	<b>693</b>
<b>Total</b>	<b>3 006</b>	<b>3 088</b>	<b>617</b>	<b>4 069</b>	<b>68</b>	<b>304</b>	<b>11 152</b>

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### Family law duty lawyer services by court type and work type

Work Type	Family Court	Federal Circuit Court	No Court proceedings	Total
Advice and information	3	1 260	24	<b>1 287</b>
Minor legal assistance	0	474	0	<b>474</b>
Mention	0	133	0	<b>133</b>
Explaining consent orders	1	15	0	<b>16</b>
Negotiations / draft terms	1	80	0	<b>81</b>
Urgent hearing	0	140	0	<b>140</b>
Referral	2	74	0	<b>76</b>
Legal aid application	0	19	0	<b>19</b>
Other	0	16	0	<b>16</b>
<b>Total</b>	<b>7</b>	<b>2 211</b>	<b>24</b>	<b>2 242</b>

# Legal Representation Services 2017-18

## What we do

The Commission provides funding for legal representation to a person who meets the Commission's funding criteria. To meet these criteria, a person must–

- come within the Commission's means test, and
- have a legal case with merit that falls within the guidelines under which legal assistance is able to be granted.

Generally, the cases that come within the guidelines are criminal law cases where there is a real risk of imprisonment and family law cases involving children.

For further information on cases that may be funded please visit the Commission website at [http://www.lsc.sa.gov.au/cb\\_pages/legal\\_aid\\_eligibility.php](http://www.lsc.sa.gov.au/cb_pages/legal_aid_eligibility.php).

## Practitioner Panels

To provide the best possible representation for clients, the Commission requires a legal practitioner representing a client in receipt of a grant of aid to be a member of the appropriate Commission panel of practitioners. The following six panels have been established–

- a General Panel;
- a Complex Criminal Law Panel, with a murder subpanel;
- a Guardianship and Mental Health Representation Panel;
- an Independent Children's Lawyer Panel;
- a Family Dispute Resolution Chairperson Panel;
- a Care and Protection Panel for practitioners acting for children under the *Children's Protection Act 1993*.

All legal practitioners to whom grants of aid are assigned must be on the General Panel. If a practitioner wishes to represent a client in a matter to which a specialist panel applies, the practitioner must also be a member of that panel. Each panel has specific requirements relating to experience and expertise.

Continued inclusion on a panel requires ongoing compliance with the General Panel Agreement and practice standards, and compliance with practice standards specific to each particular panel. Regular auditing of practitioner files occurs to ensure compliance with applicable practice standards. For further information about the Commission's panel system, please see [http://www.lsc.sa.gov.au/cb\\_pages/practitioners\\_panel\\_registry.php](http://www.lsc.sa.gov.au/cb_pages/practitioners_panel_registry.php).

## Legal Representation Services 2017-18

### Facts and figures

Applications	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Received</b>	17 940	19 254	19 562	19 612	18 269
<b>Granted*</b>	14 552	16 062	16 510	16 727	15 805

\*Granted applications includes applications received in 2016-17 but not granted until 2017-18

	Waiting assessment	Assigned externally	Assigned in-house	Refused	Withdrawn	Total
<b>Family</b>	3	1 604	788	735	9	<b>3 139</b>
<b>Criminal</b>	19	8 743	3 609	1 647	35	<b>14 053</b>
<b>Civil</b>	0	12	7	168	0	<b>187</b>
<b>Care and Protection</b>	1	479	347	62	1	<b>890</b>
<b>Total</b>	<b>23</b>	<b>10 838</b>	<b>4 751</b>	<b>2 612</b>	<b>45</b>	<b>18 269</b>

2017-18	Family	Criminal	Civil	Care and Protection	Total
<b>Received</b>	3 139	14 053	187	890	<b>18 269</b>
<b>Granted</b>	2 422	12 533	19	831	<b>15 805</b>

#### Granted applications– Assigned externally or in-house by law type

	Assigned externally		Assigned in-house		Total
<b>Family</b>	1 623	(67%)	799	(33%)	<b>2 422</b>
<b>Criminal</b>	8 863	(71%)	3 670	(29%)	<b>12 533</b>
<b>Civil</b>	12	(63%)	7	(37%)	<b>19</b>
<b>Care and Protection</b>	482	(58%)	349	(42%)	<b>831</b>
<b>Total</b>	<b>10 980</b>	<b>(65%)</b>	<b>4 825</b>	<b>(35%)</b>	<b>15 805</b>

