

Commission Corporate Services

Governance 2017-18

058

Governing legislation

The Commission is a statutory authority established by the *Legal Services Commission Act 1977* (the Act). It is a body corporate. It is not an instrumentality of the Crown and is independent of Government.

The Director of Legal Services is a member of the Commission. The Director is appointed by the Commission and holds office on terms and conditions determined by the Commission and approved by the Governor.

A panel of persons, with appropriate qualifications and experience, hears appeals against decisions of the Director.

The Director is responsible to the Commission for the provision of legal assistance in accordance with the Act. Accordingly, the Director oversees the daily management of the Commission.

Transparency and accountability is ensured through external auditing, reporting to the Commonwealth and State Governments and the tabling of audited financial statements as contained in this Report.

The legislation provides for a *Legal Profession Reference Committee* to advise the Commission in relation to-

- any matter referred to it by the Commission, or
- any of the Commission's functions under the Act.

The *Legal Profession Reference Committee* consists of seven members-

- the Chairperson of the Commission
- the Director
- an employee of the Commission
- two members nominated by the Law Society
- two members nominated by the South Australian Bar Association.

The Commission

The Commission consists of–

- the Chairperson, appointed by the Governor on the nomination of the Attorney-General
- three persons appointed by the Governor on the nomination of the Attorney-General, of whom–
 - at least one must have experience in financial management, and
 - at least one must, in the opinion of the Attorney-General, be an appropriate person to represent the interests of assisted persons
- the Director.

059

Other than the Director, each member of the Commission holds office for three years and at the end of the term of appointment is eligible for reappointment.

