

**37th Annual Report 2014-15**



Legal Services Commission of South Australia

[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

## Year at a Glance

*FREE Information, advice and minor assistance to all South Australians*

**126 048**

legal services  
provided

**2 million**

website  
page views

**80 000+**

legal advice  
line calls

**25 122**

legal advice  
appointments

**16 836**

duty lawyer  
services

**16 062**

grants  
of legal aid

**8% ↑**

in services  
provided

**10% ↑**

in grants  
of legal aid

**15% ↑**

in criminal duty  
solicitor services

**10% ↑**

in family duty  
lawyer services

**15 632**

attended 523  
legal ed. sessions

**1.3 million**

law handbook page  
views (up 22%)

**2944**

received migrant  
legal ed.

**5661**

received youth  
legal ed.

**339**

ICL appointments

**30 year**

anniversary of  
Whyalla office

**800+**

family dispute  
resolution  
conferences

**75%**

FDR conference  
settlement rate

**648**

practitioners on Legal  
Aid General Panel

**197**

on Complex  
Criminal Panel

**56**

practitioners on  
murder subpanel

**31% ↑**

far north duty  
solicitor services

**61% ↑**

far north  
family law files

**2733**

received legal ed.  
in far north

**19 254**

applications for aid  
(up 7%)

**5 year**

new National  
Partnership  
Agreement

## 37th Annual Report 2014-15



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# Chairman's Report 2014-15

The Honourable John Rau, MP  
Deputy Premier  
Attorney-General  
Attorney-General's Department  
Level 11, 45 Pirie Street  
ADELAIDE SA 5000



Michael Abbott, AO QC

Dear Deputy Premier,

I am pleased to present the Annual Report of the Legal Services Commission for the financial year ending 30 June 2015, pursuant to section 33 of the *Legal Services Commission Act 1977*.

The Commission completed the 2014-15 year in a satisfactory financial position. Demand for services in criminal law exceeded budget with 12 521 grants in criminal law compared with 11 554 the previous year.

The total claim on the Expensive Criminal Cases Fund was within expectations this year but I express concern for next year with a number of cases already identified that will exceed the yearly funding allocation of \$400 000.

This year has seen intense negotiations leading up to the signing of the National Partnership Agreement on Legal Assistance Services by the Prime Minister on 23 June 2015.

Commonwealth Government funding has been reduced to South Australia as we have not seen the population growth of other states and have been disadvantaged accordingly in the funding formula distribution. The Commission will undertake an organisational review so as to live within its reduced funding with the aim of continuing to provide optimal services to the South Australian public.

The Legal Services Commission reform agenda, commenced in 2012, was progressed this year with an expansion of practitioner panels. Nearly 650 legal practitioners have been admitted to panels, indicating they are willing to act on grants of legal aid for clients unable to pay for legal assistance without undue hardship.

## Chairman's Report 2014-15

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Improvements have been made to the Commission fee scale and to grants of aid procedures to support legislation aimed at reducing time frames in court cases for defendants, witnesses and victims by encouraging early guilty pleas.

I have, during my first completed year of service as Chairman of the Legal Services Commission, continued to be impressed by the expertise and dedication of the staff of the Commission. Together with private legal practitioners, we have delivered over 120 000 services this year.

Private legal practitioners undertook 68% of grants of aid. The benefits of a mixed model, where in-house and external legal practitioners act for clients on grants of legal aid, delivers legal assistance in an efficient and economical manner as required by the *Legal Services Commission Act 1977*.

I would like to farewell two Commissioners who left the Commission during the course of the year. Ms Tracee Micallef had been a Commissioner since 2008. I thank her for her long and dedicated service and wish her well in her private practice. Ms Jayne Basheer left the Commission following her appointment as a Magistrate for which I heartily congratulate her. Mr Craig Caldicott, an experienced criminal law practitioner, joined the Commission in place of Ms Micallef and has become a valuable member. I also congratulate Mr Michael Dawson who has been reappointed to the Commission for a fourth term. All Commissioners make a valuable contribution to the work of the Commission and this year have adopted contemporary technology by receiving their monthly Commission papers electronically, saving paper and delivery costs.

I thank you for your continued support of the Commission. I appreciate the many opportunities you have afforded me and the Director to discuss issues affecting access to justice in South Australia and to contribute to the Criminal Justice Sector Reform agenda.

Michael Abbott, AO QC  
**Chairman**

# Directorate Program

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## Our Vision

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

## Our Goals

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

# Director's Report 2014-15

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*2014-15 has been an eventful and challenging year for the Legal Services Commission of South Australia. Considerable fiscal tightening in the local and national economies has impacted on clients' circumstances as well as on the Commission budget.*



Gabrielle Canny, Director.

Overall, demand for services increased while funding did not. Notification has been given by both the Commonwealth and State Governments that funding will decrease further in the next 12 months. Consequently, the Commission has begun a process of identifying savings and refining service priorities.

The changes required by the budget cuts will be challenging but the remarkable work done by all staff at the Commission will not lessen. All employees have continued to work with professionalism and dedication during this period. Even in tough financial times and periods of change it is important not to lose sight of the Commission's essential purpose. The efforts of Commission employees, and private legal practitioners acting on grants of legal aid, helps provide access to justice for all South Australians, especially to the most disadvantaged.

## Performance Outcomes

The Commission provided a total of 126 048 legal services in 2014-15, representing an increase of 7.8% over the previous financial year. These services comprised–

- 68 028 telephone advice services;
- 25 122 advice appointments;
- 16 836 duty lawyer services; and
- 16 062 grants of aid for legal representation.

“7.8% increase in services”

## Commission Funding

Commission funding is to be reduced by \$10 million over the next four years. In 2015-16 Commonwealth funding will decline by \$770 000 and State funding will fall by \$975 000. Budget bids to the State Government for funding for an Electronic Document Records Management System and for a fee increase for private legal practitioners acting on grants of legal aid were rejected.

In response to these budget cuts Commission operations will be reviewed and improved so that the optimum number of services can be delivered in the most efficient



## Director's Report 2014-15

manner. South Australia is not alone in facing these changes. Legal aid commissions across Australia, and around the world, are facing reduced government funding.

### Specialist Funding

This year the Commission entered into a Memorandum of Administrative Arrangement with the Attorney-General, the Minister for Mental Health and Substance Abuse and the South Australian Civil and Administrative Tribunal (SACAT) to provide a legal representation service for certain matters being heard by SACAT under the *Guardianship and Administration Act 1993* and the *Mental Health Act 2009*. The scheme commenced operation in March 2015 with the Commission receiving dedicated State funding to provide this service.

Specialist funding was also provided by the State Government in the Disability Justice Plan for the Commission to develop the *Law 4 All* program. This unique legal education resource assists people living with disabilities to navigate the legal system.

## “Practitioner panels expanded”

### Commission Practice Changes

In 2014 the Commission introduced a system of panels for private legal practitioners. A private legal practitioner wishing to undertake a grant of legal aid must apply for, and be accepted on, the General Panel of practitioners. A practitioner wishing to undertake a complex criminal matter must also be accepted for inclusion on the Complex Criminal Law Panel and a practitioner wishing to act as lead counsel in a murder case must be accepted on the murder subpanel. Over the last 12 months the panel system has expanded with the establishment of a Guardianship and Mental Health Representation Panel. Additionally, criteria for an Independent Children's Lawyer Panel has been developed and this panel will be introduced early in the new financial year. As at 30 June 2015, 648 practitioners were registered panel members. A list of these practitioners is included on the Commission website.

In the course of this financial year the Commission introduced the option for legal practitioners

undertaking legal aid work to be paid by electronic funds transfer (EFT) rather than by cheque. EFT is a more secure and efficient payment method than payment by cheque. This new practice anticipates the likely demise of cheque facilities as banking becomes increasingly computerised. Another significant change was the introduction of direct payment to barristers appearing in legally aided matters.

In May 2014 the Commission revised its payment policy, requiring an invoice for payment of legal fees by private legal practitioners to be submitted to the Commission within three months of the conclusion of the work detailed on the invoice. An amnesty for the submission of old invoices ran until 1 January 2015. The Commission is now able to precisely determine its outstanding commitment liabilities. Procedures are to be introduced in the new financial year to facilitate the automatic closure of files (and the release of unclaimed commitment) to ensure that commitment figures accurately reflect outstanding amounts.

# Director's Report 2014-15

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## Criminal Justice Sector Reform Council

The Attorney-General's *Criminal Justice Sector Reform Council* has identified the increased use of technology as a means to introduce greater efficiency into the justice sector, including through the use of audio visual tools to facilitate court attendances. The Commission is taking up opportunities which make effective use of such technology. During the year, the Commission participated–

- in a Saturday morning session of the Adelaide Magistrates Court, where all those charged appeared by telephone or audio video link; and
- in a solicitor's desk top court appearance with the Christies Beach Magistrates Court.

Both these events were very successful and point the way to innovations in the administration of justice.

## National Legal Aid

The Commission is playing a leading role in Australia's legal assistance sector. During the year I was appointed as Chair of National Legal Aid, a representative body for all legal aid commissions around Australia and New Zealand. This role provides a bird's eye view of the Australian legal assistance sector and the likely demands on national and local resources. It has also allowed the opportunity to investigate legal assistance schemes overseas through attendance at the 2015 International Legal Aid Conference. It was pleasing to learn that the Australian scheme of legal assistance, with its mixed model of service provision and early intervention strategies, is consistently leading the way internationally. Three themes emerged at the conference, all of which were pertinent to the Australian experience. Firstly, the rise of technology and the benefits it can bring to the legal aid system. Secondly, that many of the countries that have led the way in legal aid are now experiencing reduced government funding whilst other countries, most notably China and South Africa, are developing new schemes. Thirdly, systems of peer review and quality assurance are becoming integral to the system.

## National Partnership Agreement

Negotiations between the State and Territory Governments and the Commonwealth Government for a new five year National Partnership Agreement for Legal Assistance Services (NPA) concluded on 23 June 2015 when signed by the Prime Minister. The Agreement provides for a new method of distribution of funds, new performance measures and new relationships with other sections of the legal assistance sector. Performance indicators established under the NPA will need to be met as a prerequisite to continued Commonwealth funding.

The Commission will update its electronic data and document management system to comply with the regulatory reporting requirements of the NPA. New performance management tools, focussing on statistical and comparative information, will be introduced. In addition to meeting NPA obligations, these changes will address issues raised in the State Government's 2014 *Review of the Provision and Procurement of Legal Aid Services in South Australia's Criminal Courts* regarding interpretation and analysis of Commission data.

## Director's Report 2014-15



2015 Walk for Justice Commission team

### Productivity Commission Report into Access to Justice Arrangements

The Productivity Commission's report into *Access to Justice Arrangements* was released in December 2014, focussing on the Australian civil law system (including family law). The report is notable for its strong support for legal assistance services, in particular legal aid commissions, and for its recommendation that the sector receive a large injection of additional funding, in the region of \$200 million, to improve services. It also recommends greater co-ordination and sharing of resources in the provision of legal education and information and advice services. It notes that

legal assistance providers currently prioritise criminal over civil matters when allocating scarce financial resources and suggests that where funding is specifically directed to civil matters it be quarantined from use in other areas.

### Commission Offices

In May 2015 the 30<sup>th</sup> anniversary of the opening of the Whyalla regional office was celebrated. The Whyalla office opened on 9 January 1984 with only one solicitor on staff. The Commission now has offices in both Port Augusta and Whyalla, serviced by five lawyers, an advice and education officer and four administrative staff. The office provides general legal advice,

a duty solicitor service, a family law practice and a criminal law practice.

In August 2014 the Commission closed its Holden Hill office. Client attendances at Holden Hill have been declining steadily for the last five years and it was no longer financially viable to keep the office open. The decision in May 2013 by the Courts Administration Authority to centralise committal proceedings to the Adelaide Magistrates Court had a significant impact on the volume of work at Holden Hill. Duty solicitor services will continue at the Holden Hill Court until its closure in August 2015.

## Director's Report 2014-15

### Staff

Sadly the Commission lost two well-loved staff members over the course of the year.

Criminal lawyer Bronwen Waldron passed away not long after retiring. She had been a senior solicitor in the Criminal Law Practice Division for 22 years who had devoted a large part of her career to representing persons with intellectual disabilities or suffering from mental illness. Her work brought her the greatest respect from her clients, colleagues and the South Australian legal community.

Ms Selvie Demiri was also a lawyer in the Criminal Law Practice Division. She passed away after an intense struggle with a serious illness. Her positive attitude to life and her dedication to her work and to social justice were an inspiration to her friends and colleagues at the Commission.

Over the year, eight staff members celebrated 25 years of employment at the Commission. Tiffany Berolah, Susie Cann, Adalene Casey, Andrew English, George Katsaras, Annette Hudson, Trish Johnson and Karen Tydeman are all to be congratulated. It is very gratifying that so many employees have long careers at the Commission, validating the Commission as a quality employer.

### 2015-16

There is no doubt that the year ahead will be a challenging one for the Legal Services Commission.

Through innovation, resourcefulness and ongoing commitment to access to justice a vital service will continue to be provided to the people of South Australia.

# Corporate Governance 2014-15

*The Legal Services Commission is established by the Legal Services Commission Act 1977 (the Act) to provide for legal assistance for persons throughout the State. It is a body corporate. It is not an instrumentality of the Crown and is independent of the Government. It has the powers, functions and duties prescribed or imposed on it by the Act.*

## Commission

The Commission consists of 10 members who determine the broad policies and strategic priorities of the organisation. Additionally, Commissioners determine appeals against a refusal by the Director to grant legal aid. Commissioners bring a diverse range of skills including legal, financial, management and community relations expertise. The Commission consists of the following members:

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

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

For the reporting year 2014-15, the Commission consisted of the following members:



- **Michael Abbott AO QC LLB**—Chairman (appointed Chairman 12 December 2013)



- **Michael Dawson BA, Dip Ed**—representative of the interests of assisted persons (appointed 16 February 2006)

## Corporate Governance 2014-15



**Jayne Basheer** *BA (Juris), LLB (Hons), GDLP*—nominee of the South Australian Attorney-General (appointed 4 October 2012, resigned 26 March 2015)



**Catherine Nelson** *LLB*—nominee of the Law Society of South Australia (appointed 29 May 2014)



**Alan Herald** *FCA*—nominee of the South Australian Attorney-General (appointed 6 December 2012)



**Craig Caldicott** *LLB*—nominee of the Law Society of South Australia (appointed 5 February 2015)



**Alison Lloyd-Wright** *BA (Hons), LLB*—nominee of the South Australian Attorney-General (appointed 12 December 2013)



**Andrew English** *LLB*—nominee of the employees of the Legal Services Commission (appointed 16 July 2009)



**Tracee Micallef** *LLB, GDLP, B Com*—nominee of the Law Society of South Australia (appointed 6 November 2008, expired 5 November 2014)



**Gabrielle Canny** *LLB*—Director of the Legal Services Commission (appointed Director 2 August 2012)



**John Keen** *LLB, LLM*—nominee of the Law Society of South Australia (appointed 10 September 2012)



## Corporate Governance 2014-15

During the course of the year Tracee Micallef's second term as a Commissioner expired and Jayne Basheer resigned to take up an appointment as a Magistrate. Experienced criminal lawyer, Craig Caldicott, was appointed as a new member. Michael Dawson was reappointed following the expiration of his third term of appointment. He is the nominee of the South Australian Council of Social Services and has been a Commissioner since 2006.