Includes applications received in 2016-17 but not granted until 2017-18



## Legal Representation Services 2017-18

### Reason for refusal of applications received 2017-18

	Family		Criminal		Civil		Care and Protection		Total	
<b>Autofinalise</b>	0		1	(0%)	0		0		<b>1</b>	<b>(0%)</b>
<b>Guidelines</b>	181	(25%)	624	(38%)	158	(94%)	29	(47%)	<b>992</b>	<b>(38%)</b>
<b>Guidelines and means</b>	91	(12%)	222	(14%)	4	(2%)	8	(12%)	<b>325</b>	<b>(12%)</b>
<b>Means</b>	349	(47%)	723	(44%)	2	(1%)	19	(31%)	<b>1 093</b>	<b>(43%)</b>
<b>Means and merit</b>	14	(2%)	2	(0%)	0		0		<b>16</b>	<b>(1%)</b>
<b>Means, merit and guidelines</b>	5	(1%)	1	(0%)	0		0		<b>6</b>	<b>(0%)</b>
<b>Merit</b>	36	(5%)	66	(4%)	1	(1%)	5	(8%)	<b>108</b>	<b>(4%)</b>
<b>Merit and guidelines</b>	27	(4%)	5	(0%)	3	(2%)	0		<b>35</b>	<b>(1%)</b>
<b>No jurisdiction</b>	32	(4%)	2	(0%)	0		1	(2%)	<b>35</b>	<b>(1%)</b>
<b>Not stated</b>	0		1	(0%)	0		0		<b>1</b>	<b>(0%)</b>
<b>Total</b>	<b>735</b>	<b>(100%)</b>	<b>1 647</b>	<b>(100%)</b>	<b>168</b>	<b>(100%)</b>	<b>62</b>	<b>(100%)</b>	<b>2 612</b>	<b>(100%)</b>

# Family Law Services 2017-18

## What we do

Commission family lawyers assist people involved in family separation to resolve their disputes in an appropriate way through–

- the provision of legal information and advice
- family dispute resolution conferences
- litigation in the family law courts.

Family law legal services include–

- a free duty lawyer and social work service at the family law courts
- free legal advice in all family law matters, including child support matters
- legal representation in relation to parenting disputes, financial issues and child support matters
- independent children's lawyers, appointed by the courts to represent the best interests of children in parenting cases before the courts
- lawyer assisted family dispute resolution to help people resolve their disputes either before litigation has commenced or during litigation
- legal education and liaison with other members of the broader family law community.

## Family law sub-programs

### In-house legal representation

Commission family lawyers–

- represent clients with substantial family law disputes in cases involving children – these disputes regularly include complicating factors such as family violence, mental health and drug and alcohol issues
- may represent clients in low asset property matters where there are extenuating circumstances
- have expertise in the specialised area of child support, providing legal advice and representation in disputes over parentage of children and the level of child support payment
- provide advice and assistance in international child support cases, where either the parent with the child is seeking to properly register for assessment and collection of child support in Australia against a local payer or where the Australian payer of child support has relocated overseas.

### Child Support case study

*R consulted a Commission lawyer for advice after being told by Centrelink he owed them over \$21 000, comprising \$10 000 in child support payments and \$11 000 in late penalty payments. Centrelink were recovering the debt at the rate of \$48 per fortnight from R's Newstart Allowance. The debt had accrued during periods of unemployment and incarceration when he didn't lodge tax returns. R was advised that when tax returns are not lodged Centrelink use a default income (currently set at almost \$50 000 per annum) to calculate payments.*

*R's only remedy was to apply to the Federal Circuit Court to adjust the amount owed. The mother was represented and opposed the application. After hearing submissions on R's behalf the Court made an order reducing the outstanding debt to \$1 000.*

### Family Dispute Resolution

The Family Law Act 1975 requires that in most cases, prior to making an application to the court for a parenting order, parties must have attempted family dispute resolution. Consequently, if a party to a dispute has received a grant of legal aid the Commission will generally hold a lawyer assisted family dispute resolution conference. A screening process is conducted to ensure that a conference is appropriate and that it is safe for the parties to attend. The conference is chaired by a family dispute resolution practitioner, provided by the Commission, who has both legal and family dispute resolution qualifications. If an agreement is reached at the conference, the dispute may be finalised without the need for court orders.