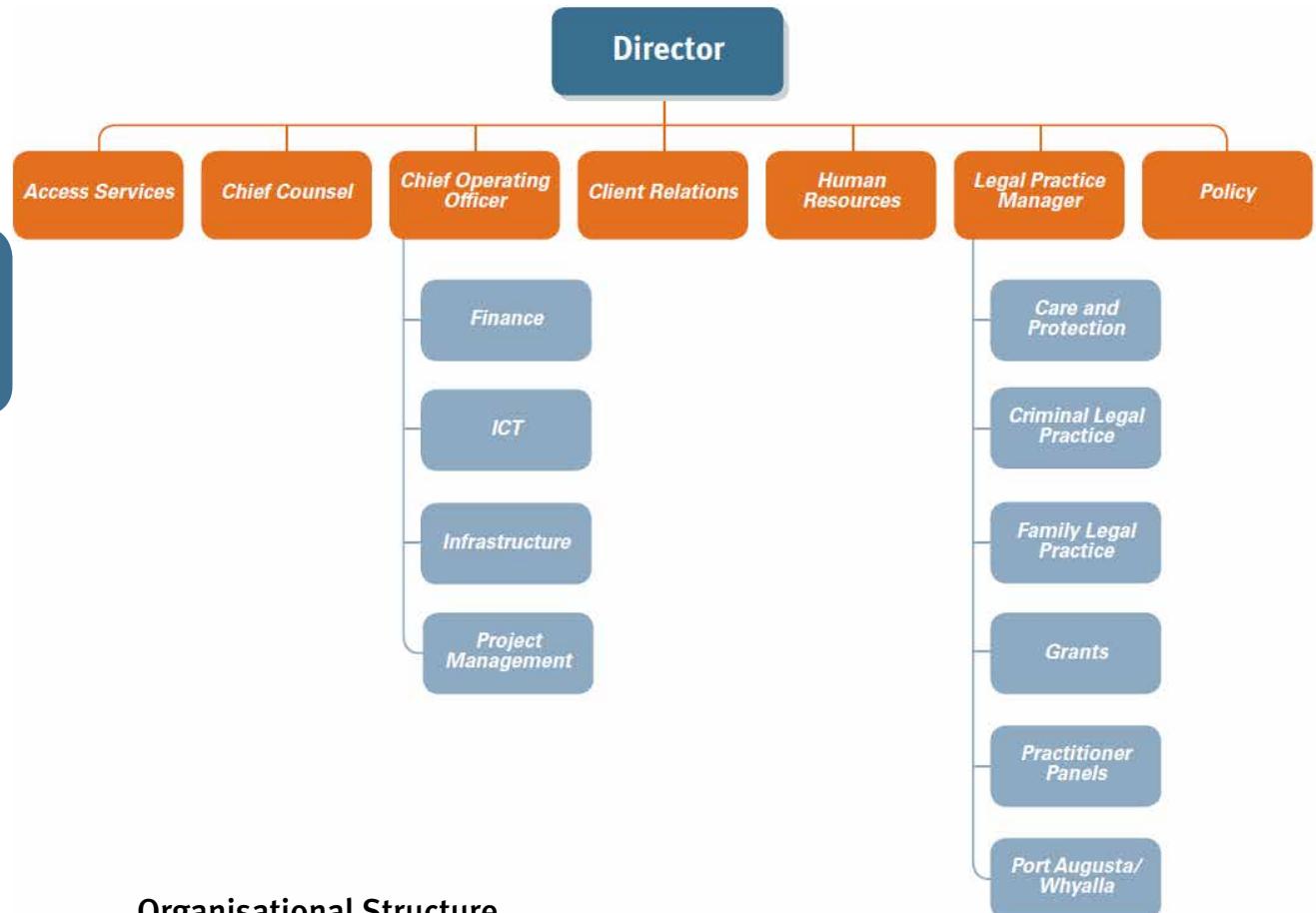
The Commission comprises–

- Michael Abbott AO QC *LLB*—Chairperson, appointed 12 December 2013
- Alan Herald *FCA*—appointed 6 December 2012
- Alison Lloydd-Wright *BA (Hons), LLB*—appointed 12 December 2013
- Catherine Nelson *LLB*—appointed 29 May 2014
- Gabrielle Canny *LLB*—appointed Director 2 August 2012.

The Commissioners determine the broad policies and strategic priorities of the organisation. In the 2017-18 financial year, 10 Commission meetings were held. The Commission is advised on specific matters by a number of committees. In 2017-18 these included the–

- Accommodation Committee
- Audit, Compliance and Risk Committee
- Budget Committee
- Funding Guidelines and Panels Review Committee
- ICT Steering Committee
- Legal Profession Reference Committee
- Panels Appeal Committee
- Staffing and Remuneration Committee.

Governance 2017-18



Organisational Structure

The Commission provides legal assistance through two programs—the Access Services Program and the Representation Program. Services under both programs are provided to rural and remote clients through Commission offices at Whyalla and Port Augusta.

Audit, Compliance and Risk Committee

The Audit Compliance and Risk Committee assists the Commission to fulfil its governance responsibilities. It provides oversight of financial matters and risk management.

The Committee considers—

- all matters that relate to the financial affairs of the Commission
- the findings of the external audit conducted by the Auditor General
- risk management strategies and exposures as they arise
- any other matters referred to it by the Commission.

Governance 2017-18

Key risk indicators have been developed to monitor risks against likelihood and impact. Regular reports on risk assessment, and the action taken, are provided to the Committee.

The financial management of the Commission is in accordance with applicable Australian Accounting Standards, the Treasurer's Instructions and Accounting Policy Statements. To minimise the potential for fraud, a risk register, a Financial Management Compliance Program and accounting procedures and policies are maintained and regularly reviewed in conjunction with the external auditors and the Audit, Compliance and Risk Committee.

o61

National Partnership Agreement

The current *National Partnership Agreement on Legal Assistance Services* (NPA) commenced on 1 July 2015 for a five year term. It is an agreement between the Commonwealth and states and territories under which the Commonwealth funds each legal aid commission. Performance indicators established under the NPA must be met as a prerequisite to continued Commonwealth funding.

The objective of the NPA is a national legal assistance sector that is integrated, efficient and effective, focussed on improving access to justice for disadvantaged people and maximising service delivery within available resources.

In preparation for the next NPA (due to commence on 1 July 2020), the Commonwealth Attorney-General's Department has appointed consultants to review the current NPA. A draft NPA Review Plan has been provided to the Department, with the final report due on 12 December 2018.