Andrew English's second term of appointment as the nominee of the employees of the Commission is about to expire. An election for his replacement has occurred.

The Commission held 11 meetings in the 2014-15 financial year. It is advised on specific matters by a number of committees. In 2014-15 these included—

- the Accommodation Committee;
- the Audit, Compliance and Risk Committee;
- the Budget Committee;
- the Funding Guidelines and Panels Review Committee;
- the ICT Steering Committee; and
- the Panels Appeal Committee.

### Principles on which the Commission operates

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

- a) seek to ensure legal assistance is provided in the most efficient and economical manner; and
- b) use its best endeavours to make legal assistance available to persons throughout the State; and
- c) have regard to the following factors:
  - i. the need for legal assistance to be readily available and easily accessible to disadvantaged persons;
  - ii. the desirability of enabling all assisted persons to obtain the services of legal practitioners of their choice;
  - iii. the importance of maintaining the independence of the legal profession;
  - iv. the desirability of enabling legal practitioners employed by the Commission to utilise and develop their expertise and maintain their professional standards by conducting litigation and doing other kinds of professional legal work.

### Governance Framework

The members of the Commission are responsible for establishing the broad policies and strategic priorities of the organisation. In developing policy the Commission consults regularly with 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.

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.

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 Legal Services Commission, with assistance from the Deputy Director and senior managers.

## Corporate Governance 2014-15

### Organisational Structure

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

The **Access Services Program** consists of—

- free legal information, advice and minor assistance by telephone or by appointment at a Commission office or gaol; and
- an extensive range of community legal education programs, some free and others fee paying.

The provision of advice and minor assistance under this program is not means or merit tested.

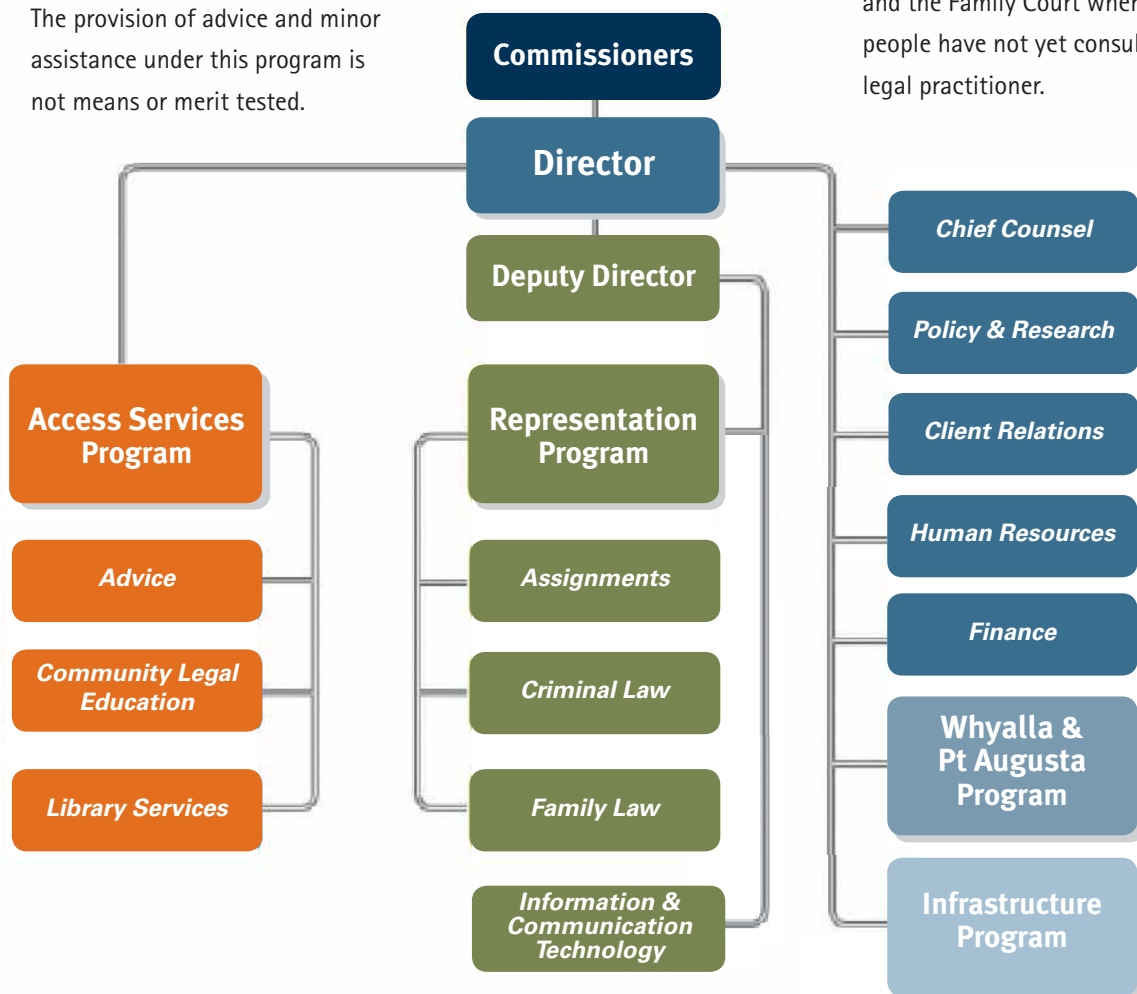
To support this program the Commission provides—

- a range of free publications explaining the law in simple terms, available from Commission offices, various community organisations and on the Commission website; and
- a comprehensive and up to date online Law Handbook, available at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au), providing legal information in plain English.

The **Representation Program** consists of—

- the Grants of Legal Aid and Assignments Division;
- the Criminal Law Practice Division; and
- the Family Law Practice Division.

This program provides legal representation to eligible people under criteria determined by the Commission in accordance with the Act. It also provides a free duty solicitor service to people attending metropolitan, and some country, Magistrates Courts, Youth Courts and the Family Court where those people have not yet consulted a legal practitioner.





## Corporate Governance 2014-15

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

To support the legal assistance programs a library, an Infrastructure Program, Human Resources, Finance and an Information and Communication Technology section are all based in the Adelaide office.

### Staff of the Commission

The Commission employs 213 staff (both legal and non-legal) to carry out its functions under the Act. Persons employed by the Commission are appointed on such terms and conditions as are determined by the Commission and approved by the Commissioner for Public Sector Employment. Commission staff are located in the Adelaide office in Gawler Place and in the metropolitan and regional offices at Elizabeth, Mt Barker, Noarlunga, Port Adelaide, Whyalla and Port Augusta.

During the reporting year many members of staff contributed, in their own time, to professional associations. Additionally, staff members were involved in a wide variety of community organisations, a list of which is attached as *Appendix 4*.



Staff in the Commission Library

### Functions of the Commission

As an independent statutory body, the Commission has the following legislated functions prescribed in section 10 of the Act.

#### **Provide, or arrange for the provision of, legal assistance in accordance with the Act.**

In 2014-15 the Commission assessed 19 254 applications for legal representation and provided—

- 16 062 grants of aid;
- 16 836 duty lawyer services;
- 25 122 legal advice appointments; and
- 68 028 telephone advice services.

#### **Determine the criteria under which legal assistance is to be granted.**

The criteria under which legal assistance is to be granted is set out on the Commission's website at <http://www.lsc.sa.gov.au/>.

#### **Conduct research with a view to ascertaining the needs of the community for legal assistance, and the most effective means of meeting those needs.**

The Commission engages in an ongoing assessment of the needs of the community, with this assessment informing service delivery. Assessment occurs through consultation, interrogation of Commission data and experience as the largest provider of legal assistance services in the State.

In 2014-15, the Commission consulted with disability services in relation to legal education needs under the South Australian Disability Justice Plan.

In addition, Commission information was used to—

- provide detailed responses to the Attorney-General's *Transforming Criminal Justice Strategy* discussion papers;

## Corporate Governance 2014-15

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- inform the Productivity Commission's report into *Access to Justice Arrangements*;
- contribute data to National Legal Aid as part of Australia wide information gathering;
- inform the South Australian Office of Crime Statistics and Research in its review of the impact of certain State Government legislation.

### **Establish such offices and other facilities as the Commission considers necessary or desirable.**

The Commission has offices in the Adelaide CBD, suburbs and in Port Augusta and Whyalla. The location of these offices is assessed annually to determine where there is greatest demand for Commission services and where resources will be most effective.

This financial year the Commission continued the outreach service established in the previous financial year at the Adelaide Magistrates Court (in response to changes in the jurisdiction of that court) and closed its office at Holden Hill.

### **Initiate and carry out educational programs to promote an understanding by the public (and especially those sections of the public who may have special needs) of their rights, powers,**

### **privileges and duties under the laws of the Commonwealth or the State.**

The Commission has a strong community education focus. Programs about essential legal rights and responsibilities in Australia are targeted at culturally and linguistically diverse groups and new migrants. 2014-15 saw an emphasis on youth legal issues and legal issues affecting people living with a disability.

### **Inform the public by advertisement or other means of the services provided by the Commission, and the conditions upon which those services are provided.**

The Commission maintains a user friendly website with information for members of the public and legal practitioners on all Commission services, as well as Facebook pages and a Twitter account. The Commission runs dedicated advertising campaigns in more public forums such as advertising on regional television and on radio.

In 2013-14, and again in 2014-15, the Commission ran a series of advertisements posted on the back of buses within metropolitan Adelaide.

### **Co-operate and make reciprocal arrangements with persons administering schemes of legal assistance in other States and Territories of the Commonwealth or elsewhere.**

The Commission's Director is the Chair of National Legal Aid, a representative body for all legal aid commissions around Australia and New Zealand. National Legal Aid provides a means for co-operative projects, research and program delivery.

### **Where it is practicable and appropriate to do so, make use of the services of interpreters, marriage guidance counsellors and social workers for the benefit of assisted persons.**

The Commission provides interpreters free of charge for clients of the Commission. The Commission's child and family counsellor is available to assist family law clients. Advisers and legal practitioners refer clients to support services as required.

### **Encourage and permit law students to participate, so far as the Commission considers practicable and proper to do so, on a voluntary basis and under professional supervision, in the provision of legal assistance by the Commission.**

## Corporate Governance 2014-15

The Commission has an annual intake of Aboriginal students studying law. These students undertake a 12 week paid cadetship with the Commission while completing their studies. The Commission also takes Graduate Diploma of Legal Practice students on placement.

### **Make grants to any person or body of persons carrying out work that will in the opinion of the Commission advance the objects of the Act.**

The Commission works co-operatively with many other agencies and has strong referral networks around South Australia. In 2014-15, as part of an additional Commonwealth funding grant from the previous year, the Commission provided funding for counsel and family dispute resolution conferences for cases conducted by community legal centres and the Aboriginal Legal Rights Movement.

### **Perform such other functions as the Attorney-General may direct.**

Both the Chairman and the Director of the Commission meet regularly with the Attorney-General. The Director is a member of the Criminal Justice Sector Reform Council and involved in projects associated with that forum.

### **Corporate Planning**

In the course of the 2014-15 financial year development of a new Corporate Plan commenced. Sessions were held for both Commissioners and staff to contribute ideas for future strategies and to identify key performance indicators. Both sessions were professionally facilitated and highly productive. The new Corporate Plan will be launched early in the new financial year and will replace the current Corporate Plan, available under the *About Us* section of the Legal Services Commission website.

### **Risk Management**

The Commission regularly conducts a risk assessment of its activities. This is undertaken by identifying risks across the organisation and determining those that are most significant. Factors influencing the prioritisation of risk are strategic priorities, external factors impacting on service delivery and financial commitments. 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 Audit Compliance and Risk Committee.

The Audit Compliance and Risk 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; and
- any other matters referred to it by the Commission.

### **Fraud**

No instances of fraud were recorded for the 2014-15 financial year. 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.

### **Whistleblowers Protection Act 1993**

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

# Finance 2014-15

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



*Chinh Dinh-Pham, Manager Finance.*

## **Commonwealth funding**

The National Partnership Agreement on Legal Assistance Services (the NPA) is an Agreement between the Commonwealth Government and the State and Territory Governments, with effect from 1 July 2010. Under the NPA the Commonwealth Government committed funding to South Australia for the following four financial years, ending on 30 June 2014. A one year extension of the NPA was in place for 2014-15. Funding of \$16 194 000 was provided by the Commonwealth Government under the NPA for 2014-15.

## **State funding**

The State Government funds State criminal law and child protection applications. Additionally, the Commission is reimbursed for expenditure in excess of the Commission's funding caps for approved State expensive criminal cases. In 2014-15 the State

Government provided funding of \$17 750 000. The State Government reimbursed the Commission \$404 000 for expensive criminal cases. State expensive criminal cases are subject to a case management plan approved by the Attorney-General (see Appendix 2).

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

The Commission generates income from investments, client contributions, recovery of costs, education courses and the sale of legal kits. The Commission also actively pursues other funding, including State and Commonwealth Government funding, where the projects to be delivered provide a service to the community and are related to, and enhance, services prescribed in the *Legal Services Commission Act 1977*.

The Commission completed the 2014-15 financial year with a consolidated comprehensive result of \$4 025 000 deficit.

The detailed 2014-15 financial reports are presented in *tables 1 to 4* and forecasts for 2015-16 and 2016-17 are shown in *table 5*.