The Commission may also convene a lawyer assisted family dispute resolution conference after proceedings have commenced in the family law courts. These cases are often matters where family dispute resolution has not taken place prior to the filing of proceedings because of urgency or some other factor that makes it inappropriate to conduct a conference at that stage. These matters often involve more difficult factual situations, multiple parties, serious abuse or violence allegations and possibly an independent children's lawyer. A referral process has been established with the Federal Circuit Court and dates for these conferences are specifically allocated to fit in with the management of the case through the court system.

In the last financial year the settlement rate for both types of conference was greater than 80%. Even where a matter does not settle at a conference the process is valuable. It limits the areas in dispute and focuses the parties' minds on a settlement process, with an agreement often reached after further negotiation at the next court hearing.

## Family Law Services 2017-18

The potential benefit of a family dispute resolution conference can be seen in the following case study.

*R and D separated after a 10 year marriage. They share the care of their two children. The parties owned real estate but it was sold after settlement with neither party receiving any proceeds once debts were paid. The only financial matters outstanding were the parties' respective superannuation entitlements. These were modest, but D's entitlements were much greater.*

*R works part-time, with no financial assets, and approached the Commission for assistance. Legal aid was granted to see if the issue could be resolved by way of a lawyer assisted family dispute resolution conference.*

*Both parties attended the conference where, with the assistance of a family dispute resolution chairperson, an agreement was reached with D consenting to a split of his superannuation entitlements to make the parties' entitlements fairer. Consent minutes of order were filed in the Family Court to give effect to the agreement.*

### Independent children's lawyers

In appropriate cases, accredited and experienced family lawyers are appointed as independent children's lawyers (ICLs) to represent the best interests of a child who is the subject of an application for parenting orders in the family law courts. These lawyers are involved at all stages of the case, including family dispute resolution conferences and trial. During the course of proceedings the ICL–

- facilitates the involvement of the child in the case, as appropriate
- ensures any views of the child are made known to the court
- arranges for appropriate evidence to be called
- seeks to broker appropriate agreement between the parties
- examines evidence presented by other parties and responds according to the best interests of the child.

## Family Law Services 2017-18

The following matter illustrates the role of an ICL.

*An order was made in a parenting dispute case by a Federal Circuit Court judge that the interests of two children, aged 16 and 12, be independently represented by a lawyer. An in-house lawyer from the Commission's specialist ICL Panel was appointed to act.*

*The parties had been in a long but volatile marriage and after separation the mother complained about the father's extreme violence and ongoing manipulative and threatening behaviours. She stopped the father from spending time with the children. The case was determined to be inappropriate for a family dispute resolution conference at a family relationship centre and the mother sought orders from the Court that the children live with her and that she have sole parental responsibility for them. The father opposed these orders and sought orders that he spend time with the children.*

*The ICL met with the children to explain his role and to ascertain their views. It was arranged that the father undergo various parenting programs and the Court ordered a family assessment report be prepared. This report noted that the father had completed these programs and that the boys wished to resume time with the father.*

*The Court ordered that the parties attend an FDR conference at the Commission. The ICL met again with the children to discuss the contents of the report and represented them at the FDR hearing.*

*At that conference an Agreement was reached that the children spend time with the father. For the elder boy, this was at times in accordance with his wishes. For the younger boy, this was each week alternating a full weekend and an overnight midweek stay. Handover was to take place at the school and, to alleviate the mother's fears, it was negotiated that the father would pick the boys up at a designated spot near the school office and that he would travel to the school by a set route to avoid any incidental contact with the mother.*

*Consent orders were made by the Court in these terms and the matter finalised. The ICL met with the children to explain the orders.*

## Key achievements

### Family Advocacy and Support Services

During the financial year the *Family Advocacy and Support Services* program (FASS) completed its first full year of operation. The focus of this program is to–

- increase the capacity of existing duty lawyer services, and
- integrate social support services with duty lawyer legal services to help families affected by family violence.

The FASS program has proved to be a successful addition to Commission services. Duty lawyers are available to see unrepresented parties who have matters before the courts on that day or where proceedings are imminent. The integration with a social support service has enabled meaningful referrals to other services to better assist families affected by family violence.

The program is run with the support of the family law courts at the Adelaide Registry and at Mount Gambier during circuits of the Federal Circuit Court – four times each year. The Commission partners with *Relationships Australia South Australia* (RASA) to provide the integrated social support service at the family law courts in Adelaide, with a social support worker present each day delivering risk assessment, referral and assistance services.

To deliver the program in Mount Gambier the Commission partnered with the *Southern & Limestone Coast Community Justice Centre* for the provision of duty lawyer services and *ac.care* (Anglican Community Care Inc) for the provision of social support services.