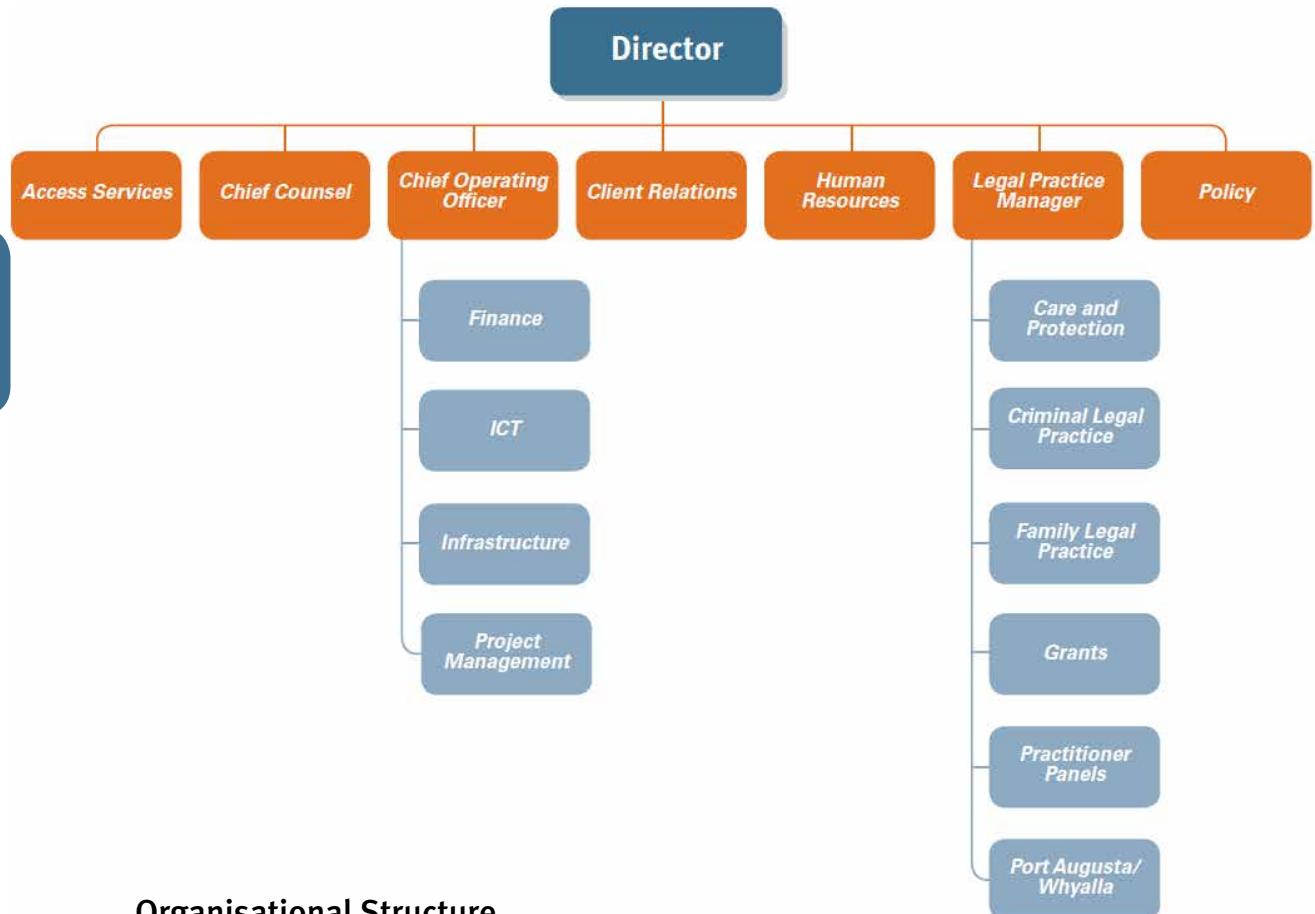
Corporate Planning

The current three year Commission Corporate Plan was launched in November 2015. It is available under the *About Us* section of the Legal Services Commission website.

Commission performance against the key performance indicators identified in the Corporate Plan is available at *Appendix 1* of this Report.

During the reporting year many members of staff contributed, in their own time, to professional associations. In addition, staff members were involved in a wide variety of community organisations.

Governance 2017-18



Organisational Structure

The Commission provides legal assistance through two programs—the Access Services Program and the Representation Program. Services under both programs are provided to rural and remote clients through Commission offices at Whyalla and Port Augusta.

Audit, Compliance and Risk Committee

The Audit Compliance and Risk Committee assists the Commission to fulfil its governance responsibilities. It provides oversight of financial matters and risk management.

The Committee considers—

- all matters that relate to the financial affairs of the Commission
- the findings of the external audit conducted by the Auditor General
- risk management strategies and exposures as they arise
- any other matters referred to it by the Commission.

Governance 2017-18

Key risk indicators have been developed to monitor risks against likelihood and impact. Regular reports on risk assessment, and the action taken, are provided to the Committee.

The financial management of the Commission is in accordance with applicable Australian Accounting Standards, the Treasurer's Instructions and Accounting Policy Statements. To minimise the potential for fraud, a risk register, a Financial Management Compliance Program and accounting procedures and policies are maintained and regularly reviewed in conjunction with the external auditors and the Audit, Compliance and Risk Committee.

o61

National Partnership Agreement

The current *National Partnership Agreement on Legal Assistance Services* (NPA) commenced on 1 July 2015 for a five year term. It is an agreement between the Commonwealth and states and territories under which the Commonwealth funds each legal aid commission. Performance indicators established under the NPA must be met as a prerequisite to continued Commonwealth funding.

The objective of the NPA is a national legal assistance sector that is integrated, efficient and effective, focussed on improving access to justice for disadvantaged people and maximising service delivery within available resources.