## Finance 2014-15

Table 1

### Income and expenditure—Commonwealth and State by output allocation as at 30 June 2015

		2014-15 Total Actual	2014-15 Commonwealth Actual	2014-15 State Actual
<b>Income</b>	Statutory Interest	1 053 430	—	1 053 430
	Interest on Solicitor's Trust Account	1 800 130	—	1 800 130
	Interest on Investments	563 450	331 700	231 750
	Costs Recovered and Contributions	464 310	150 530	313 780
	Government Grants - Commonwealth	16 194 000	16 194 000	—
	Government Grants - State	17 750 000	—	17 750 000
	Commonwealth IAAAS Funding	38 870	38 870	—
	Statutory Charges	813 810	481 360	332 450
	State Expensive Criminal Cases	404 100	—	404 100
	Other Income	1 066 720	147 700	919 020
<b>Total Income</b>		<b>40 148 820</b>	<b>17 344 160</b>	<b>22 804 660</b>
<b>Expenses</b>	<b>Assignments</b>	2 753 600	947 170	1 806 430
	<b>Private Practitioner Representation</b>			
	Criminal Law Services	10 974 350	108 860	10 865 490
	Family Law Services	5 713 890	5 017 750	696 140
	Family Dispute Resolution	896 610	896 610	—
	Civil Law Services	35 330	26 870	8 460
	Civil Law – Veteran's Matters	16 480	16 480	—
	<b>In-House Representation</b>			
	Criminal Law Services	5 947 240	55 260	5 891 980
	Criminal Law Duty Lawyer Services	1 466 450	11 190	1 455 260
	Family Law Services	3 993 010	3 993 010	—
	Family Law Duty Solicitor Services	278 450	278 450	—
	Family Law Dispute Resolution	896 610	896 610	—
	Child Support Services	1 122 930	1 122 930	—
	Civil Law Services	313 950	313 950	—
	<b>Telephone &amp; Face to Face Advice</b>	6 482 370	3 596 020	2 858 460
	<b>Community Education Services</b>	1 252 850	776 630	476 220
	<b>Strategic Services</b>	1 626 000	813 000	813 000
	<b>Expensive Criminal Cases</b>	404 100	—	404 100
<b>Total Expenses</b>		<b>44 174 220</b>	<b>18 876 690</b>	<b>25 302 530</b>
<b>Net Result</b>		<b>-4 025 400</b>	<b>-1 527 530</b>	<b>-2 497 870</b>

## Finance 2014-15

Table 2

### Commonwealth Government funding as at 30 June 2015

Financial Year	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
Annual Funds	14 054	14 946	15 434	15 695	15 893	16 194

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Table 3

### State Government funding as at 30 June 2015

Financial Year	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
Annual Funds	16 445	18 047	18 903	19 454	20 282	17 750

In addition the State Government separately funded the following:

Financial Year	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
State Expensive Criminal Cases	373	532	1 618	136	302	404

Table 4  
Breakdown of total cash expenditure as at 30 June 2015

Output	2012-13	% of Expenditure	2013-14	% of Expenditure	2014-15	% of Expenditure
In House Practices	12 665 000	31.20	13 456 000	29.63	13 902 000	31.41
External Practices	19 581 000	48.23	18 108 000	39.87	21 271 000	48.06
Expensive Cases	136 000	0.33	493 000	1.09	404 000	.91
Access Services	6 455 000	15.90	6 580 000	14.49	6 880 000	15.55
Strategic Services	1 370 000	3.37	1 430 000	3.15	1 725 000	3.9
Capital Expenditure	392 000	0.97	5 350 000	11.78	75 000	.17
<b>Total Cash Expenditure</b>	<b>40 599 000</b>	<b>100.00</b>	<b>45 417 000</b>	<b>100.00</b>	<b>44 257 000</b>	<b>100.00</b>

Table 5  
Cash budget forecast 2015-16 and 2016-17

	2015-16			2016-17		
	State \$'000	Commonwealth \$'000	Total \$'000	State \$'000	Commonwealth \$'000	Total \$'000
<b>Cash Reserves at 1 July</b>	4 256	8 523	12 779	3 646	7 203	10 849
<b>Income</b>	25 756	16 571	42 327	26 130	16 750	42 880
<b>Total Budgeted Income</b>	25 757	16 570	42 327	26 130	16 750	42 880
<b>Expenses</b>						
In-house Representation, Child Support and Family Dispute Resolution	9 778	5 254	15 032	10 072	5 386	15 457
Private Practitioner Representation	11 338	7 653	18 991	11 696	7 758	19 454
Information Services	175	170	345	180	173	354
Advice & Minor Assistance	1 938	2 684	4 622	1 996	2 737	4 734
Community Legal Education	659	447	1 106	679	456	1 135
Assignment Services	1 582	1 073	2 655	1 629	1 095	2 724
Directorate	896	608	1 505	923	620	1 544
<b>Total Budgeted Expenses</b>	<b>26 367</b>	<b>17 890</b>	<b>44 257</b>	<b>27 176</b>	<b>18 226</b>	<b>45 402</b>
<b>Net Cash Result</b>	<b>— 610</b>	<b>— 1 320</b>	<b>— 1 930</b>	<b>— 1 046</b>	<b>— 1 476</b>	<b>— 2 522</b>
<b>Cash Reserves 30 June</b>	<b>3 646</b>	<b>7 203</b>	<b>10 849</b>	<b>2 600</b>	<b>5 727</b>	<b>8 327</b>

Notes to Table 5: The above table is based on a 'no activity change' outcome in the financial years 2015-16 and 2016-17.

Table 6  
Consultants 2014-15

Value	Consultant	Purpose	Number	Total
<b>Below \$10 000</b>	Various	Various	6	\$26 790.70
<b>Above \$10 000</b>	CQR Consulting	IT services	1	\$18 885.00
	Experience Matters	IT services	2	\$13 000.00
<b>Total</b>				<b>\$58 675.70</b>



# Auditor-General's Letter 2015

**For Official Use Only**



**Government of South Australia**  
**Auditor-General's Department**

*Our ref: A15/111*

16 September 2015

Mr M Abbott AO QC  
Chairman  
Legal Services Commission  
Gilles Street Chambers  
429A Gilles Street  
ADELAIDE SA 5000

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State Administration Centre  
200 Victoria Square  
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Dear Mr Abbott

## **The audit of the Legal Services Commission for the year ended 30 June 2015**

The audit of the accounts of the Legal Services Commission for the year ended 30 June 2015 has been completed.

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

The notable areas of audit coverage included:

- revenue and receivables
- expenditure and accounts payable
- private practitioner services
- property, plant and equipment
- cash and cash equivalents
- employee benefits
- financial accounting
- governance
- information technology.

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

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

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

## Auditor-General's Letter 2015

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### For Official Use Only

- during the year or at the time of financial statement preparation and audit or close thereto, of audit management letters advising of deficiencies/weaknesses in areas of governance, financial system and process and control and financial reporting, together with recommendations for improvement in controls.

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

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

In addition, during the year audit management letters were forwarded to the Legal Services Commission, detailing findings and recommendations from the audits of the areas reviewed. The findings and recommendations relate to deficiencies/weaknesses noted by us and improvements needed in the areas reviewed. Our recommendations provided in the letters are directed to achieving a sufficient standard of governance, financial management, financial reporting and control. Responses to the matters raised were received and will be followed up in the 2015-16 annual audit.

My Annual Report to Parliament includes a controls opinion and summary commentary for Legal Services Commission with reference to the matters raised and responses received. The Report indicates those matters that were assessed as not meeting a sufficient standard of governance and financial control.

Finally, I would like to express my appreciation to the management and staff of the Legal Services Commission in providing assistance during the year to my officers in the conduct of the annual audit.

Yours sincerely



Andrew Richardson  
**Auditor-General**

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# Independent Auditor's Report 2015

## INDEPENDENT AUDITOR'S REPORT



Government of South Australia  
Auditor-General's Department

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### To the Chairman Legal Services Commission

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* section 25 of the *Legal Services Commission Act 1977*, I have audited the accompanying financial report of the Legal Services Commission for the financial year ended 30 June 2015. The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2015
- a Statement of Financial Position as at 30 June 2015
- a Statement of Changes in Equity for the year ended 30 June 2015
- a Statement of Cash Flows for the year ended 30 June 2015
- notes, comprising a summary of significant accounting policies and other explanatory information
- a Certificate from the Chairman, the Director and the Finance Manager.

### Members of the Commission's Responsibility for the Financial Report

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

### Auditor's Responsibility

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

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

## Independent Auditor's Report 2015

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

### **Opinion**

In my opinion, the financial report gives a true and fair view of the financial position of the Legal Services Commission as at 30 June 2015, its financial performance and its cash flows for the year then ended in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards.



Andrew Richardson  
**Auditor-General**  
16 September 2015

# Statement of Comprehensive Income 30 June 2015

Legal Services Commission of South Australia

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2015

	Note	2015 \$'000	2014 \$'000
<b>Expenses</b>			
Employee benefits expenses	4	18 356	18 030
Private Practitioner services	2.14	18 055	17 825
Private Practitioner services - Expensive Case matters	5	404	493
Supplies and services	6	6 299	6 955
Depreciation and amortisation expense	7	981	1 027
Other expenses	8	79	97
<b>Total expenses</b>		<b>44 174</b>	<b>44 427</b>
<b>Income</b>			
Legal Practitioners Act revenues	10	2 854	2 552
Statutory charges		814	916
Interest revenues		564	674
Costs recovered and contributions	11	464	370
Other income	12	1 066	1 077
<b>Total income</b>		<b>5 762</b>	<b>5 589</b>
<b>Net cost of providing services</b>		<b>38 412</b>	<b>38 838</b>
<b>Revenues from SA Governments</b>			
Revenue from Commonwealth Government	13	16 233	17 310
Revenue from State Government	14	18 154	20 584
<b>Total revenues from SA Governments</b>		<b>34 387</b>	<b>37 894</b>
<b>Net result</b>		<b>(4 025)</b>	<b>(944)</b>
<b>Other comprehensive income</b>			
<i>Item that will not be reclassified to net result</i>			
Changes in property, plant and equipment revaluation surplus		-	(30)
<b>Total other comprehensive income</b>		<b>-</b>	<b>(30)</b>
<b>Total comprehensive result</b>		<b>(4 025)</b>	<b>(974)</b>

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

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



# Statement of Financial Position 30 June 2015

Legal Services Commission of South Australia

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2015

	Note	2015 \$'000	2014 \$'000
<b>Current assets</b>			
Cash and cash equivalents	15	12 780	16 561
Receivables	16	<u>1 562</u>	<u>1 624</u>
<b>Total current assets</b>		<b><u>14 342</u></b>	<b><u>18 185</u></b>
<b>Non-current assets</b>			
Property, plant and equipment	17.1	5 219	5 925
Intangible assets	17.2	204	409
Statutory charge debtors	18	<u>6 372</u>	<u>6 000</u>
<b>Total non-current assets</b>		<b><u>11 795</u></b>	<b><u>12 334</u></b>
<b>Total assets</b>		<b><u>26 137</u></b>	<b><u>30 519</u></b>
<b>Current liabilities</b>			
Lease incentive		233	233
Legal payables		685	1 042
Payables	19	375	361
Employee benefits	20	<u>1 511</u>	<u>1 452</u>
<b>Total current liabilities</b>		<b><u>2 804</u></b>	<b><u>3 088</u></b>
<b>Non-current liabilities</b>			
Lease incentive		2 800	3 033
Payables	19	225	228
Employee benefits	20	<u>3 526</u>	<u>3 363</u>
<b>Total non-current liabilities</b>		<b><u>6 551</u></b>	<b><u>6 624</u></b>
<b>Total liabilities</b>		<b><u>9 355</u></b>	<b><u>9 712</u></b>
<b>Net assets</b>		<b><u>16 782</u></b>	<b><u>20 807</u></b>
<b>Equity</b>			
Revaluation surplus		49	49
Retained earnings		<u>16 733</u>	<u>20 758</u>
<b>Total equity</b>		<b><u>16 782</u></b>	<b><u>20 807</u></b>
Unrecognised contractual commitments	22		
Contingent assets and liabilities	24		

Total equity is attributable to the SA Government as owner

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

# Statement of Changes in Equity 30 June 2015

Legal Services Commission of South Australia

## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2015

	Revaluation surplus	Retained earnings	Total
	\$'000	\$'000	\$'000
Balance at 30 June 2013	79	21 702	21 781
Net result 2013-14	-	(944)	(944)
Loss on revaluation of library collection	(30)	-	(30)
<b>Total comprehensive result for 2013-14</b>	<b>(30)</b>	<b>(944)</b>	<b>(974)</b>
Balance at 30 June 2014	49	20 758	20 807
Net result for 2014-15	-	(4 025)	(4 025)
<b>Total comprehensive result for 2014-15</b>	<b>-</b>	<b>(4 025)</b>	<b>(4 025)</b>
<b>Balance at 30 June 2015</b>	<b>49</b>	<b>16 733</b>	<b>16 782</b>

All changes in equity are attributable to the SA Government as owner

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

# Statement of Cash Flows 30 June 2015

Legal Services Commission of South Australia

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2015

	Note	2015 Inflows (Outflows) \$'000	2014 Inflows (Outflows) \$'000
<b>Cash flows from operating activities</b>			
Cash outflows			
Employee benefits payments		(18 131)	(17 513)
Supplies and services		(6 788)	(8 271)
Private Practitioner services		(20 430)	(19 776)
Private Practitioner services - Expensive Case matters		(404)	(493)
<b>Cash used in operations</b>		<b>(45 753)</b>	<b>(46 053)</b>
Cash inflows			
Legal Practitioners Act receipts		2 743	2 712
Costs recovered and contributions		531	336
Statutory charge receipts		532	620
Interest received		578	674
Lease incentive receipts		-	3 500
GST recovered from the ATO		2 275	2 605
Other receipts		1 074	1 233
<b>Cash generated by operations</b>		<b>7 733</b>	<b>11 680</b>
Cash flows from Governments			
Commonwealth Government receipts		16 233	17 310
State Government receipts		18 081	20 584
<b>Total cash flows from Governments</b>		<b>34 314</b>	<b>37 894</b>
<b>Net cash used in operating activities</b>	21	<b>(3 706)</b>	<b>3 521</b>
<b>Cash flows from investing activities</b>			
Cash outflows			
Purchase of property, plant and equipment and intangible assets		(75)	(5 350)
<b>Net cash used in investing activities</b>		<b>(75)</b>	<b>(5 350)</b>
<b>Net decrease in cash and cash equivalents</b>		<b>(3 781)</b>	<b>(1 829)</b>
<b>Cash and cash equivalents at the beginning of the period</b>		<b>16 561</b>	<b>18 390</b>
<b>Cash and cash equivalents at the end of the period</b>	15, 21	<b>12 780</b>	<b>16 561</b>

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



# Note Index 30 June 2015

Legal Services Commission of South Australia

## NOTE INDEX

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## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### 1. Objectives of the Legal Services Commission of South Australia

The Legal Services Commission of South Australia (the Commission) was established under the *Legal Services Commission Act 1977* (the Act) to provide or arrange for the provision of legal assistance in accordance with the Act. The functions and principles of the Commission are set out in sections 10 and 11 of the Act.

### 2. Summary of Significant Accounting Policies

#### 2.1 Statement of Compliance

The financial statements have been prepared in compliance with section 23 of the *Public Finance and Audit Act 1987*.

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

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

Except for AASB 2015-7 which the Commission has early adopted, Australian Accounting Standards and interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Commission for the reporting period ended 30 June 2015. Refer Note 3.