The following is an example of the benefits of this expanded service.

*M was referred to the FASS Social Support Service worker at the family law courts. She had fled the matrimonial home with her three children due to family violence. She was highly stressed and unsure what to do. She was staying with the children at a friend's place. Her husband was highly controlling and had told her that she had no right to any money or to have the children.*

*The FASS social worker discussed next steps, made a referral to Centrelink, prepared a safety plan and risk assessment and made enquiries about emergency housing.*

*M was also referred to the FASS duty lawyer for legal advice. M disclosed that her husband was still intimidating her and the children and had inflicted property damage. She was helped to complete a legal aid application form. She was also linked into a victim support service which successfully helped her obtain an intervention order.*

*This assistance occurred over several sessions. The FASS worker has continued to support her when attending appointments.*

*M has now secured accommodation and the correct Centrelink payments and has the protection of the intervention order. The family law court matter is proceeding.*

### Domestic Violence List

As an extension of the FASS program the Commission provides a duty lawyer at the Adelaide Magistrates Court for the domestic violence list. This is in recognition that family violence is a component of a significant number of matters in the family law courts – 79% of cases with a grant of legal assistance. In a large number of these matters, the victim has sought an intervention order through the Magistrates Court.

Intervention orders often conflict with orders being sought in the family law courts, increasing the complexity of the dispute between the parties. Many defendants are charged with breaching intervention orders and many are unaware of the penalties attaching to a breach. The FASS duty lawyer in the Magistrates Court is able to give legal advice to defendants both with respect to their family law matters and the intervention order and can, in appropriate matters, appear before the magistrate to represent the client at the hearing. Where further family law assistance is needed, the client is referred to the FASS duty lawyers at the family law courts or to the Commission to seek a grant of legal aid.

The benefit of a FASS duty lawyer in the Magistrates Court is illustrated by the following matter.

*A was appearing at a sitting of the Domestic Violence List in the Adelaide Magistrates Court. There was an interim intervention order in place and a final order of the Federal Circuit Court in regards to the child of his relationship.*

*A was worried that if the intervention order were confirmed it would cause difficulty with the ongoing care of the child. He instructed the FASS duty lawyer that the previous week the child had an allergic reaction while in his care and, because of the intervention order, he had to contact the child's mother through a work colleague. A also expressed difficulties with the location of handover. With the intervention order in place there was no ability to vary handover arrangements, even when the parties would agree.*

*The FASS duty lawyer negotiated with prosecution and reached agreement that the non contact condition of the intervention order be varied to allow communication via text message in relation to the care of the child and around the place of handover. These two variations meant that the parties could continue to care for the child without having to return to the family law courts.*

## Family Law Services 2017-18

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*The Magistrate ordered the variations. A further condition was inserted into the intervention order to allow the parties to attend at any family dispute resolution that might be appropriate in the future to resolve any ongoing family law issues.*

*With these variations A agreed to confirm the intervention order and the matter was finalised. After court the duty lawyer explained the ramifications of breaching the order to A and gave him details of the FASS service should he require any further assistance.*

### Aboriginal and Torres Strait Islander Family Law List

In March 2018 the Federal Circuit Court introduced an Aboriginal and Torres Strait Islander Family Law List to hear cases where an Aboriginal child is the subject of a parenting dispute before the court. The initiative was the subject of broad consultation with the local community and relevant service providers, with the Commission providing support for the program both in its planning and as a member of the Court's ATSI List working group. Through its FASS service, the Commission provides a duty lawyer and a social worker to assist parties who have matters in the List.

## Facts and figures

Family law	2013-14	2014-15	2015-16	2016-17	2017-18
Telephone information	15 606	16 312	17 747	16 015	15 238
Legal Chat			*739	1 096	1 098
Advice appointments	8 247	8 328	6 698	6 308	5 767
Duty lawyer sessions	1 486	1 638	1 769	2 125	2 242

\*Legal Chat was established in September 2015

Grants of aid	2016-17	2017-18
Assigned in-house	872	799
Assigned externally	1 891	1 623
<b>Total</b>	<b>2 763</b>	<b>2 422</b>

Private practitioners received 67% of the grants of legal aid for family law matters in 2017-18, a decrease from 68% in 2016-17.