In preparation for the next NPA (due to commence on 1 July 2020), the Commonwealth Attorney-General's Department has appointed consultants to review the current NPA. A draft NPA Review Plan has been provided to the Department, with the final report due on 12 December 2018.

Corporate Planning

The current three year Commission Corporate Plan was launched in November 2015. It is available under the *About Us* section of the Legal Services Commission website.

Commission performance against the key performance indicators identified in the Corporate Plan is available at *Appendix 1* of this Report.

During the reporting year many members of staff contributed, in their own time, to professional associations. In addition, staff members were involved in a wide variety of community organisations.

Staff 2017-18

As at 30 June 2018, the Commission employed 216 people (both legal and non-legal) to carry out its functions under the Act. Each person is appointed on such terms and conditions as are determined by the Commission and approved by the Commissioner for Public Sector Employment.

062

Professional development for lawyers

The mandatory continuing professional development scheme (CPD) requires legal practitioners to complete a minimum of 10 units of CPD activity each year to maintain a practising certificate. The Commission supports staff in accumulating these points, with the Access Services Division, the Family Law Practice Division and the Criminal Law Practice Division all organising internal training sessions for members of staff.

This financial year new practice directions were implemented with respect to the filing of documents in the family law courts. The Commission hosted a family law CPD session run by the judges of the Federal Circuit Court on the new practice directions with Commission staff and over 90 Panel lawyers attending the session. The Commission is grateful for the support it receives from the judges of the Adelaide registry.

Legal practitioners and other staff also regularly attend external continuing legal education seminars and workshops and present papers or participate as panellists in a range of forums.

Law graduates

Law graduates who are not yet admitted to legal practice are eligible to participate in a six week block of work experience at the Commission. Four blocks of six weeks occurred in the 2017-18 financial year.

Staff 2017-18

Employee numbers, status and gender at 30 June 2018

| Number of employees | Total | Gender | % Persons | % FTE's |
|----------------------|--------|--------|-----------|---------|
| Persons | 216 | Male | 23.3 | 25.1 |
| Full-time equivalent | 199.76 | Female | 76.7 | 74.9 |

| Number of persons during 2017-18 financial year who | Total |
|---|-------|
| separated from the Commission | 16 |
| were recruited to the Commission | 30 |

| Number of persons at 30 June 2018 | Total |
|--|-------|
| on leave without pay from the Commission | 4 |

Number of employees by salary bracket

| Salary bracket | Male | Female | Total |
|---------------------|-----------|------------|------------|
| \$0-\$59 999 | 3 | 45 | 48 |
| \$60 000 - \$74 999 | 9 | 61 | 70 |
| \$75 000 - \$94 999 | 10 | 34 | 44 |
| \$95 000 - \$99 999 | 1 | 2 | 3 |
| \$100 000 + | 24 | 27 | 51 |
| Total | 47 | 169 | 216 |

Status of employees in current position

| FTEs | Ongoing | Short-term contract | Long-term contract | Casual | Total |
|--------------|---------------|---------------------|--------------------|------------|---------------|
| Male | 29 | 8 | 8 | 1 | 46 |
| Female | 100.06 | 48.5 | 4 | 1.2 | 153.76 |
| Total | 129.05 | 56.5 | 12 | 2.2 | 199.76 |

| PERSONS | Ongoing | Short-term contract | Long-term contract | Casual | Total |
|--------------|------------|---------------------|--------------------|----------|------------|
| Male | 30 | 8 | 8 | 1 | 47 |
| Female | 113 | 50 | 4 | 2 | 169 |
| Total | 143 | 58 | 12 | 3 | 216 |

Staff 2017-18

064

Executives by gender, classification and status

| Classification | Tenured | | Untenured | | Male | | Female | | Total |
|----------------|----------|----------|-----------|----------|----------|------------|----------|------------|----------|
| | Male | Female | Male | Female | Total | % Exec | Total | % Exec | |
| Executive A | 1 | 0 | 3 | 1 | 4 | 80% | 1 | 20% | 5 |
| Executive B | 0 | 0 | 1 | 1 | 1 | 50% | 1 | 50% | 2 |
| Executive C | 0 | 0 | 0 | 1 | 0 | 0% | 1 | 100% | 1 |
| Executive D | 0 | 0 | 1 | 0 | 1 | 100% | 0 | 0% | 1 |
| Total | 1 | 0 | 5 | 3 | 6 | 67% | 3 | 33% | 9 |

Average days leave per full time equivalent employee

| Leave Type | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
|----------------------|---------|---------|---------|---------|---------|---------|---------|
| Sick leave | 6.65 | 6.94 | 6.91 | 7.18 | 5.98 | 6.68 | 8 |
| Family carer's leave | 0.87 | 0.71 | 0.85 | 0.80 | 1.02 | 1 | 1.02 |