#### 2.2 Basis of Preparation

The preparation of the financial statements requires:

- the use of certain accounting estimates and requires management to exercise its judgement in the process of applying the Commission's accounting policies. The areas involving a higher degree of judgement or where assumptions and estimates are significant to the financial statements, are outlined in the applicable notes.
- accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events are reported; and
- compliance with Accounting Policy Statements issued pursuant to section 41 of the *Public Finance and Audit Act 1987*. In the interest of public accountability and transparency the accounting policy statements require the following note disclosures, which have been included in these financial statements:
  - a) revenues, expenses, financial assets and liabilities where the counterparty/transaction is with an entity within the SA Government as at reporting date, classified according to their nature. A threshold of \$100 000 for separate identification of these items applies;
  - b) expenses incurred as a result of engaging consultants;
  - c) employees whose normal remuneration is equal to or greater than the base executive remuneration level (within \$10 000 bandwidths) and the aggregate of the remuneration paid or payable or otherwise made available, directly and indirectly by the entity to those employees; and
  - d) Commission member and remuneration information, where a Commission member is entitled to receive income from membership other than a direct out-of-pocket reimbursement.

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

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

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

The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2015 and the comparative information presented.

## 2.3 Reporting Entity

The Commission was established under the Act to provide or arrange for the provision of legal assistance in accordance with the Act. Under section 6 (3) of the Act, the Commission is not an instrumentality of the Crown and is independent of the Government.

## 2.4 Comparative Figures

The presentation and classification of items in the financial statements are consistent with prior periods except where specific accounting standards and/or accounting policy statements have required a change.

Where presentation or classification of items in the financial statements have been amended, comparative figures have been adjusted to conform to changes in presentation or classification in these financial statements unless impracticable.

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

## 2.5 Rounding

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

## 2.6 Taxation

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

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

- when the GST incurred on purchases of goods or services is not recoverable from the ATO, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable;

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

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

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

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

## 2.7 Events after the Reporting Period

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

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

## 2.8 Income

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

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



The following are specific recognition criteria:

## *Government Funding*

Funding from the State and Commonwealth Governments are recognised as revenues when the Commission obtains control over the funding. Control over government funding is normally obtained upon receipt.

## *Government Funding Expensive Cases*

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

## *Other Income*

Other income consists of Public Service Association (PSA) and Return to Work SA funding for the provision of legal advisory services, Drug Court funding and Strata Communities funding from the Attorney-General's Department, reimbursements from the Commonwealth for the provision of the Indigenous Cadetship Support Programs, the provision of Community Legal Education programs and the sale of over the counter legal aid kits.

## **2.9 Expenses**

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

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

The following are specific recognition criteria:

## *Employee benefits expenses*

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

## *Superannuation*

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

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

(a) The Commission paid an amount to Comsuper towards the accruing government liability in respect of currently employed contributors to the Commonwealth Superannuation Fund. Payments amounted to \$64 000 (2014 - \$63 000).

(b) The Commission contributed to various superannuation schemes towards the accruing State government liability for superannuation in respect of all employees. Payments amounted to \$1 591 000 (2014 - \$1 528 000).

## *Depreciation and Amortisation*

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

Assets' residual values, useful lives and amortisation methods are reviewed and adjusted if appropriate, on an annual basis.

Changes in the expected useful life or the expected pattern of consumption of future economic benefits embodied in the asset are accounted for prospectively by changing the time period or method, as appropriate, which is a change in accounting estimate.

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

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

Class of Asset	Useful Life (Years)
Plant & Equipment	
Computers	3-5
Office equipment	5-13
Furniture and fittings	13
Leasehold improvements	5-15
Intangibles	3-5

The library is considered a heritage asset and therefore not depreciated or amortised.

## 2.10 Current and Non-Current Classification

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

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

## 2.11 Assets

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

### *Cash and Cash Equivalents*

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

For the purposes of the Statement of Cash Flows, cash and cash equivalents consist of cash and cash equivalents as defined above. Cash is measured at nominal value.

### *Receivables*

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

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

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

### *Non-current assets*

#### Acquisition and recognition

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

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

#### Revaluation of non-current assets

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

Any revaluation increment is credited to the revaluation surplus, except to the extent that it reverses a revaluation decrease of the same asset class previously recognised as an expense, in which case the increase is recognised as income. Any revaluation decrease is recognised as an expense except to the extent that it offsets a previous revaluation increase for the same asset class in which case the decrease



is debited directly to the revaluation surplus to the extent of the credit balance existing in revaluations reserve for that asset class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amounts of the assets and the net amounts are restated in the revalued amounts of the assets.

Upon disposal or derecognition, any revaluation surplus relating to that asset is transferred to retained earnings.

## *Library Valuation*

The *John Gray Memorial Library* asset is a legal reference collection containing general and specialised items that are available for general use by both Commission lawyers and private practitioners undertaking legal aid matters. The valuation of the library collection was performed by Valcorp Australia Pty Ltd as at 30 June 2014. The independent valuer arrived at fair value based on the written down replacement cost of the collection.

## Impairment

All non-current tangible and intangible assets are reviewed for indications of impairment each reporting date. Where there is an indication of impairment, the recoverable amount is estimated. The recoverable amount is determined as the higher of the asset's fair value less costs of disposal and depreciated replacement costs. An amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

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

## *Intangible assets*

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

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

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

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

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

## *Fair value measurement*

AASB 13 defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants, in the principal or most advantageous market, at the measurement date.

The Commission classifies fair value measurement using the following fair value hierarchy that reflects the significance of the inputs used in making the measurements, based on the data and assumptions used in the most recent revaluation:

- Level 1 - traded in active markets and is based on unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at measurement date.
- Level 2 - not traded in an active market and are derived from inputs (inputs other than quoted prices included within level 1) that are observable for the asset, either directly or indirectly.
- Level 3 - not traded in an active market and are derived from unobservable inputs.

The valuation process and fair value changes are reviewed by the Finance Manager and the Audit, Compliance and Risk Committee at each reporting date.

## Non-financial assets

In determining fair value, the Commission has taken into account the characteristic of the asset (e.g. condition and location of the asset and any restrictions on the sale or use of the asset); and the asset's highest and best use (that is physically possible, legally permissible, financially feasible).

The Commission's current use is the highest and best use of the asset unless other factors suggest and alternative use is feasible. As the Commission did not identify any factors to suggest an alternative use, fair value measurement was based on current use.

The carrying amount of non-financial assets with a 'fair value at the time of acquisition that was less than \$1 million or an estimated useful life that was less than three years' are deemed to approximate fair value.

## Financial assets/liabilities

The commission does not recognise any financial assets or financial liabilities at fair value.

## **2.12 Liabilities**

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

### *Payables*

Payables include creditors, accrued expenses, employment on-costs and Paid Parental Leave Scheme payable.

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

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

The Paid Parental Leave Scheme payable represents amounts which the Commission has received from the Commonwealth Government to forward onto eligible employees via the Commission's standard payroll processes. That is, the Commission is acting as a conduit through which the payment to eligible employees is made on behalf of the Family Assistance Office.

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

Legal Payables represent amounts invoiced from private practitioners for approved cases that are unpaid at balance date. They are normally settled within 30 days.

Employee benefits on-costs include superannuation contributions, payroll tax and Return to Work SA levies with respect of outstanding liabilities for salaries and wages, annual leave, long service leave and skills and experience retention leave.

The Commission makes contributions to several superannuation schemes operated by the State Government and a Commonwealth scheme. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the superannuation schemes.

### *Leases*

The Commission has entered into operating leases for office accommodation. These leases are reviewed annually for adjustments in the CPI. Operating lease payments are recognised as an expense in the Statement of Comprehensive Income on a straight-line basis over the lease term. The straight-line basis is representative of the pattern of benefits derived from the leased asset.

### *Lease incentives*

All incentives for the agreement of a new or renewed operating lease are recognised as an integral part of the net consideration agreed for the use of the leased asset. Incentives received to enter into operating leases are recognised as a liability.

The aggregate benefits of lease incentives received by the Commission in respect of operating leases have been recorded as a reduction of rental expense over the lease term, on a straight line basis.

### *Employee benefits*

These benefits accrue for employees as a result of service or services provided up to the reporting date that remain unpaid. Long-term employee benefits are measured at present value and short-term employee benefits are measured at nominal amounts.

## Salaries, wages, annual leave, skills and experience retention leave and sick leave

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



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

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

## Long service leave

The liability for long service leave is measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method.

The estimated liability for long service leave is based on actuarial assumptions over expected future salary and wage levels, experience of employee departures and periods of service. These assumptions are based on employee data over SA Government entities. Expected future payments are discounted using market yields at the end of the reporting period on government bonds with durations that match, as closely as possible, the estimated future cash outflows.

The current/non-current classification of the Commission's long services leave liabilities has been calculated based on historical usage patterns.

## *Workers Compensation*

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

## **2.13 Unrecognised contractual commitments and contingent assets and liabilities**

Unrecognised contractual commitments include legal expense, operating and remuneration arising from contractual or statutory sources and are disclosed at their nominal value. Refer Note 22.

Contingent assets and contingent liabilities are not recognised in the Statement of Financial Position, but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Refer Note 24.

## **2.14 Private Practitioner Services**

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

## **2.15 Trust Funds**

Pursuant to the *Legal Practitioner's Act 1981* the Commission holds funds in trust on behalf of clients. As at 30 June 2015 the total funds held were \$22 000 (2014 - \$14 000). These funds are not controlled by the Commission and are not recognised in the financial statements.

## **3. New and revised accounting standards and policies**

Except for AASB 2015-7 which the Commission has early adopted, Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective, have not been adopted by the Commission for the period ending 30 June 2015.

The Commission did not voluntarily change any of its accounting policies during 2014-15.



#### 4. Employee benefits expenses

	2015 \$'000	2014 \$'000
Salaries and wages	14 300	14 051
Long service leave	521	646
Annual leave	1 129	1 115
Employment on-costs – superannuation	1 661	1 591
Employment on-costs - payroll tax	362	366
Skills and experience retention leave	89	75
Commission members' remuneration	87	90
Workers compensation	207	96
<b>Total employee benefits expenses</b>	<b>18 356</b>	<b>18 030</b>

#### Remuneration of employees

	Number of Employees	
	2015 No	2014 No
The number of employees whose remuneration received or receivable falls within the following bands:		
\$141 500 to \$151 499	2	7
\$151 500 to \$161 499	5	1
\$171 500 to \$181 499	2	2
\$191 500 to \$201 499	1	1
\$221 500 to \$231 499	-	1
\$231 500 to \$241 499	1	-
\$271 500 to \$281 499	1	1
\$281 500 to \$291 499	1	1
<b>Total</b>	<b>13</b>	<b>14</b>

The table includes all employees who received remuneration equal to or greater than the base executive remuneration level during the year. The executive base level remuneration rate for 2014-15 is the same as the 2013-14 rate (ie there has been no increase in executive remuneration since 1 July 2013). Remuneration of employees reflects all costs of employment including salaries and wages, payments in lieu of leave, superannuation contributions, salary sacrifice benefits and fringe benefits tax paid or payable in respect of those benefits.

The total remuneration received by these employees for the year was \$2 424 000 (2014 - \$2 528 000).

#### 5. Private Practitioner services - Expensive Case matters

	2015 \$'000	2014 \$'000
State Expensive Cases reimbursed	404	302
Commonwealth Expensive Cases reimbursed	-	191
<b>Total Expensive Cases reimbursed</b>	<b>404</b>	<b>493</b>

The Commission is required to provide litigation services pursuant to the *Criminal Law (Legal Representation) Act 2001* for State matters that exceed the Commission's prescribed funding cap. Section 18(6) defines the "funding cap" to mean an amount fixed as the funding cap for criminal cases by the Commission for a particular financial year. The funding cap is \$60 000 in the case of one party being aided and \$120 000 in the case of more than one party, irrespective of the number being aided. These matters are separately funded by the State Government (refer Note 14). For Commonwealth matters, the funding cap is \$40 000 and the Commission is reimbursed the full amount (refer Note 13).

# Notes to and Forming Part of the Financial Statements 30 June 2015

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## 6. Supplies and services

	2015 \$'000	2014 \$'000
Accommodation	3 070	3 342
Computing and communications	1 489	1 935
Office supplies and consumables	256	340
Periodicals and subscriptions	254	247
Travel	241	194
Interpreter fees	226	214
Practising certificates and membership	103	97
Storage fees	75	83
Media and advertising	64	63
Consultancy fees	59	44
Courses and training	46	55
Other	<u>416</u>	<u>341</u>
<b>Total supplies and services</b>	<b><u>6 299</u></b>	<b><u>6 955</u></b>

Total supplies and services provided by entities within SA Government consists of \$2 715 000 (2014 - \$2 488 000).

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

	Number	2015 \$'000	Number	2014 \$'000
Below \$10,000	6	27	4	11
Above \$10 000	<u>2</u>	<u>32</u>	<u>1</u>	<u>33</u>
<b>Total paid/payable to the consultants engaged</b>	<b><u>8</u></b>	<b><u>59</u></b>	<b><u>5</u></b>	<b><u>44</u></b>

## 7. Depreciation and amortisation expense

	2015 \$'000	2014 \$'000
Depreciation		
Plant and equipment	<u>523</u>	<u>333</u>
<b>Total depreciation</b>	<b><u>523</u></b>	<b><u>333</u></b>
Amortisation		
Leasehold improvements	253	203
Intangible assets	<u>205</u>	<u>491</u>
<b>Total amortisation</b>	<b><u>458</u></b>	<b><u>694</u></b>
<b>Total depreciation and amortisation expense</b>	<b><u>981</u></b>	<b><u>1 027</u></b>

The Commission has reassessed its amortisation of intangible assets during 2014-15 resulting in an increase in useful life from three years to four years. This has resulted in a decrease in amortisation of \$204 000 in 2014-15.

## 8. Other expenses

	2015 \$'000	2014 \$'000
Statutory charge bad debts and allowance for doubtful debts	30	73
Bad debts and allowance for doubtful debts	44	24
Write off of WIP	<u>5</u>	<u>-</u>
<b>Total other expenses</b>	<b><u>79</u></b>	<b><u>97</u></b>

## 9. Auditor's remuneration

	2015 \$'000	2014 \$'000
Audit fees paid/payable to the Auditor-General's Department relating to the audit of financial statements	<u>87</u>	<u>76</u>
<b>Total Auditor's remuneration</b>	<b><u>87</u></b>	<b><u>76</u></b>

# Notes to and Forming Part of the Financial Statements 30 June 2015

## Other services

No other services were provided by the Auditor-General's Department. Auditor's remuneration costs are recognised in the Statement of Comprehensive Income and included in the balance of 'supplies and services - other'. Refer Note 6.