## Family Law Services 2017-18

### Family Law Dispute Resolution conferences

	2014-15	2015-16	2016-17	2017-18
Number of conferences	777	780	953	863
Settlement rate	75%	77%	79%	83%

### Independent Children's Lawyers

	2014-15	2015-16	2016-17	2017-18
ICL appointments	339	312	334	274

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## Challenges

### Changes to the family law system

During the financial year the Commonwealth Attorney-General commissioned the *Australian Law Reform Commission* (ALRC) to undertake a comprehensive review of the family law system. The review is to be broad and far reaching.

National Legal Aid, through the Family Law Working Group, has met with the ALRC on a number of occasions and provided formal submissions in response to the Issues Paper. National Legal Aid will continue to be involved in the process. The final report from the ALRC is expected in early 2019.

Although the report is yet to be finalised the Attorney-General has announced–

- a merger between the Family Court and the Federal Circuit Court
- the introduction on a trial basis of Parental Management Hearings
- the prohibition of direct cross examination in the family law courts of victims of family violence.

Next year will be a challenging one for the practice of family law and in particular for those family lawyers who act for parties with a grant of legal aid in matters which are becoming increasingly complex.

# Criminal Law Services 2017-18

## What we do

The Criminal Law Practice Division of the Commission comprises the largest criminal law defence practice in the State, accounting for approximately 30% of the legally aided criminal work in all State courts. It is a genuine litigation practice where all solicitor and counsel work is done in-house.

The practice is divided into a number of teams, which provide a comprehensive duty solicitor service, a Youth Court service and a general and specialist Magistrates Court service. The most experienced practitioners represent clients in complex and high profile trials and sentencing matters before the District and Supreme Courts. Superior court litigation is co-ordinated between a Major Indictable Solicitor team, Solicitor Advocate team and Counsel team. Members of the Counsel team also provide representation to clients on appeals against conviction and sentence to the Court of Criminal Appeal and the High Court of Australia.

The in-house practice also provides a free after hour's custody telephone advice service and free prison advisory service.

## Specialist court representation

The Commission has a strong commitment to assisting the most disadvantaged and vulnerable people in the South Australian community. Specialist criminal law services are provided to children and young people charged with criminal offences before the Youth Court, including duty solicitor assistance, representation for minor and serious criminal offending and legal services for children detained in youth detention facilities.

Specialist legal representation is also available to clients with addiction illnesses who have been accepted into therapeutic rehabilitation programs, such as in the Treatment Intervention Court (formally the Drug Court). Clients participating in the Treatment Intervention Court program will typically have pleaded guilty to less serious criminal offences and are given the opportunity to take part in a structured and intensive court ordered program of drug rehabilitation. Successful completion of the program can result in less severe penalties being imposed as an encouragement to cease drug related offending.

The following case illustrates the benefits of the program.

*P was addicted to methamphetamine and had committed numerous offences of dishonesty to support his habit. P's life had completely fallen apart due to drug addiction. The Commission's lawyer convinced the Court that P should be allowed to participate in the drug treatment program. P pleaded guilty to his criminal charges*

*and sentence was deferred until he had completed the program. After intensive court monitored participation over a period of 12 months, involving regular counselling, intensive community supervision, court ordered assessments and drug testing, P successfully graduated from the program and overcame his addiction illness. P's commitment to his rehabilitation was rewarded by the court imposing a non custodial sentence for his offending.*

In 2017-18 the Criminal Law Practice Division also provided comprehensive legal assistance to clients in other diversionary programs such as the Gambling Court. An active role is taken in supporting therapeutic court programs as a means of reducing crime and recidivism in the community.

Specialist legal representation is also provided to clients with mental illness or impaired cognitive function. Many Commission clients suffer from chronic mental illnesses such as schizophrenia, bi-polar disorder, major depression and post traumatic stress disorder. In many cases the client's mental illness has contributed to the offending behaviour, raising the questions of fitness to plead and mental competence to commit the offence. These matters must be explored and determined by the court with the assistance of expert psychiatric and psychological opinion. The work can be demanding and complex. Practitioners are often confronted with clients incapable of providing instructions charged with very serious offences, including murder.

### **Magistrates Court representation**

Commission lawyers represent clients on bail applications, pleas of guilty and in summary trials. Practitioners primarily working in courts of summary jurisdiction carry significant case file loads and are highly skilled in managing the challenges of heavy court lists and sometimes difficult legal and factual issues.

### **Higher court representation**

The Criminal Law Practice Division includes a Counsel section, the members of which are briefed by legal practitioners employed in the Major Indictable Solicitor section. Counsel members represent legally aided clients charged with the most serious criminal offences before the District Court, Supreme Court and High Court. A benefit of in-house Counsel is that it allows early briefing, resulting in expert advice, better client outcomes and a more timely settlement of cases.