Aboriginal and/or Torres Strait Islander employees

| Salary bracket | Aboriginal employees | Total employees | % Aboriginal employees |
|---------------------|----------------------|-----------------|------------------------|
| \$0 - \$59 999 | 0 | 50 | 0 |
| \$60 000 - \$74 999 | 1 | 70 | 0.47 |
| \$75 000 - \$94 999 | 0 | 43 | 0 |
| \$95 000 - \$99 999 | 0 | 3 | 0 |
| \$100 000 + | 2 | 50 | 0.93 |
| Total | 3 | 216 | 1.4% |

Number of employees by age bracket and gender

| Age Bracket | Male | Female | Total | % of Total |
|--------------|-----------|------------|------------|------------|
| 15 - 19 | 0 | 0 | 0 | 0 |
| 20 - 24 | 0 | 4 | 4 | 1.83 |
| 25 - 29 | 4 | 24 | 28 | 12.96 |
| 30 - 34 | 8 | 14 | 22 | 10.19 |
| 35 - 39 | 4 | 18 | 22 | 10.19 |
| 40 - 44 | 4 | 18 | 22 | 10.19 |
| 45 - 49 | 4 | 22 | 26 | 12.04 |
| 50 - 54 | 5 | 24 | 29 | 13.43 |
| 55 - 59 | 8 | 23 | 31 | 14.35 |
| 60 - 64 | 8 | 18 | 26 | 12.04 |
| 65+ | 2 | 4 | 6 | 2.78 |
| Total | 47 | 169 | 216 | 100 |

Staff 2017-18

Cultural and linguistic diversity

| Employees | Male | Female | Total | % of Agency |
|-----------------------------------|------|--------|-------|-------------|
| Number of employees born overseas | 5 | 32 | 37 | 18% |

Total number of employees

with disabilities *according to Commonwealth DDA definition*

| Employees | Number |
|--------------|----------|
| Male | 0 |
| Female | 1 |
| Total | 1 |
| % of Agency | 0.5% |

Type of disability *where specified*

| Disability | Male | Female | Total | % of Agency |
|--------------------------------|------|--------|-------|-------------|
| Requiring workplace adaptation | 0 | 0 | 0 | 0% |
| Physical | 0 | 1 | 1 | 0.5% |
| Intellectual | 0 | 0 | 0 | 0% |
| Sensory | 0 | 0 | 0 | 0% |
| Psychological/ Psychiatric | 0 | 0 | 0 | 0% |

Voluntary flexible working arrangements by gender

| Leave type | Male | Female | Total |
|-------------------|------|--------|-------|
| Purchased Leave | 0 | 0 | 0 |
| Flexitime | 13 | 106 | 119 |
| Compressed weeks | 0 | 2 | 2 |
| Part-time | 3 | 46 | 49 |
| Job share | 0 | 0 | 0 |
| Working from home | 0 | 0 | 0 |

2017-18

| | |
|--------------------------------|-----|
| Performance Review discussions | 48% |
|--------------------------------|-----|

065

Staff 2017-18

066

Work Health and Safety Management

| Table 1: Work Health and Safety Prosecutions, Notices and Corrective Action Taken | Total |
|---|-------|
| • Number of notifiable incidents pursuant to WHS Act Part 3 | Nil |
| • Number of notices served pursuant to WHS Act ss 90, 191, and 195 (Provisional improvement, improvement and prohibition notices) | Nil |
| • Number of prosecutions pursuant to WHS Act Part 2 Division 5 | Nil |
| • Number of enforceable undertakings pursuant to WHS Act Part 11 | Nil |

| Table 2: Work Health and Safety Performance | 2017-18 \$m |
|--|----------------|
| • New workplace injury Claims | 4 |
| • Significant injuries: time lost exceeds one working week | Nil |
| • Significant musculoskeletal injuries: time lost exceeds one working week | Nil |
| • Significant psychological injuries: time lost exceeds one week. | Nil |
| • Total Claims Expenditure | 0.0 |

Note: The Commission is not a South Australian Government exempt employer but has based its Work Health and Safety Program 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 an injury.

For workers compensation purposes the Commission has been assessed as a low risk employer and accordingly pays a low workers compensation premium. For 2017-18, the premium cost was 0.58% of total salary remuneration. This amounted to \$90 430 for the 2017-18 financial year.

Support Services 2017-18

Information and communication services

The Commission supports operational and client needs through the use of appropriate technology. The significant achievements of 2017-18 include—

- implementing an Electronic Document and Records Management System (EDRMS), enabling the accurate management of documents across the Commission and the use of digital only records
- introducing additional analytics to improve the reporting capability to Commission members and management
- upgrading business systems to maintain currency and remove reliance on legacy infrastructure.