## 10. Legal Practitioners Act revenue

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

	2015 \$'000	2014 \$'000
Statutory Interest account	1 054	975
Interest on Legal Practitioners Trust account	<u>1 800</u>	<u>1 577</u>
<b>Total Legal Practitioners Act revenue</b>	<b><u>2 854</u></b>	<b><u>2 552</u></b>

## 11. Costs recovered and contributions

	2015 \$'000	2014 \$'000
Costs recovered	118	178
Contributions*	<u>346</u>	<u>192</u>
<b>Total costs recovered and contributions</b>	<b><u>464</u></b>	<b><u>370</u></b>

\* In addition, contributions of \$708 000 (2014 - \$653 000) in relation to referred cases were paid or are payable directly to private practitioners by clients.

## 12. Other income

	2015 \$'000	2014 \$'000
Legal Assistance Services	287	275
Strata and Community Title Advisory Services	159	200
Drug Court Funding	145	145
National Legal Aid Data Standardisation Assistance	100	-
Other income	<u>375</u>	<u>457</u>
<b>Total other income</b>	<b><u>1 066</u></b>	<b><u>1 077</u></b>

Total other income provided by entities within SA Government consists of \$304 000 (2014 - \$345 000).

## 13. Commonwealth Government

A National Partnership Agreement on Legal Assistance Services between the Commonwealth of Australia and States and Territories is effective from 1 July 2010 to 30 June 2015. Amounts from the Commonwealth are received via the Attorney-General's Department. Pursuant to that Agreement, the Commonwealth Government contributed funding of \$16 194 000 (2014 - \$15 893 000) to South Australia for the year ended 30 June 2015. Additional funding of \$nil (2014 - \$1 175 000) was provided as part of the Legal Aid Collaboration Funding Program.

The Commission is also party to a separate agreement with the Commonwealth of Australia to provide services under the Immigration Advice and Application Assistance Scheme (IAAAS). The agreement contributed funding of \$39 000 (2014 - \$51 000).

The Commonwealth Government provided \$nil (2014 - \$191 000) for approved expensive cases.

## 14. State Government

In 2014-15 the State Government contributed funding of \$17 750 000 (2014 - \$20 282 000).

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

# Notes to and Forming Part of the Financial Statements 30 June 2015

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The State Government provided \$404 000 (2014 - \$302 000) for approved expensive cases that exceeded the Commission cap.

## 15. Cash and cash equivalents

	2015	2014
	\$'000	\$'000
Short-term deposits with SAFA	12 750	16 500
Cash at bank and on hand	30	61
<b>Total cash and cash equivalents</b>	<b>12 780</b>	<b>16 561</b>

### Short-term deposits

Short-term deposits are held with the South Australian Government Financing Authority (SAFA) in the Cash Management Facility (CMF). The CMF is an at-call, pooled investment portfolio comprising cash and short-term money market securities. The daily earnings from the portfolio's investments are applied to Commission's investment balances. The CMF interest rate is the Reserve Bank of Australia's (RBA) cash rate plus a margin set by the SAFA General Manager.

### Cash at bank and on hand

Cash on hand is non-interest bearing being petty cash. Deposits with BankSA (cash at bank) earn a floating interest rate based on daily bank deposit rates with interest paid semi-annually. The carrying amount of cash and cash equivalents represents fair value.

## 16.1 Receivables

	2015	2014
	\$'000	\$'000
<i>Legal Practitioners Act debtors</i>	654	543
GST input tax recoverable	291	375
Client debtors and other debtors	421	272
Allowance for doubtful debts	(30)	(30)
Prepayments	226	464
<b>Total Receivables</b>	<b>1 562</b>	<b>1 624</b>

## 16.2 Movement in the allowance for doubtful debts

The allowance for doubtful debts (allowance for impairment loss) is recognised when there is objective evidence (ie calculated on past experience and current and expected changes in client credit rating) that a receivable is impaired.

An allowance for impairment loss has been recognised in 'other expenses' in the Statement of Comprehensive Income for specific debtors and debtors assessed on a collective basis for which such evidence exists.

	2015	2014
	\$'000	\$'000
<b>Carrying amount at the beginning of the period</b>	<b>30</b>	<b>40</b>
Increase in allowance	44	34
Amounts written off	(44)	(44)
<b>Carrying amount at the end of the period</b>	<b>30</b>	<b>30</b>

## 17.1 Property, plant and equipment

	2015	2014
	\$'000	\$'000
Leasehold improvements at cost (deemed fair value)	4 114	4 114
Accumulated amortisation	(1 216)	(963)
<b>Total leasehold improvements</b>	<b>2 898</b>	<b>3 151</b>
Plant and equipment at cost (deemed fair value)	4 629	4 554
Accumulated depreciation	(2 569)	(2 046)
<b>Total plant and equipment</b>	<b>2 060</b>	<b>2 508</b>
Library at fair value *	261	261
<b>Total library</b>	<b>261</b>	<b>261</b>



# Notes to and Forming Part of the Financial Statements 30 June 2015

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Work in progress	—	5
Total work in progress	—	5
<b>Total property, plant and equipment</b>	<b>5 219</b>	<b>5 925</b>

\* The valuation of the library collection was performed by Valcorp Australia Pty Ltd as at 30 June 2014. The independent valuer arrived at fair value based on the written down replacement cost of the collections.

## Impairment

There were no other indications of impairment of property, plant and equipment at 30 June 2015.

## 17.2 Intangible assets

	<b>2015</b>	<b>2014</b>
	<b>\$'000</b>	<b>\$'000</b>
Computer software	1 557	1 557
Accumulated amortisation	(1 353)	(1 148)
<b>Total intangible assets</b>	<b>204</b>	<b>409</b>

## Impairment

There were no other indications of impairment of property, plant and equipment at 30 June 2015.

## 17.3 Reconciliation of non-current assets

	Leasehold Improvements	Plant and Equipment	Library	Work in Progress	Property Plant & Equipment Total	Computer Software	Intangible Assets Total
<b>2015</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Carrying amount at 1 July	3 151	2 508	261	5	5 925	409	409
Additions	-	75	-	-	75	-	-
Depreciation/amortisation expense	(253)	(523)	-	-	(776)	(205)	(205)
Write off of WIP	-	-	-	(5)	(5)	-	-
<b>Carrying amount at 30 June</b>	<b>2 898</b>	<b>2 060</b>	<b>261</b>	<b>-</b>	<b>5 219</b>	<b>204</b>	<b>204</b>
	Leasehold Improvements	Plant and Equipment	Library	Work in Progress	Property Plant & Equipment Total	Computer Software	Intangible Assets Total
<b>2014</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Carrying amount at 1 July	110	355	291	385	1 141	900	900
Additions	2 859	2 486	-	5	5 350	-	-
Depreciation/amortisation expense	(203)	(333)	-	-	(536)	(491)	(491)
Transfer between asset classes	385	-	-	(385)	-	-	-
Revaluation decrement	-	-	(30)	-	(30)	-	-
<b>Carrying amount at 30 June</b>	<b>3 151</b>	<b>2 508</b>	<b>261</b>	<b>5</b>	<b>5 925</b>	<b>409</b>	<b>409</b>

## 17.4 Fair value measurement

The fair value of non-financial assets must be estimated for recognition and measurement or for disclosure purposes. The Commission categorises non-financial assets measured at fair value into hierarchy based on the level of inputs used in measurement.

The Commission valuations were all recognised into Level 3 for 30 June 2015 and 30 June 2014.

### Valuation techniques and inputs

Valuation techniques and inputs used to derive level 3 fair values are disclosed in Note 2.11. There were no changes in valuation techniques during 2014-15.

### Reconciliation of fair value measurements - level 3

The following table is a reconciliation of fair value measurements using significant unobservable inputs (level 3).

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## Reconciliation of level 3 recurring fair value measurements at 30 June 2015.

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Library \$'000	Total \$'000
Opening balance at 1 July	3 151	2 508	261	5 920
Acquisitions	-	75	-	75
Total (losses) for the period recognised in net result				
Depreciation/amortisation	(253)	(523)	-	(776)
Closing balance at 30 June	2 898	2 060	261	5 219

## Reconciliation of level 3 recurring fair value measurements at 30 June 2014.

	Leasehold Improvements \$'000	Plant and Equipment \$'000	Library \$'000	Total \$'000
Opening balance at 1 July	110	355	291	756
Acquisitions	2 859	2 486	-	5 345
Transfers into level 3	385	-	-	385
Total (losses) for the period recognised in net result				
Depreciation/amortisation	(203)	(333)	-	(536)
	3 151	2 508	291	5 950
Total (losses) for the period in other comprehensive income				
Revaluation decrement	-	-	(30)	(30)
	-	-	(30)	(30)
Closing balance at 30 June	3 151	2 508	261	5 920

### 18.1 Statutory charge debtors

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

	2015 \$'000	2014 \$'000
Statutory charge debtors	6 674	6 274
Allowance for doubtful debts	(302)	(274)
<b>Total Statutory charge debtors</b>	<b>6 372</b>	<b>6 000</b>

### 18.2 Movement in the allowance for doubtful debts

The allowance for doubtful debts (allowance for impairment loss) is recognised when there is objective evidence (ie calculated on past experience and current and expected changes in client credit rating) that a receivable is impaired.

An allowance for impairment loss has been recognised in 'other expenses' in the Statement of Comprehensive Income for specific debtors and debtors assessed on a collective basis for which such evidence exists.

	2015 \$'000	2014 \$'000
Carrying amount at the beginning of the period	274	201
Increase in the allowance	180	227
Amounts written off	(152)	(154)
<b>Carrying amount at the end of the period</b>	<b>302</b>	<b>274</b>

# Notes to and Forming Part of the Financial Statements 30 June 2015

## 19. Payables

	2015 \$'000	2014 \$'000
Current		
Creditors	110	97
Accrued expenses	87	76
Employment on-costs	<u>178</u>	<u>188</u>
Total current payables	<u>375</u>	<u>361</u>
Non-current		
Employment on-costs	<u>225</u>	<u>228</u>
Total non-current payables	<u>225</u>	<u>228</u>
<b>Total payables</b>	<b><u>600</u></b>	<b><u>589</u></b>

As a result of an actuarial assessment performed by the Department of Treasury and Finance, the proportion of long service leave taken as leave has changed from 2014 rate of 40% to 37% and the average factor for the calculation of employer superannuation cost on-cost has remained at the 2014 rate of 10.3%. These rates are used in the employment on-cost calculation. The net financial effect of the change in the current financial year is an increase in the employment on-cost of \$13 000 and employee benefits expense of \$13 000.

## 20. Employee benefits

	2015 \$'000	2014 \$'000
Current		
Accrued salaries and wages	118	59
Annual leave	941	991
Long service leave	313	279
Skills and experience retention leave	<u>139</u>	<u>123</u>
Total current employee benefits	<u>1 511</u>	<u>1 452</u>
Non-current		
Long service leave	<u>3 526</u>	<u>3 363</u>
Total non-current employee benefits	<u>3 526</u>	<u>3 363</u>
<b>Total employee benefits</b>	<b><u>5 037</u></b>	<b><u>4 815</u></b>

AASB 119 contains the calculation methodology for long service leave liability. An actuarial assessment performed by the Department of Treasury and Finance has provided a basis for the measurement of long service leave.

AASB119 requires the use of the yield on long term Commonwealth Government bonds as the discount rate in the measurement of the long service leave liability. The yield on long term Commonwealth Government bonds has decreased from 3.5% (2014) to 3% (2015).

This decrease in the bond yield, which is used as the rate to discount future long service leave cash flows, contributed to an increase in the reported long service leave liability.

The net financial effect of the changes in the methodology and actuarial assumptions in the current financial year is an increase in the long service leave liability of \$134 000 and employee benefits expense of \$142 000. The impact on future periods is impracticable to estimate as the benchmark is calculated using a number of assumptions - a key assumption is the long-term discount rate.

The actuarial assessment performed by the Department of Treasury and Finance left the salary inflation rate at 3%. As a result, there is no net financial effect resulting from changes in the salary inflation rate.



**21. Cash flow reconciliation**

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

	2015 \$'000	2014 \$'000
Short-term deposits with SAFA	12 750	16 500
Cash at bank and on hand	30	61
Cash and cash equivalents as disclosed in the Statement of Financial Position	12 780	16 561
Balance as per the Statement of Cash Flows	12 780	16 561

**Reconciliation of net cash provided by (used in) operating activities to net cost of providing services:**

	2015 \$'000	2014 \$'000
Net cash provided by (used in) operating activities	(3 706)	3 521
Less revenues from Government	(34 387)	(37 894)
<b>Non cash items:</b>		
Amount of lease incentive amortised	233	-
Depreciation and amortisation	(981)	(1 027)
Write off WIP	(5)	-
<b>Movement in assets and liabilities:</b>		
Increase/(decrease) in statutory charge debtors	372	287
Increase/(decrease) in receivables	(62)	(136)
(Increase)/decrease in employee benefits	(222)	(462)
(Increase)/decrease in lease incentive liabilities	-	(3 266)
(Increase)/decrease in legal payables	357	54
(Increase)/decrease in payables	(11)	85
<b>Net cost of providing services</b>	<b>(38 412)</b>	<b>(38 838)</b>

**22. Unrecognised contractual commitments**

	2015 \$'000	2014 \$'000
<b>(a) Legal expense commitments</b>		
Not later than one year	3 313	2 464
<b>Total legal expense commitments</b>	<b>3 313</b>	<b>2 464</b>

As at 30 June 2015, the Commission has disclosed a commitment on all outstanding amounts raised since 1 January 2015 (ie previous six months).

When a private practitioner is allocated a case, they are issued with a commitment certificate indicating the amount the private practitioner is able to claim in relation to the case. Once the private practitioner has provided the service, they sign and submit the commitment certificate, so they can be paid. 'Legal Expense Commitments' relate to commitment certificates that have been issued by the Commission but not yet returned.

	2015 \$'000	2014 \$'000
<b>(b) Operating Lease commitments</b>		
Not later than one year	2 554	2 463
Later than one year but not later than five years	9 070	9 279
Greater than five years	22 211	24 555
<b>Total operating lease commitments</b>	<b>33 835</b>	<b>36 297</b>

At the reporting date the Commission held the above obligations under non-cancellable operating leases. The operating leases held by the Commission are predominantly property leases with penalty clauses equal to the amount of the residual payments remaining for the lease term. Lease payments are payable one month in advance.

## Notes to and Forming Part of the Financial Statements 30 June 2015

In 2012-13 the Commission entered into a Memorandum of Understanding with the Minister for Transport and Infrastructure to lease new city business accommodation over a fifteen year term, with the option to renew available in 2029.

	2015 \$'000	2014 \$'000
<b>(c) Remuneration commitments</b>		
Not later than one year	3 429	2 852
Later than one year but not later than five years	<u>2 023</u>	<u>3 453</u>
<b>Total remuneration commitments</b>	<b><u>5 452</u></b>	<b><u>6 305</u></b>

The amounts disclosed as remuneration commitments are for the payment of salaries and other remuneration under fixed-term employment contracts in existence at the reporting date but not recognised as liabilities.