# Criminal Law Services 2017-18

## Key achievements

### Improved services to vulnerable clients

In early 2018 a specialist in-house criminal court representation team, consisting of six legal practitioners, was established to improve the delivery of legal services to the most vulnerable clients, in particular children and young people, the elderly and clients with a mental illness, intellectual or physical disability or addiction illness. Vulnerable clients are represented by a member of this representation team in all criminal courts, offering specialist skills and a more co-ordinated approach for clients appearing in court with special needs.

The necessity for such a specialist team was driven by the introduction of vulnerable witness legislation, a steady expansion of intervention court programs and a recognition that the criminal justice system must be more responsive to people with special needs.

## Facts and figures

Criminal law	2013-14	2014-15	2015-16	2016-17	2017-18
Telephone information	12 079	12 116	12 087	11 185	11 017
Legal Chat			*687	1 017	871
Advice appointments	3 857	3 789	3 064	2 728	2 432
Duty solicitor sessions	13 240	15 198	14 465	11 911	11 152

\*Legal Chat was established in September 2015

Grants of aid	2013-14	2014-15	2015-16	2016-17	2017-18
Assigned in-house	3 574	3 969	4 150	4 200	3 670
Assigned externally	7 980	8 552	8 730	8 798	8 863
<b>Total</b>	<b>11 554</b>	<b>12 521</b>	<b>12 880</b>	<b>12 998</b>	<b>12 533</b>

Private practitioners received 71% of the grants of legal aid for criminal law matters in 2017-18, an increase from 67% in 2016-17.

### Challenges

#### Major indictable reform

In March 2018 the *Criminal Procedure (Miscellaneous) Amendment Act 2018* commenced. This legislation overhauls the management of major indictable cases from a defendant's first appearance in the Magistrates Court, until committal to either the District Court or Supreme Court. The legislation requires the police to prepare a preliminary brief which must be accepted by the Director of Public Prosecutions before the committal process commences. In many cases, this has resulted in police prosecutors seeking adjournments of many months to prepare a brief of evidence, resulting in significant delay. The legislation also imposes shorter timeframes for the entering of guilty pleas to gain maximum sentencing discounts and it introduces a requirement that both the defence and prosecution file statements with the court disclosing aspects of their case in order to narrow the issues at trial. It remains to be seen if these new legislative measures will be effective in achieving a more timely disposition of major indictable matters, particularly in the District Court where there is a significant backlog of trials.

#### Assisting clients in custody

The prison population in South Australia exceeds 3000 and continues to grow by about 10% each year. Over capacity in the prison system restricts legal practitioners and other professionals, such as psychiatrists and psychologists, in obtaining sufficient instructions and information for court proceedings, leading to delay in the finalisation of cases for clients in custody.

#### Clients affected by methamphetamine

The prevalence of methamphetamine (ice) in the community continues to pose major difficulties for criminal law practitioners and the justice system as a whole. Duty solicitors are frequently confronted with custody clients withdrawing from drug addiction, making it difficult to obtain instructions and to make successful applications for bail. Legal practitioners continue to report that methamphetamine use plays a role in a wide range of offending including assaults, dishonesty offences, family violence and street level drug dealing.

#### Increase in domestic violence cases

In 2017-18 there was a significant increase in domestic violence cases before the Magistrates Court in South Australia. The Family Violence Court cause lists continue to grow, placing significant pressure on the prison system - many individuals arrested for breaching domestic violence intervention orders are refused bail because they are proscribed applicants under the Bail Act 1985. Latest figures indicate that more than 25% of the short term prison population have been refused bail for domestic violence related offending.

# Children's Care and Protection Services 2017-18

## What we do

The Commission–

- provides legal representation to all children who are the subject of proceedings under the *Children's Protection Act 1993* and the *Children and Young People (Safety) Act 2017*, and
- funds legal practitioners to provide advice and representation to the parents or guardians of those children.

In undertaking these roles the Commission provides–

- free legal advice in all care and protection matters
- legal representation for parents and legal guardians in care and protection matters
- legal practitioners to act as child representatives to interview the children, present the children's views to the court and make submissions on the best interests of the children
- legal education and liaison with other members of the broader care and protection legal community.