067

In addition, the Commission is leading a national project, on behalf of National Legal Aid, for the development of alternative, online dispute resolution options in family law. Using a client centred design approach, significant progress was made during the year, with a prototype designed and developed based on feedback and testing by users.

Records management

The Commission is required to comply with the *State Records Act 1997* which mandates the care, management and disposal of official records. Focus on achieving 100% compliance has continued during 2017-18, with—

- continued implementation of the five year records management strategy, developed in 2012-13
- implementation of a compliant Electronic Document and Records Management System (EDRMS)
- development and commencement of delivery of the EDRMS training programme
- integration of the EDRMS with the grant of aid management system
- development of a business classification scheme
- updating of the Records Management Policy

Library

The Commission library is widely regarded as one of the most comprehensive law libraries in South Australia. The proliferation of new legislation requires in-house legal practitioners to be regularly updated about legislative and case law changes. Commission library programs and updates, specifically designed to keep practitioners informed of legal developments as they occur, are available to all staff. The Law Librarian provides research assistance to in-house staff and to legal practitioners acting on a grant of legal aid.

Involvement with Stakeholders and the Community 2017-18

Legislative and policy reform

Through the Commission's unique and extensive experience in criminal, family and civil law matters it is able to assist its stakeholders and the community in developing policy and law reform relevant to justice issues. Commission staff frequently participate in justice projects, stakeholder forums and working groups, committees and liaison meetings where proposed legislative and policy reforms are discussed and debated.

068

During 2017-18 Commission staff responded to many requests for comment in relation to issues affecting clients. These submissions included responses to the—

- Australian Law Reform Inquiry into the Incarceration of Aboriginal and Torres Strait Islander People
- Law Council of Australia's Justice Project
- Child Protection Reform and changes to care and protection laws
- Justice Challenge Report
- Closing the Gap Report
- Consent to Medical Treatment Amendment Bill (SA)
- Review of Consumer Laws (Cwth)
- Review of Consumer Guarantees (Cwth)
- Review of Modern Slavery (Cwth)
- Review of Australian Solicitors' Conduct Rules
- Review of the prosecution and sentencing of children for Commonwealth terrorism offences
- Reforms of Commonwealth migration law including prohibited items in detention, the role of the Administrative Appeals Tribunal, and citizenship law changes.

In 2017-18 the criminal justice system in South Australia underwent significant legislative reform in an attempt to manage a surge in the prison population and congested cause lists, particularly in the Committal Court and District Court where there is a significant backlog of cases.

As a major provider of criminal law services, the Criminal Law Practice Division of the Commission played an active role in identifying problems and making recommendations for improvement through participation in justice sector agency working groups and steering committees. Representatives of the criminal law practice contributed to a number of justice programs including—

Involvement with Stakeholders and the Community 2017-18

- *Major Indictable Reform Steering Committee* – This committee, chaired by the Attorney-General's Department, included representatives from the Office of the Director of Public Prosecutions, SA Police, the Law Society, Aboriginal Legal Rights Movement, the Magistracy and the Commission. The Committee made recommendations concerning the implementation of the *Criminal Procedure (Miscellaneous) Amendment Act 2018* and the *Sentencing Act 2017*.
- *Country Committal Project Board* – This project, sponsored by the Director of Public Prosecutions, dealt with the transfer of all country court committal matters from SA Police to the Office of the Director of Public Prosecutions in September 2017.
- *Communication Partner Service Working Group* – This working group oversees and monitors the Communication Partner Service which provides qualified persons to assist vulnerable people with complex communication needs in court and in their interaction with police and legal practitioners. The service is available to victims of crime, witnesses and defendants throughout South Australia. The scheme formed part of the Attorney-General's Disability Justice Plan and complimented the reforms contained in the *Statutes Amendment (Vulnerable Witnesses) Act 2015*. Criminal Law Practice Division lawyers have been actively involved in communication partner training programs.

— 069 —

Commission lawyers regularly attend a range of meetings with Government organisations to improve delivery of services. In 2017-18 this included working with–

- the Office of the Director of Public Prosecutions
- SA Police, including police prosecution
- the Courts Administration Authority
- the Attorney-General's Department and in particular the–
 - Psychiatric Court Assessment Services Steering Committee
 - Communication Partner Working Group
 - Major Indictable Reform Steering Committee
 - Sentencing Advisory Council Working Group
- Families SA
- the Criminal Justice Sector Reform Council
- Office of the Chief Psychiatrist
- Office for the Ageing
- Elder Abuse National Plan Consultation Group
- Office for the Public Advocate
- Premier's Council for Women.