The Commission does not offer fixed-term remuneration contracts greater than five years.

### 23. Remuneration of Commission members

Members of the Commission during the 2015 financial year were:

Mr Michael Abbott	Chairman
Ms Alison Lloyd Wright *	
Ms Catherine Nelson	
Mr Craig Caldicott	Appointed 5 February 2015
Ms Gabrielle Canny *	Ex Officio
Mr Michael Dawson	
Mr Andrew English *	
Mr Alan Herald	
Mr John Keen	
Ms Jayne Basheer	Retired 23 March 2015
Ms Tracee Micallef	Retired 5 November 2014

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

	Number of Members	
	2015	2014
\$0	3	3
\$1 - \$10 000	2	3
\$10 001 - \$20 000	5	6
\$20 001 - \$30 000	<u>1</u>	<u>-</u>
<b>Total</b>	<b><u>11</u></b>	<b><u>12</u></b>

Remuneration of members reflects all costs of performing Commission member duties including sitting fees, superannuation contributions, fringe benefit tax and any other salary sacrifice arrangements. The total remuneration received or receivable by members was \$95 000 (2014 - \$98 000) including \$8 000 (2014 - \$8 000) paid or payable to superannuation plans for Commission members.

\* In accordance with the Department of Premier and Cabinet Circular No.016, Commission members who are government employees paid at executive level did not receive any remuneration for Commission duties during the financial year.

The members of the Commission are appointed by the Governor in accordance with the provisions of the Act and include sole practitioners. In the ordinary course of business the Commission enters into transactions with legal firms, some of which are associated with members of the Commission. Payments made to these firms are in accordance with the Commission's scale of fees and are payments that apply to practitioners generally. Accordingly, unless otherwise disclosed, transactions between members are on conditions no more favourable than those that it is reasonable to expect the entity would have adopted if dealing with the related party at arm's length in the same circumstances.

**24. Contingent assets and liabilities**

At balance date and as at the date of financial statement certification, there were no known contingent assets or liabilities.

**25. Financial risk management/Financial instruments***Financial risk management*

Risk management is managed by the Commission's Infrastructure Section and Commission risk management policies are in accordance with the *Risk Management Policy Statement* issued by the Premier and Treasurer and the principles established in the Australian Standard *Risk Management Principles and Guidelines*.

The Commission is exposed to financial risk - liquidity risk, credit risk and market risk. There have been no changes in risk exposure since the last reporting period.

*Categorisation of financial Instruments*

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

Refer table 25.1 for the carrying amounts of each of the following categories of financial assets and liabilities: receivables; and financial liabilities measured at cost.

The Commission does not recognise any financial assets or financial liabilities at fair value. The carrying value less impairment provisions of receivables and payables is a reasonable approximation of their fair values due to the short-term nature of these (refer notes 2, 16 and 19).

*Liquidity risk*

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

The Commission's exposure to liquidity risk is insignificant based on past experience and current assessment of risk. The carrying amount of financial liabilities recorded in table 25.1 represents the Commission's maximum exposure to financial liabilities.

Table 25.1 Categorisation and maturity analysis of financial assets and liabilities

Category of financial asset and financial liability	Notes	2015 Carrying amount/ Fair value (\$'000)	2015 Contractual Maturities			
			Current	Within 1 year (\$'000)	1-5 years (\$'000)	More than 5 years (\$'000)
<b>Financial assets</b>						
<u>Cash and equivalent</u>						
- Cash and cash equivalent	15	12 780	12 780	-	-	-
<u>Loans and receivables</u>						
- Receivables (1)(2)	16	269	-	269	-	-
<b>Total financial assets</b>		13 049	12 780	269	-	-
<b>Financial liabilities</b>						
<u>Financial liabilities at cost</u>						
- Payables (1)	19	109	-	109	-	-
<b>Total financial liabilities</b>		109	-	109	-	-



# Notes to and Forming Part of the Financial Statements 30 June 2015

Category of financial asset and financial liability	Notes	2014 Carrying amount/ Fair value (\$'000)	2014 Contractual Maturities			
			Current	Within 1 year (\$'000)	1-5 years (\$'000)	More than 5 years (\$'000)
<b>Financial assets</b>						
<u>Cash and equivalent</u>						
- Cash and cash equivalent	15	16 561	16 561	-	-	-
<u>Loans and receivables</u>						
- Receivables (1)(2)	16	103	-	103	-	-
<b>Total financial assets</b>		16 664	16 561	103	-	-
<b>Financial liabilities</b>						
<u>Financial liabilities at cost</u>						
- Payables (1)	19	97	-	97	-	-
<b>Total financial liabilities</b>		97	-	97	-	-

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

(2) Receivable amounts disclosed here exclude prepayments. Prepayments are presented in Note 16 as prepayments in accordance with paragraph 78(b) of AASB 101. However, prepayments are not financial assets as defined in AASB 132 as the future economic benefit of these assets is the receipt of goods and services rather than the right to receive cash or other financial assets.

## Credit risk

Credit risk arises when there is the possibility of the Commission's debtors defaulting on their contractual obligations resulting in financial loss to the Commission. The Commission measures credit risk on a fair value basis and monitors risk on a regular basis.

The Commission has minimal concentration of credit risk. The Commission has policies and procedures in place to ensure that transactions occur with customers with appropriate credit history. The Commission does not engage in high risk hedging for its financial assets. No collateral is held as security and no credit enhancements relate to financial assets held by the Commission.

Allowances for impairment of financial assets are calculated on past experience and current and expected changes in client credit rating. Other than in-house contributions owed by legal aid recipients (a statutory receivable excluded from this note), there is no evidence to indicate that any other Commission financial assets are impaired. Refer to note 2.11 for information on the allowance for impairment in relation to receivables.

The following table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets.

Table 25.2 Ageing analysis of financial assets

	Carrying Amount \$'000	Not past due and not impaired \$'000	Past due but not impaired			Impaired Financial assets \$'000
			Overdue for less than 30 days \$'000	Overdue for 30-60 days \$'000	Overdue for more than 60 days \$'000	
<b>2015</b>						
Receivables (1)	269	228	-	-	41	-
<b>2014</b>						
Receivables (1)	103	52	2	-	49	-

(1) Receivable amounts disclosed here exclude amounts relating to statutory receivables (amounts owing to Government). They are carried at cost.

## Market risk

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

## Sensitivity disclosure analysis

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

# Certification of the Financial Report 30 June 2015

Legal Services Commission of South Australia

## CERTIFICATION OF THE FINANCIAL STATEMENTS

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

- complies with relevant Treasurer's instructions issued under section 41 of the *Public Finance and Audit Act 1987*, and relevant Australian accounting standards;
- are in accordance with the accounts and records of the Legal Services Commission of SA; and
- presents a true and fair view of the financial position of the Legal Services Commission of SA as at 30 June 2015 and the results of its operation and cash flows for the financial year.

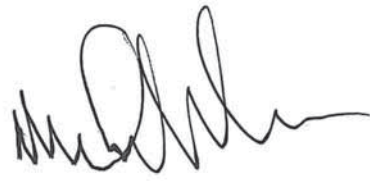
We certify that the internal controls employed by Legal Services Commission of SA for the financial year over its financial reporting and its preparation of the general purpose financial statements have been effective throughout the reporting period and there are reasonable grounds to believe the Commission will be able to pay its debts as and when they become due and payable.



Chinh Dinh-Pham  
FINANCE MANAGER  
9 September 2015



Gabrielle Canny  
DIRECTOR  
9 September 2015



Michael Abbott  
CHAIRMAN  
September 2015

# Human Resources 2014-15

*Negotiations for a revised Enterprise Agreement continued throughout 2014, culminating in the Commission endorsing the State Government Agreement in December 2014. The Agreement operates until October 2016.*

*Workplace health and safety issues have been a key focus this year, as has continuous workload monitoring of secretarial positions.*



*Glen Wadrop, Manager Human Resources.*

## **Work Health and Safety**

Focus this year centred on a number of staff who suffered significant personal illness or who were work injured and lodged workers compensation claims in the Workers Compensation Tribunal. During the year two of these matters settled. One is still ongoing.

In the course of the financial year, individual staff and associated office security requirements were reassessed and workplace changes made where necessary.

Following assessment of individual requirements by an external occupational therapist, ergonomic adjustment was made to 15% of the Commission's workstations.

Fire and emergency procedures at the Commission's Adelaide office were assessed to ensure compliance with all standards. Commission staff have accepted overall responsibility for fire warden coordination for all tenants at the Adelaide office.

## **Personal Development Review Program**

Following training sessions last financial year by an external facilitator, this year saw 63% of Commission staff receive a personal development review conducted by managers.

## **Learning and Development Activities**

During 2014-15, 921 attendances were recorded for staff attending learning and development activities with many staff attending more than one activity. A significant proportion of these attendances were associated with Mandatory Continuing Professional Development activities required for legal staff to practice law. Many of these activities were held in-house. Training expenditure was 0.7% of total salary expenditure.



## Human Resources 2014-15

### Employee numbers, status and gender

Number of employees	Total
Persons	213
Full-time equivalent	194.18

Gender	% Persons	% FTE's
Male	24.66	26.57
Female	75.34	73.43

Number of persons during 2014-15 financial year who	Total
separated from the Commission	28
were recruited to the Commission	23

Number of persons at 30 June 2015	Total
on leave without pay from the Commission	7

### Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0 - \$56 199	6	52	58
\$56 200 - \$71 499	12	56	68
\$71 500 - \$91 499	12	26	38
\$91 500 - \$115 499	15	20	35
\$115 000+	8	6	14
<b>Total</b>	<b>53</b>	<b>160</b>	<b>213</b>

### Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	36.6	10	5	0	51.6
Female	111.18	27.4	4	0	142.58
<b>Total</b>	<b>147.78</b>	<b>37.4</b>	<b>9</b>	<b>0</b>	<b>194.18</b>

PERSONS	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	38	10	5	0	53
Female	125	31	4	0	160
<b>Total</b>	<b>163</b>	<b>41</b>	<b>9</b>	<b>0</b>	<b>213</b>

## Human Resources 2014-15

### Executives by gender, classification and status

Classification	Ongoing		Tenured		Untenured		Other		Male		Female		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	1	0	3	1	0	0	4	50%	1	13%	5
Executive B	0	0	0	0	0	1	0	0	0	0%	1	13%	1
Executive C	0	0	0	0	0	1	0	0	0	0%	1	13%	1
Executive D	0	0	0	0	1	0	0	0	1	13%	0	0%	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>63%</b>	<b>3</b>	<b>38%</b>	<b>8</b>

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### Average days leave per full time equivalent employee

Leave Type	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Sick leave	7.37	7.97	6.65	6.94	6.91	7.18
Family carer's leave	0.68	0.75	0.87	0.71	0.85	0.80
Miscellaneous special leave	3.27	1.05	1.14	0.96	0.77	0.86

### Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	0	0	0%
20 - 24	1	3	4	1.9%
25 - 29	12	9	21	9.9%
30 - 34	5	18	23	10.8%
35 - 39	2	20	22	10.3%
40 - 44	3	18	21	9.9%
45 - 49	4	22	26	12.2%
50 - 54	9	25	34	16.0%
55 - 59	10	23	33	15.5%
60 - 64	4	17	21	9.9%
65+	3	5	8	3.8%
<b>Total</b>	<b>53</b>	<b>160</b>	<b>213</b>	<b>100%</b>

### Aboriginal and/or Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$56 199	0	58	0
\$56 200 - \$71 499	1	68	1.47
\$71 500 - \$91 499	1	38	2.63
\$91 500 - \$115 499	2	35	5.71
\$115 500+	0	14	0
<b>Total</b>	<b>4</b>	<b>213</b>	<b>1.88%</b>

## Human Resources 2014-15

### Cultural and linguistic diversity

Employees	Male	Female	Total	% of Agency
Number of employees born overseas	8	33	41	19.25%

### Total number of employees with disabilities *according to Commonwealth DDA definition*

Employees	Number
Male	1
Female	3
<b>Total</b>	<b>4</b>
% of Agency	1.88%

### Personal development review program

% Reviewed	Total
Within last 12 months	45.54%
Prior to last 12 months	30.52%
Not reviewed	23.94%

### Type of disability *where specified*

Disability	Male	Female	Total	% Agency
Requiring workplace adaptation	0	1	1	0.47%
Physical	0	2	0	0.94%
Intellectual	0	0	0	0%
Sensory	0	1	1	0.47%
Psychological/ Psychiatric	1	0	1	0.47%

### Voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	0	0	0
Flexitime	16	110	126
Compressed weeks	0	1	1
Part-time	5	51	56
Job share	0	0	0
Working from home	0	0	0

### Leadership and management training expenditure

Training and Development	Cost	% of Total Salary Exp
Training and development expenditure	\$111 334	0.7%
Leadership and management development	\$20 474	0.13%

## Human Resources 2014-15

### 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

**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 2014-15, the premium cost was 1.13% of total salary remuneration. This amounted to \$207 000 for the 2014-15 financial year.

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Table 2: Agency gross workers compensation expenditure	2014-15 \$m	2013-14 \$m	Variation \$m +(-)	% Change \$m +(-)
• Income maintenance	Nil	0.01	-0.01	-100%
• Lump Sum Settlements Redemptions - s 42	Nil	Nil	Nil	Nil
• Lump Sum Settlements Permanent Disability - s 43	0.013	0.01	0.003	30%
• Medical/Hospital costs combined	Nil	Nil	Nil	Nil
• Other	Nil	Nil	Nil	Nil
• Total Claims Expenditure	0.013	0.02	-0.007	-35%

Table 3: Meeting Safety Performance Targets	Base: 2009-10 Numbers or %	Performance: 12 months to end of June 2015*			Final Target** Numbers or %
		Actual	Notional Quarterly target	Variation	
1. Workplace Fatalities	Nil	Nil	Nil	Nil	Nil
2. New Workplace Injury Claims	Nil	Nil	Nil	Nil	Nil
3. New Workplace Injury Claims Frequency Rate	N/A	N/A	N/A	N/A	N/A
4. Lost Time Injury Frequency Rate***	N/A	N/A	N/A	N/A	N/A
5. New Psychological Injury Claims Frequency rate	Nil	Nil	N/A	N/A	N/A
6. Rehabilitation and return to work:					
6a. Early Assessment within 2 days****	N/A	N/A	N/A	N/A	N/A
6b. Early Intervention within 5 days****	N/A	N/A	N/A	N/A	N/A
6c. LTI have 10 business days or less lost time	Nil	Nil	Nil	Nil	N/A
7. Claims determination					
7a. New claims not yet determined assessed for provisional liability in 7 days	Nil	Nil	Nil	Nil	100%
7b. Claims determined in 10 business days	Nil	Nil	Nil	+5	100%
7c. Claims still to be determined after 3 months	Nil	Nil	Nil	Nil	100%
8. Income maintenance payments for recent injuries			N/A		
2012-13 Injuries at 24 months development	Nil	1	Nil	+1	
2013-14 Injuries at 12 months development	Nil	2	Nil	+2	

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

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

\*\*\* Lost Time Injury Frequency Rate is the injury frequency rate for new lost-time injury/disease for each one million hours worked. This frequency rate is calculated for benchmarking and is used by the WorkCover Corporation.