The great majority of matters involve applications for children to be placed under the guardianship or custody of the Minister in order to remove them from unsafe situations. However, the Commission also represents children in a small number of much happier applications. On occasion children are represented who are returned to the care of their biological parent following a significant period of guardianship. More frequently, children are represented in applications for the transfer of guardianship orders to their foster parents. These applications are akin to an adoption and usually involve older children who understand, and appreciate, the significance of the orders transferring guardianship to their psychological families. The child representatives do all they can to make these applications a celebration for the child and their family.

## Client case study

The following example is typical of the type of matter in which the Commission is involved.

*J and L have three children, aged 9, 6 and 2. Both parents have long standing issues with illicit substance use and are regular users of methamphetamines and cannabis. The father also has a long criminal history and has spent significant time in gaol. The mother suffers from severe mental health issues and has been detained several times under the Mental Health Act 2009 due to drug induced psychosis.*

## Children's Care and Protection Services 2017-18

*J has been in gaol for the last 9 months and is likely to remain in custody for at least a further 22 months.*

*L has been unable to manage her finances and has lost her rental accommodation. She and the children have been living in motel rooms for the last few months. Her drug use has increased and she rarely has money left to pay for food or accommodation. They have had to move several times in the last few months because of unpaid bills.*

*L has entered into a relationship with another man who is also a known drug user. She goes out at night, leaving the children alone in the motel room, sometimes for more than 24 hours. When she returns she sleeps most of the time. The children are frightened when their mother is not there and they are often left with little or no food. The two older children have not been going to school and the 9 year old has taken on the role of carer for her two younger siblings.*

*The matter came to the attention of the Department for Child Protection after they received a notification from the motel owner. The 9 year old had been knocking on the doors of other motel rooms, asking for money and food. A concerned guest asked the motel owner to check on the children. He found the room in a disgusting state and it was obvious the children had been left alone for some time. The Department for Child Protection was contacted and they came out to assess the situation. All of the children were hungry and dirty. The 2 year old's nappy was full and overflowing and there were no clean ones.*

*The workers from the Department for Child Protection asked the children if they knew their mother's phone number. They did, and L was called many times over the next 30 minutes but she did not respond to phone calls or text messages.*

*The Department invoked their power of removal and took all three children into their custody. They arranged for SAPOL to locate the mother and eventually discovered that she'd had another psychotic episode and was detained in hospital.*

*The Department applied for orders over the children in the Youth Court. The Commission child representative acted for the children throughout the proceedings. The Commission also received applications from the parents for legal representation and their matters were assigned to experienced external legal practitioners.*

## Children's Care and Protection Services 2017-18

### Key achievements

#### New child protection legislation

The *Children and Young People (Safety) Act 2017* was assented to on 18 July 2017, with some sections commencing on 26 February 2018. Prior to commencement, Commission staff played an active role in liaising with other key stakeholders in identifying the best way to address issues likely to arise as a result of the new legislation and in being as prepared as possible for those changes.

### Facts and figures

#### New matters under the *Children's Protection Act 1993*

	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Applications</b>	516	810	1031	991	890
<b>Granted</b>	486	763	985	950	831

#### Status of new matters as at 30 June 2018

	Waiting assessment	Assigned externally	Assigned in-house	Refused	Withdrawn	Total
Adult	1	409	1	61	1	473
Child	0	70	346	1	0	417
<b>Total</b>	<b>1</b>	<b>479</b>	<b>347</b>	<b>62</b>	<b>1</b>	<b>890</b>

These applications are in relation to a new grant of aid. The figures do not include applications relating to a person in relation to whom an order has previously been made. Where more than one child in a family is the subject of an application, the application may relate to multiple children.



## Children's Care and Protection Services 2017-18

### Granted applications for a Care and Protection Order or an Investigation and Assessment Order

	2013-14	2014-15	2015-16	2016-17	2017-18
In-house	565	674	903	941	906
External	481	681	832	897	845
<b>Total</b>	<b>1 046</b>	<b>1 355</b>	<b>1 735</b>	<b>1 838</b>	<b>1 751</b>

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## Challenges

### Review of child protection system

Selected sections of the new *Children and Young People (Safety) Act 2017* came into effect on 26 February 2018. These sections run in conjunction with the current *Children's Protection Act 1993*. The *Children's Protection Act 1993* will cease to operate on 22 October 2018 when the remainder of the *Children and Young People (Safety) Act 2017* will be implemented.

The implementation of the new legislation will result in significant change in the way the Youth Court makes orders. In anticipation, the Court is currently in the process of drafting new rules. These changes will affect the way in which all stakeholders carry out their roles in these applications.