Involve ment with Stakeholders and the Community 2017-18

Community involvement

The Commission participates in the broader community through the provision of legal education sessions to the public, community workers and the legal profession. The Commission also shares its knowledge and expertise with organisations involved in the provision of legal services and in access to justice. Examples of this include involvement with–

- committees of the Law Society
- summary court user groups, including the Adelaide Court user group, the Elizabeth Court user group and the Family Violence Court user group
- the South Australian Family Law Pathways Network, which consists of representatives of all the major organisations in South Australia involved in the family law area
- community legal centres
- JusticeNet
- SACOSS
- Refugee Advocacy Service of South Australia
- the Women's Information Service.

Seeking stakeholder and community views

In developing policy the Commission consults regularly with the public, the State and Commonwealth governments, the courts, representative bodies of the legal profession, the office of the Director of Public Prosecutions, the South Australian Police, the Department of Corrections, community legal centres and other community organisations.

Partnerships 2017-18

The Commission is committed to providing legal services collaboratively with other organisations involved in the delivery of legal assistance services.

National Legal Aid

National Legal Aid is the representative body for all legal aid commissions in Australia and New Zealand. It meets regularly and is attended by Directors of all Commissions. It provides an overall view of the Australian legal aid sector, and the likely demands on local and national resources. In addition, various staff members contribute to working groups established by National Legal Aid, including the Family Law Working Group, the Family Law Dispute Resolution Working Group, the Criminal Law Working Group, the Community Legal Education Working Group and the Grants and National Statistics Working Group.

These working groups meet regularly during the year, often with government, court, and profession representatives, to provide responses and submissions on proposed reforms and enquiries. This financial year, the Family Law Working Group contributed to the Australian Law Reform Commission review into the family law system, as well as providing input into substantive reforms including parental management hearings, direct cross examination of family violence victims, the FASS program, and the interaction between the family law and child protection systems.

Australian Legal Assistance Forum

The Australian Legal Assistance Forum comprises National Legal Aid, the Law Council of Australia, Aboriginal and Torres Strait Islander Legal Services, the National Association of Community Legal Centres and National Family Violence Prevention Legal Services. This Forum provides an opportunity for discussion and collaboration in relation to national legal assistance issues.

South Australian Legal Assistance Forum

The South Australian Legal Assistance Forum consists of members from the Commission, community legal centres, Aboriginal legal services, the Law Society, university law school advice clinics, JusticeNet, and representatives of the State and Commonwealth governments. Meetings are hosted by the Commission, with the Director of the Commission chairing the Forum. The Forum considers opportunities for improved coordination and targeting of services between legal assistance providers in South Australia, as well as the linking of legal services with other service providers.

Partnerships 2017-18

Private Practitioners

The Commission and the South Australian community are well served by the generous co-operation of private legal practitioners in the delivery of legal aid services. The Commission acknowledges that its fee scales are considerably lower than published court scales or commercially negotiated fees.

In the 2017-18 financial year private practitioners received \$18 015 000. They performed 71% of legal aid grants in criminal law matters, 67% of legal aid grants in family law matters, 63% of legal aid grants in civil law matters and 58% of legal aid grants in care and protection matters. Private practitioners also assist in delivering duty lawyer services at a number of courts across South Australia.

Reporting Responsibilities 2017-18

Complaints

Complaints from members of the public are made to the Commission's client relations coordinator, who resolves each complaint as equitably and efficiently as possible.

This financial year 575 enquiries were received, as compared to 589 last financial year. The majority of these matters related to either-

- the assessment for eligibility for legal aid, or
- a decision to refuse legal aid funding.

073

Client Relations Contacts 1 July 2017- 30 June 2018

| Reason for contact | Protection Application | FDR | Child Support | Family | Criminal | Civil | General | Total | % of all Contacts |
|---|------------------------|-----------|---------------|------------|------------|-----------|-----------|------------|-------------------|
| Refusal of aid | 8 | 8 | 0 | 107 | 57 | 6 | 0 | 186 | 32.35 |
| Entitlement to legal aid | 6 | 6 | 0 | 146 | 18 | 0 | 0 | 176 | 30.61 |
| Child representation | 1 | 0 | 0 | 3 | 0 | 0 | 0 | 4 | 0.70 |
| Commission service | 3 | 2 | 5 | 16 | 31 | 9 | 2 | 68 | 11.83 |
| Statutory charge | 0 | 0 | 0 | 12 | 4 | 0 | 0 | 16 | 2.78 |
| Private practitioner service | 0 | 0 | 0 | 6 | 4 | 1 | 0 | 11 | 1.91 |
| Discrimination | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0.17 |
| Conditions of aid (other than statutory charge) | 0 | 1 | 0 | 4 | 3 | 0 | 0 | 8 | 1.39 |
| Cap | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 6 | 1.04 |
| Complaint to MP, Ombudsman etc | 0 | 0 | 0 | 8 | 5 | 0 | 0 | 13 | 2.26 |
| Other | 1 | 4 | 0 | 22 | 31 | 7 | 21 | 86 | 14.96 |
| Total | 19 | 21 | 5 | 330 | 153 | 24 | 23 | 575 | 100% |