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

\*\*\*\* WorkCover assessment provided through external insurer

# Clients of the Commission 2014-15

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*The Commission is committed to providing the South Australian public with accessible legal information, advice and representation. The Commission seeks to ensure that all people have equal access to justice within the legal system.*

Every member of the South Australian public is entitled to receive legal information and advice from the Commission by—

- attending one of the Commission offices for an appointment;
- telephoning 1300 366 424 for an immediate response to a legal question; or
- visiting the Commission website at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

Some members of the public are also able to access legal representation, but this is not available to all. In order to make best use of available funds, each application for legal representation must meet funding criteria determined by the Commission. Accordingly, each application is means and merit tested and is subject to Commission funding guidelines.

In the 2014-15 financial year a total of **126 048** services (excluding education sessions) were provided to clients. These services included—

- **68 028** telephone advice sessions;
- **25 122** advice appointments;
- **16 836** duty lawyer services;
- **16 062** grants of aid for legal representation.

In addition, staff of the Commission—

- conducted **523** legal education and professional development sessions for **15 632** participants;
- distributed **83 381** publications; and
- maintained the online Law Handbook which attracted **1 364 068** page views.

The Commission provides services to clients across metropolitan Adelaide with offices at Adelaide, Elizabeth, Mount Barker, Noarlunga and Port Adelaide and to regional and remote areas from offices in Whyalla and Port Augusta.

To assist clients with particular needs who may have difficulty accessing the Commission's offices, legal information and education sessions are run for the elderly, youth, people with disabilities, Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds and new migrants. Strategies to improve services and access to Commission buildings for people with disabilities are regularly reviewed and interpreters and a telephone typewriter service are available to clients when required.

## Clients of the Commission 2014-15



Attendees at a free legal education session

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### Telephone advice services 2014-15

The following tables provide a breakdown of services to clients, including multiple services provided to the same client.

	Female	Male	Unknown	Total
Family	10 931	5 378	3	16 312
Criminal	4 861	7 166	89	12 116
Civil	22 392	17 201	7	39 600
<b>Total</b>	<b>38 184</b>	<b>29 745</b>	<b>99</b>	<b>68 028</b>

### Grants of aid, advice appointments and duty lawyer services by client profile 2014-15

	Grants of Aid	Advice Appointments	Duty Lawyer Services	Total
Aboriginal and/or Torres Strait Islander clients	2 344	913	1 970	5 227
Culturally and linguistically diverse clients	1 368	8 483	1 938	11 789
Clients with a disability	4 015	1 396	2 144	7 555
Clients under 18	1 587	360	1 113	3 060
Clients 66+	108	2 090	209	2 407
Other	6 640	11 880	9 462	27 982
<b>Total</b>	<b>16 062</b>	<b>25 122</b>	<b>16 836</b>	<b>58 020</b>



## Legal aid, advice and duty lawyer services by age bracket, gender and law type 2014-15

	Criminal Law			Family Law				Civil Law			Total
	Female	Male	Total	Female	Male	Other*	Total	Female	Male	Total	
Age 0-11											
Grants of aid	2	8	10	175	236	274	685	0	0	0	695
Advice services	1	2	3	0	1	0	1	13	24	37	41
Duty lawyer	3	29	32	5	5	0	10	0	1	1	43
Age 12-17											
Grants of aid	147	669	816	47	17	12	76	0	0	0	892
Advice services	11	50	61	34	18	0	52	94	112	206	319
Duty lawyer	207	846	1 053	3	0	1	4	1	12	13	1 070
Age 18-20											
Grants of aid	192	1 037	1 229	91	34	0	125	0	0	0	1 354
Advice services	86	209	295	154	55	1	210	129	387	516	1 021
Duty lawyer	266	1 149	1 415	19	7	0	26	1	9	10	1 451
Age 21-30											
Grants of aid	745	3 332	4 077	713	346	1	1 060	1	1	2	5 139
Advice services	268	707	975	1 314	592	0	1 906	1 231	946	2 177	5 058
Duty lawyer	851	3 904	4 755	207	113	0	320	12	45	57	5 132
Age 31-40											
Grants of aid	670	2 802	3 472	615	405	0	1 020	2	0	2	4 494
Advice services	186	630	816	1 770	987	0	2 757	1 431	1 190	2 621	6 194
Duty lawyer	812	3 293	4 105	318	249	0	567	16	63	79	4 751
Age 41-50											
Grants of aid	374	1 677	2 051	225	219	0	444	0	4	4	2 499
Advice services	246	512	758	1 446	968	0	2 414	1 136	1 402	2 538	5 710
Duty lawyer	417	2 000	2 417	177	252	0	429	10	37	47	2 893
Age 51-65											
Grants of aid	127	645	772	41	53	1	95	5	4	9	876
Advice services	180	473	653	459	357	0	816	1 566	1 573	3 139	4 608
Duty lawyer	167	740	907	74	143	0	217	10	27	37	1 161
Age 66+											
Grants of aid	10	79	89	9	8	0	17	0	2	2	108
Advice services	63	185	248	89	72	2	163	743	936	1 679	2 090
Duty lawyer	31	118	149	29	25	0	54	2	4	6	209
Unknown											
Grants of aid	1	4	5	0	0	0	0	0	0	0	5
Advice services	7	7	14	5	17	0	22	24	21	45	81
Duty lawyer	35	75	110	5	6	0	11	1	4	5	126
Total	6 105	25 182	31 287	8 024	5 185	292	13 501	6 428	6 804	13 232	58 020

\* Joint application by male and female

# Client Relations 2014-15

*The Commission employs a full time Client Relations Coordinator as a dedicated point of contact for members of the public.*

The Client Relations Coordinator–

- advises clients of the right of review of a refusal by the Commission to grant legal aid funding; and
- responds to enquiries and complaints about–
  - the provision of legal aid funding; and
  - Commission services and processes.

Every client who makes contact with the Client Relations Coordinator is responded to in a timely manner and every complaint is resolved as efficiently and equitably as possible.

The majority of matters handled by the Client Relations Coordinator in the 2014-15 financial year were in relation to–

- decisions by the Commission to refuse legal aid funding; and
- enquiries concerning entitlement to legal aid and the assessment of that entitlement.

In particular, the Client Relations Coordinator assisted clients by–

- explaining the reason an application for legal aid was refused;
- assisting clients to write an appeal letter against a refusal of legal aid;

- identifying other sources of help for clients where legal aid was refused;
- explaining conditions attached to a grant of legal aid, such as a contribution towards costs or the imposition of a statutory charge;
- providing advice in relation to requests to change solicitors;
- responding to complaints regarding Commission staff or service or complaints regarding another person's eligibility for aid;
- dealing with Freedom of Information applications.

The number of complaints received in relation to a service provided by the Commission or a Commission process increased from 34 in 2013-14 to 47 in 2014-15. This represents 6.6% of all client relations contacts and enquiries in this financial year. In view of the vast number of client interactions with Commission staff in the course of a year (126 048 in 2014-15), 47 complaints in relation to a service provided by the Commission or a Commission process is extremely low, reflecting a high level of satisfaction with Commission services.

## Client Relations 2014-15

### Client Relations Contacts 1 July 2014 - 30 June 2015

Reason for contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all Contacts
Refusal of aid	1	1	4	181	108	8	0	303	42.62
Entitlement to legal aid	0	3	0	175	49	6	0	233	32.77
Child representation	0	0	0	0	0	0	0	0	0.00
Commission service	0	2	4	22	4	10	5	47	6.61
Statutory charge	0	0	0	8	6	0	0	14	1.97
Private practitioner service	0	0	0	2	2	0	1	5	0.70
Discrimination	0	0	0	0	0	0	0	0	0.00
Conditions of aid (other than statutory charge)	0	0	0	18	1	0	0	19	2.67
Cap	0	0	0	14	0	0	0	14	1.97
Complaint to MP, Ombudsman etc	0	0	0	6	1	2	0	9	1.27
Other	0	0	0	23	14	13	17	67	9.42
<b>Total</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>449</b>	<b>185</b>	<b>39</b>	<b>23</b>	<b>711</b>	<b>100%</b>

# Freedom of Information 2014-15

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

## **1. A description of the structure and function of the agency**

- This can be found in this report in the section headed Corporate Governance 2014–15.

## **2. How the functions affect members of the public**

- The Commission provides legal representation for applicants who meet the funding criteria determined by the Commission. Additionally, Commission staff provide free legal information, advice and minor assistance, free duty lawyer services, free publications on legal issues, an online Law Handbook and various community legal education programs. The Commission is regularly invited to provide input into legislative changes and government reviews.

## **3. 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](http://www.lsc.sa.gov.au/cb_pages/feedback.php).

- Commission staff are members of various community organisations, listed in *Appendix 4* of this report. This community engagement promotes two way communication and feedback.

## **4. 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. Hard copy files are maintained for each grant of aid and the location of these files is recorded in the computerised records management system. Management and administrative files are also maintained, with their location recorded on a manual system.

## Freedom of Information 2014-15

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### 5. Access to documents

- The Commission's Freedom of Information officer administers the *Freedom of Information Act 1991* 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 *Freedom of Information Act 1991* 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 Legal Services Commission's offices.

In the 2014-15 financial year 11 applications for information were processed under the *Freedom of Information Act 1991*. Full release of the requested material was provided in eight of these requests. The other three requests were refused. In two of the refused requests the requested documents did not exist. In the third refused request, the requested information was exempt under Schedule 1 of the *Freedom of Information Act 1991*.

# Policy and Research 2014-15

*The Policy and Research Unit is part of the Directorate section of the Commission and provides legal advice and short and long-term strategic analysis to the Director. Advisers are legally qualified and have research and project management qualifications, skills and experience.*

In the 2014-15 financial year, the advisers undertook the following:

**1. Provided high quality research and legal and strategic advice in response to proposals for policy and legislative change by providing advice in relation to—**

- the interrelationship between intervention orders and the *Family Law Act 1975*;
- proposals to reform provocation laws in South Australia;
- client contributions and access to Centrepay;
- intervention orders and cross-examination;
- amendments to the *Legal Practitioners Act 1981*, in particular in relation to trust money;
- the *Victims of Crime Amendment Bill 2014*;
- the *Commercial Arbitration Act 2001*;
- the *South Australian Law Reform Institute Issues Paper* on a scheme for storing and locating wills;
- draft legislation proposing a Judicial Conduct Commissioner;
- new South Australian Civil and Administrative Tribunal regulations;
- amendments to serious and organised crime laws;
- early guilty pleas and alternative sentencing options;
- proposed changes to the *Whistleblowers Protection Act 1993*;
- proposed Bail Regulations 2015;

- the Criminal Law (Sentencing) (Supergrass) Amendment Act 2012;
- the Controlled Substances (Simple Possession Offences) Amendment Bill 2015;
- a possible tender for the Women's Domestic Violence Service.

**2. Prepared responses to reviews and inquiries, in particular to—**

- the Attorney-General's *Transforming Criminal Justice* papers;
- the Productivity Commission's report into *Access to Justice Arrangements*;
- the Courts Administration Authority's proposal to close certain suburban courts;
- the Senate Standing Committee on Finance and Public Administration's Inquiry into Access to Legal Assistance Services (Aboriginal and Torres Strait Islander experience of law enforcement and justice services);
- the SA Parliament Social Development Committee Inquiry into Domestic and Family Violence 2015;
- with the Manager of the Family Law Practice, the Family Law Council's inquiry into *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*;
- the Hon Brain Martin AO QC's review of the operation of the *Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012*.



## Policy and Research 2014-15

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### 3. Prepared funding submissions–

- from the Director to the Attorney-General regarding the need for the Expensive Criminal Cases Funding Agreement to take into account new avenues of appeal;
- to the Commonwealth Attorney-General's Department in relation to *Collaborative Funding Progress Reports 2 and 3*.

### 4. Ensured compliance with State and Commonwealth Government reporting requirements by–

- preparing the six monthly report to the Commonwealth required under the National Partnership Agreement on Legal Assistance Services (the NPA);
- organising and attending teleconferences between the Commission and Commonwealth senior staff to discuss the NPA reports.

### 5. Analysed and assessed matters on the national legal aid agenda as proposed by the Commonwealth Government by–

- preparing the Director's report for National Legal Aid meetings;
- researching the governance structure of all Australian legal aid commissions.

### 6. Represented the Commission on national and local working parties and conferences such as–

- SACOSS Policy Council;
- SA Courts Community Reference Group as the nominee of SACOSS;
- Justice Access Committee of the Law Society and subcommittee on hosting the National Access to Justice and Pro Bono Conference in Adelaide in 2017;

- Law Society Bulletin Committee, including contributing articles and arranging for other Commission staff to contribute articles;
- Office of Crime Statistics and Research working group;
- the National Access to Justice and Pro Bono Conference 2015.

### 7. Assisted in arriving at informed decisions influencing the future direction of the Commission, including corporate and strategic planning, by–

- conducting research into best practice in corporate governance as part of facilitating the Commission's corporate planning process;
- organising and participating in the Commission corporate planning sessions for Commissioners and staff;
- developing a new corporate plan;
- with the Deputy Director, commencing the development of reporting templates for performance management reporting to the Commission;
- with the Manager, Infrastructure, reviewing Commission accommodation.

### 8. Engaged in long term project delivery, in particular in relation to–

- the continued development of practitioner panels and best

- practice guidelines, with the establishment of a Guardianship and Mental Health Representation Panel and the development of criteria for an Independent Children's Lawyer Panel;
- the co-ordinating and editing of the Annual Report;
- planning for the 2016 Commission Conference.

### 9. Supported the Director and Chairman by–

- providing a secretariat service for Commission meetings, senior manager meetings, practice management meetings, committee meetings and South Australian Legal Assistance Forum (SALAF) meetings, including preparing agendas, minutes and papers, liaising with participants and training in the use of new E Board Papers;
- preparing various speeches and speaking notes;
- undertaking general research and advice.

### 10. Organised and co-ordinated large scale Commission events, such as–

- the end of financial year event for external legal practitioners undertaking legal aid assignments;
- the staff Christmas party.