# Regional Services 2017-18

## What we do

The Commission has offices in the northern regional towns of Whyalla and Port Augusta. Criminal and family law representation and legal advice and education services are provided to the residents of these towns and to those living in the surrounding rural areas of the Eyre Peninsula, the mid north and the southern Flinders Ranges.

Commission criminal lawyers represent clients in the Youth and Magistrates Court sitting in Whyalla and Port Augusta, and in the Northern District Criminal Court sitting in Port Augusta.

Both the Commission family lawyer and legal adviser practice in Whyalla and Port Augusta, travelling several times a week between the two offices for client appointments. The adviser also provides telephone advice appointments and participates on the Commission's telephone information and advice line.

## Key achievements

### Family law practice

The family lawyer maintains a busy practice, dividing her time between the Whyalla and Port Augusta offices of the Commission. Over the course of the financial year she has been appointed to act as the independent children's lawyer in a number of complex cases. In one, she was required to travel to Port Lincoln to interview two sets of children. In another, at the request of a Federal Court Judge, she travelled to Maree in the State's far north to interview three children.

### Legal advice service

Clients come from all over the Eyre Peninsula and mid north, including Port Lincoln and Coober Pedy, for appointments with the Commission's legal advice service. The legal adviser has developed a strong connection with other community sector support agencies (such as HOPE Collective and the Port Augusta HVACC group) through monthly meetings both in Whyalla and Port Augusta.

## Regional Services 2017-18

### Client Feedback

The following call from a client assisted by a criminal lawyer was reported in June 2018 by the receptionist-

*Client rang and said to say thankyou for everything you did for him and that he appreciates it.*

*He had wanted to send you a card to say thank you, but the prison didn't have any nice ones so he thought he'd call instead.*



*Homemade donuts, regularly provided by a grateful client.*

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### Facts and figures

#### Services provided from Port Augusta and Whyalla offices

	Grant of Aid	Advice Appointment	Duty Lawyer Service	Total
<b>2017-18</b>	410	912	1 117	<b>2 439</b>
<b>2016-17</b>	619	1 035	1 714	<b>3 368</b>
<b>2015-16</b>	626	907	1 598	<b>3 131</b>

Client priority group	Grant of Aid	Advice Appointment	Duty Lawyer Service	Total
<b>Aboriginal or Torres Strait Islander</b>	165	138	480	<b>783</b>
<b>Culturally and linguistically diverse*</b>	15	14	55	<b>84</b>
<b>Disability or mental illness</b>	103	133	207	<b>443</b>
<b>Under 18</b>	31	7	53	<b>91</b>
<b>65 or over</b>	5	125	15	<b>145</b>
<b>Receives a government benefit</b>	325	626	845	<b>1 796</b>
<b>Requires an interpreter</b>	6	10	38	<b>54</b>
<b>In custody</b>	104	75	275	<b>454</b>

\*Main language spoken at home is not English or an interpreter is required.

## Regional Services 2017-18

Although this year the number of services delivered in the north of the State has declined, the services to clients in many of the priority client groups have increased substantially, as can be seen in the following table. These increases are particularly large when considered as a percentage of the total number of services.

Client priority group	2016-17	2017-18	Difference
<b>Aboriginal or Torres Strait Islander</b>	583	783	<b>+200</b>
<b>Disability or mental illness</b>	422	443	<b>+21</b>
<b>Under 18</b>	149	91	<b>-58</b>
<b>65 or over</b>	116	145	<b>+29</b>
<b>Receives a government benefit</b>	1 402	1 796	<b>+394</b>
<b>Requires an interpreter</b>	39	54	<b>+15</b>
<b>In custody</b>	337	454	<b>+117</b>

(The category of culturally and linguistically diverse cannot be compared as the definition has changed).

## Challenges

### Criminal practice

Over the last 12 months there has been a decline in the number of criminal law files in both the Whyalla and Port Augusta offices. This decline has been commensurate with a fall in the number of criminal matters listed in both courts.

Steps are being taken to promote the Commission's services by ensuring that individuals summonsed to court are provided with an information leaflet advising them of the duty solicitor service. It is intended to distribute a similar information leaflet to prisoners admitted to the Port Augusta Prison.

### 'Ice' abuse in rural communities

The 2016-17 Annual Report referenced that many regional clients coming into contact with the criminal justice system admit to illicit drug use and often consumption of crystal methamphetamine, more commonly known as 'ice'. Unfortunately there is no indication that the use of this very addictive form of methamphetamine has changed over the last 12 months.