This financial year, 68 complaints were made in relation to Commission services, equating to 0.06% of the 122 291* services provided to members of the public by the Commission. This was a decrease from 82 in the 2016-17 financial year. Most of these complaints were resolved by providing a full explanation of the Commission's processes and procedures.

*includes all applications for aid, and advice, information and duty lawyer services.

Reporting Responsibilities 2017-18

During 2017-18, 11 complaints were made in relation to private legal practitioners, equating to 0.1% of the 10 980 services provided to members of the public by the private profession. This was a decrease from 18 in the 2016-17 financial year. Most of these complaints were resolved by clarifying the role of a private legal practitioner acting on a grant of legal aid and by informing the complainant that unsatisfactory service provision may be reported to the Legal Profession Conduct Commissioner.

074

Freedom of Information

Section 9 of the *Freedom of Information Act 1991 (FOI Act)* requires the Commission to publish an annual information statement containing the following information:

- **A description of the structure and function of the agency**

This information can be found in this report in the sections headed *About the Legal Services Commission* and *Commission Corporate Services*.

- **How the functions affect members of the public**

The Commission provides legal representation to applicants who meet the Commission's means, merits and guidelines test. Additionally, Commission staff provide free legal information, advice and minor assistance and a free duty lawyer service to all members of the public. The public can also access online legal information through an online Legal Chat platform and the Commission's 24Legal decision trees. Free publications on legal issues, an online Law Handbook and various community legal education programs are also available. Commission staff regularly provide input into legislative changes and government reviews.

- **Arrangements enabling members of the public to participate in the formulation of policy and exercise of functions**

Members of the public are invited to participate in the formulation of policy and the delivery of functions by completing a Feedback Form available at http://www.lsc.sa.gov.au/cb_pages/feedback.php

Commission staff are members of various community organisations, both legal and non-legal. This community engagement promotes two way communication and feedback.

Reporting Responsibilities 2017-18

- **Documents usually held by the Commission**

The Commission has a computerised records management system and database that records details of accounts, clients, legal aid cases, legal aid files, legal advice and duty lawyer attendances. During 2017-18 an EDRMS was introduced. Legal aid files created since the implementation of the EDRMS are maintained on that system. Hard copy files are maintained for each external grant of aid file created prior to the EDRMS and for all in-house files. The location of these files is recorded in the computerised records management system. Management and administrative files created prior to implementation of the EDRMS are also maintained in hard copy, with their location recorded on a manual system.

075

- **Access to documents**

The Commission's Freedom of Information Officer administers the *FOI Act* and facilitates, subject to exemptions and exceptions, access to documents and amendments to personal information held by the Commission. Arrangements can be made to inspect or purchase documents available under the *FOI Act* at 159 Gawler Place, Adelaide between 9.00 am and 5.00 pm on working days. Copies may be purchased for 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 Commission's offices.

In the 2017-18 financial year, 13 applications for information were processed under the *FOI Act*. Full release of the requested material was provided for 5 applications. Part release was given in one application. Six applications were refused as the Commission did not possess the requested information or documents and one was refused because it was an exempt document. One contract containing approved confidentiality clauses was executed this year.

Whistleblowers Protection Act 1993

No disclosures of public interest information were made under the *Whistleblowers Protection Act 1993* during the financial year.

Contractual arrangements

The Commission publishes contract details in accordance with the government's Contract Disclosure Policy. The information is available through the SA Tenders and Contracts website - <https://www.tenders.sa.gov.au>

Reporting Responsibilities 2017-18

076

Fraud

No instances of fraud were recorded for the 2017-18 financial year.

Consultants

| | Consultant | Purpose | Value GST incl |
|--------------------------------|---------------------------|--------------------------|-------------------|
| Below \$10 000 | Phil Harris | ODRS project | \$700 |
| | Business SA | Desktop audit and report | \$3 405 |
| | Harrison Research | Survey | \$7 813 |
| Above \$10 000 | Price Water House Coopers | IT consulting | \$14 790 |
| | CQR Consulting | IT consulting | \$17 595 |
| | DWS | IT consulting | \$45 722 |
| Total all consultancies | | | \$90 025 |