Staff band at the Christmas party



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Legal Services Commission of South Australia

# **Access Services Program**

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# Access Services Program 2014-15

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*Through the Access Services program the Commission delivers free legal information, advice and education to all South Australians. Qualified lawyers and experienced paralegal staff respond to legal enquiries through the Commission's telephone legal help line and through interviews by appointment. General legal education sessions are run for members of the community by the legal education staff.*



*Christopher Boundy, Manager Access Services Program.*

## **Legal Information and Advice**

During the 2014-15 financial year Access Services staff received more than 100 000 enquiries and legal questions. Of these enquiries, over 80 000 came from calls to the Legal Help Line (1300 366 424). This free legal advice service is the first point of contact for many Commission clients. Calls are answered from 9am to 4.30pm each business day, and callers receive immediate legal information and advice or are referred to an appropriate specialist agency.

For the consideration of more complex matters, 27 000 half hour advice appointments were booked with Commission staff, most of which were conducted in person. A number of booked appointments were provided by telephone so as not to disadvantage regional or remote clients or those with mobility issues.

Advice staff provide general legal

**“More than 80 000 public enquiries to legal help line”**

advice as well as more specialist advice in areas such as migration law, domestic violence and Centrelink matters. Personal appointments are available at each of the Commission's seven offices and at the regular outreach service provided at Murray Bridge and the Adelaide Magistrates Court. Advisers regularly visit the Adelaide Remand Centre and metropolitan prisons to provide information and advice to inmates on family law and child support matters.

## **Specialist Services**

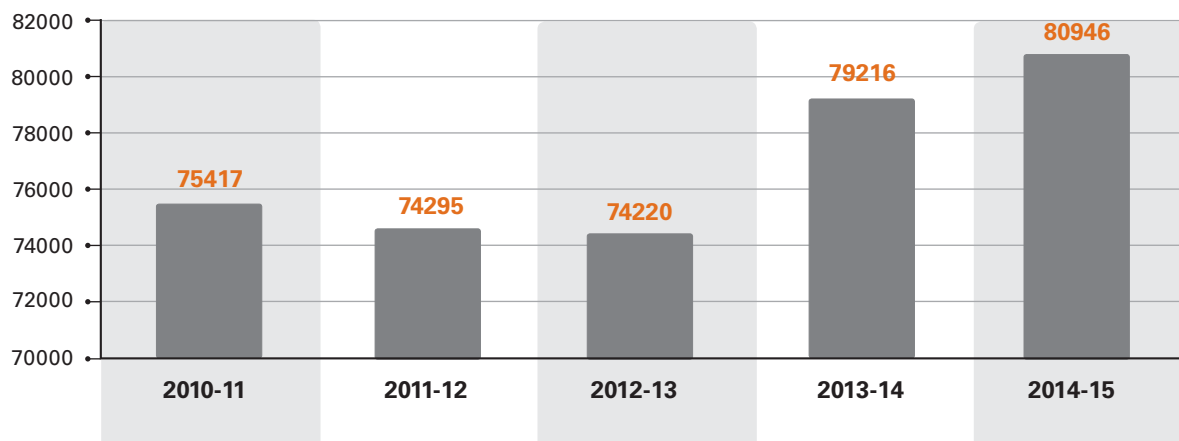
### **Migration**

Advice and assistance is provided in certain migration matters. Each application for assistance is assessed on its merits to ensure an appropriate allocation of funding and resources. Migration lawyers help with onshore protection visa applications and permanent spouse visa applications for disadvantaged clients.

Through a regular process of tender and contract, the Commonwealth provides the framework and financial

## Access Services Program 2014-15

### Total Calls to Legal Help Line



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support for the provision of migration advice and assistance to eligible visa applicants living in the community, including victims of domestic violence.

#### Administrative Appeals Tribunal

Specialist legal advice is provided at the Commission's Adelaide office and at the Administrative Appeals Tribunal (AAT) for people involved in disputes with Centrelink, and unrepresented applicants in Commonwealth workplace injury compensation matters.

#### Consumer Law

A specialist adviser in consumer law and consumer credit law is based in the Adelaide office. This adviser regularly attends the Investigation Summons Court in the Adelaide Magistrates Court to provide advice and assistance to debtors, and features in a regular weekly radio session on ABC Riverland.

#### Domestic violence

People in many sectors of the community experience domestic violence. Experienced legal and para legal advisers provide expert assistance and referral support for victims.

#### Family Law and Child Support Advice in Prisons

Commission staff members regularly attend the Adelaide Remand Centre, Yatala Labour Prison, the Adelaide Women's Prison and the Mobilong Detention Centre. A booked telephone advice service is available for prisoners located in rural and regional prisons. Many prisoners require individual specialist advice about family situations that occur as a result of incarceration.

#### Public Service Association Legal Services Scheme

A separate legal advisory service is provided to SA's Public Service Association (PSA). This involves a

dedicated telephone advice line available to all financial members of the PSA, the principal union for SA public servants.

**“Legal Ed reaches 15 600”**

#### Community Legal Education

Community legal education is an important part of the Commission's work. In 2014-15, legal information and education sessions were conducted for more than 15 600 participants. The education sessions provide legal and civic education to people at risk of social exclusion.

Priority groups are young people, people with a disability, older South Australians, Aboriginal people, new migrants, prisoners, and those with chronic health issues. In order to

## Access Services Program 2014-15

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reach such marginalised groups information sessions are held for community sector workers. These sessions are in addition to public legal information sessions on such subjects as–

- consumer law;
- migration law;
- family violence;
- juvenile justice;
- wills and advance care directives;
- child support; and
- family law.

### Community engagement

The Commission is committed to contributing to community events through participation in National Reconciliation Week, Law Week, Youth Week and Refugee Week. Staff members regularly engage in activities to support organisations including JusticeNet SA, Red Cross, Cancer Council, the RSPCA and the Heart Foundation.

### Youth education

The youth education program informs young people about rights and responsibilities. It seeks to assist with navigation of the legal system, educating young people in knowing when and how to access assistance.

In the past year, the Youth Legal Education officer facilitated 183 legal education sessions involving

“5661 reached through legal education”

5661 participants. In addition to seminars convened in Adelaide and metropolitan areas, the program extended to the regional centres of Ardrossan, Minlaton, Kadina and Victor Harbor. Over 400 young people, teachers and community workers in these centres were involved in the program.

Youth legal education is community centred, using practical and culturally appropriate methodologies and providing ongoing support to educators, parents and others working with young people.

Regional tours are driven by expressions of interest from community members. Topics during the 2014–15 year included–

- consent and sexual assault laws;
- new youth focussed driving laws;
- employment law;
- criminal law;
- youth justice;
- medical consent;
- consumer rights;
- mandatory reporting;
- child pornography offences; and
- filming offences.

The *Trouble with Sam and Steve* is an early intervention Theatre in Education project. It toured primary schools in Adelaide for two weeks in June 2015, reaching 1545 students, teachers, and community members.

This theatre workshop explored the plight of several young people who, through boredom, made bad choices, resulting in property damage and leading to the destruction of a friendship. A performance by professional actors was followed by a workshop involving the students in group activities, guided by the Youth Legal Education officer and Theatre Director. Together with the characters Sam and Steve, students discussed the social and legal consequences of the youths' behaviour and how to access legal help and support.

This project targeted young people approaching the age of criminal responsibility and so was offered as a free performance and workshop for students in school years five, six and seven. This approach is consistent with contemporary models of primary prevention. It was produced by Community Arts Network SA, and supported through a Crime Prevention and Community Safety grant from the SA Attorney-General's Department.



## Access Services Program 2014-15



*The Trouble with Sam and Steve*

### Disability Justice Plan

During the past year the Commission received funding under the Attorney-General's Department Disability Justice Plan to develop and implement a community education program to provide legal education and awareness for people with a disability and their carers and workers. This program has been called *Law 4 All*.

As at 30 June 2015, 43 *Law 4 All* information and education sessions had been delivered to 969 people with a disability or living and working within the disability community. A professional body of disability community workers provided the following comments in relation to a session:

*The information session was held of an evening to facilitate busy workers with their continuing professional development in a time frame that fit in with their work commitments. Feedback received highlighted that the information provided was of a high quality, clear and succinct. The style of delivery was described as excellent and enabled training participants to learn valuable, relevant and specific information in relation to the law. Robust discussions during the training fostered a stronger sense of understanding for the group of rights and responsibilities and practical workings of the law. It was highly appreciated that members were able to ask questions about various potential scenarios and discuss new laws and their operation. As result of this training further collaborations between the Law 4 All Program and a leading health service were developed leading to better opportunities for both programs to deliver their information in relevant forums.*

As an initiative under the *Law 4 All* program the Commission installed ReadSpeaker software. ReadSpeaker converts text to speech for users of the Commission website or online Law Handbook who have low vision or low English literacy.

In addition, "easy read" guides were produced to explain the law that protects people from sexual abuse and a flipbook *Need Legal Help?* was developed and produced to assist people with an intellectual disability.

### Migrant Legal Education

Much of the Commission's migrant education is delivered with the aid of *What's The Law? Australian Law for New Arrivals*. This is a resource kit using a simple audio visual format to explore legal issues commonly encountered by new arrivals. In 2014-15 the Migrant Information and Legal Education (MILE) program directly assisted 2944 new migrants and their service providers.

In March 2015 the Commission's MILE program attracted national attention with the launch of a new publication, *Law For You*, summarising key laws in ten languages commonly spoken by new arrivals. The publication is noteworthy for its simplicity and lack of legal jargon. It is available in Arabic, Burmese, Chinese [Mandarin], Dari, English, Hindi, Persian, Swahili, Nepali and Vietnamese.

## Access Services Program 2014-15

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*MILE Program participants*

“Migrant legal education to 2944”

*Law For You* was welcomed by the Minister for Multicultural Affairs, the Hon. Zoe Bettison MP, as it aims to help migrants understand the law relating to common life events such as renting a home, buying a car, raising a family, dealing with police, separation and divorce, family violence and the purchase of goods and services.

Prior to the launch the Chief Justice of the High Court, the Hon. Robert French AC, commented on the need for legal organisations to better communicate with people from non-English speaking backgrounds.

The MILE program is underpinned by intensive consultation with migrant community groups, and legal education is delivered in partnership with local specialised organisations.

Acknowledgement and thanks are due to English Language Services, Living Skills Unit (TAFE), Red Cross, the African Women's Federation, the Muslim Women's Association, the Overseas Chinese Association, Multicultural Communities Council,

Middle Eastern Communities Council, Salisbury City Council, Lutheran Community Care, Life Without Barriers, Survivors of Torture and Trauma Rehabilitation Service, the Women's Health Services, and Uniting Care Wesley Bowden.

Over 3000 *Law For You* booklets have been distributed to new migrants and their service providers. The translation, printing and publishing of the booklet was possible through a funding grant from the Law Foundation of South Australia.

### Aboriginal Education

A community legal education and legal advice officer is based at the Commission offices in Whyalla and Port Augusta. The officer is extensively involved in local school and community events and provides free educational sessions to promote the Commission's services. Commission staff attended the Tauondi Aboriginal College Open Day to promote the services of the Commission and to encourage Aboriginal students to undertake the *Law for Community Workers* course at TafeSA.



*Tauondi Aboriginal College Open day*

## Access Services Program 2014-15

### Community Legal Education sessions

CLE Sessions by attendees	2014-15	
	Attendees	Sessions
Criminal law	3643	99
Civil law	2638	83
Family law	1397	40
General law	7954	301
<b>Total</b>	<b>15 632</b>	<b>523</b>
By State	12 333	380
By Commonwealth	3 299	143

### Law for Community Workers course

The *Law for Community Workers* course has been running since 1989 with the involvement of the Legal Services Commission. The focus of the course is practical, developing skills in identifying legal problems and providing legal information and referrals.

It is aimed at case workers and information officers providing direct client services. People from diverse

backgrounds and those who work with disadvantaged groups are particularly encouraged to enrol.

In November 2014 a graduation was held for 17 students of the course. The students were employees of, or volunteers at, a range of community organisations and government agencies including, Uniting Care Wesley, Migrant Health Service, DV Gateway Service, Migrant Women's Support Service, Neami National, ALRM, Northern

Community Legal Centre, South East Community Legal Centre, the Guardianship Board, SA Health, Disability SA and Families SA.

In 2015 the course has become more streamlined, and is now a single semester subject within TafeSA Certificate IV in Legal Studies.

### Multi-media, multi-platform

The Commission continues to take a multi-platform approach to providing legal information and education to South Australians, making use of Twitter, YouTube and Facebook. Staff are experienced in website construction and management.

In-house webcast facilities are used to simultaneously broadcast the Commission's free legal information sessions across South Australia. This allows attendance by those who cannot attend in person, increasing the number of participants in 2014-15 by 60%.

In addition to web and social media platforms, the Commission reaches South Australians through news media outlets including print, online, radio and television.

From March to June 2015 there were more than 100 news media mentions of the Commission and its Director, Gabrielle Canny, in her role as Chair of National Legal Aid. In the coming year, Access Services staff intend to



Participants in the 2015 TafeSA Certificate IV in Legal Studies

## Access Services Program 2014-15



Christopher Boundy, Manager Access Services on ABC Radio

utilise in-house production skills to create video content delivering legal information and assistance.

### Web services

South Australians make extensive use of the Commission's online resources. The Commission website contains contact information for the Commission, legal updates of interest to the public, the Law Handbook and information for lawyers.

**“Over 2 million website page views”**

### Law Handbook on-line

This plain English, free and accessible publication is widely acknowledged as the premier resource for free legal information in South Australia.

### Twitter

The Commission continues to successfully use Twitter on a daily basis to distribute information on legal resources and relevant legal information, as well as legal aid and consumer law updates. As at 30 June 2015 there were 1957 subscribers to the Commission Twitter account. During the financial year 1 959 000 Twitter pages received Commission Twitter content.

### Website page views

	2013-14	2014-15
Law Handbook online	1 118 851	1 364 068
LSC website	708 019	795 411
<b>Total</b>	<b>1 826 870</b>	<b>2 159 479</b>

**“21.9% increase in Law Handbook page views”**

### Facebook

The Commission's Facebook pages are an effective way of communicating to all South Australians, with regular visitors from communities at Port Augusta, Millicent, Victor Harbor, Coober Pedy and Naracoorte.

### YouTube

The Commission's YouTube Channel provides support for the legal education program.

### Library

The library at the Commission is a valued resource as well as a retreat for those seeking the opportunity for some quiet reading and research. The staff provide excellent service and support in what is widely regarded as one of the best law libraries in South Australia.

Librarian, Di Thompson, has previously been named the Australian Law Librarian of the Year by the Australian Law Librarian's Group.

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# Representation Program

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# Representation Program 2014-15

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*The Representation Program, overseen by the Deputy Director is made up of three divisions–*

- *the Grants of Legal Aid and Assignments Division;*
- *the Criminal Law Practice Division; and*
- *the Family Law Practice Division.*



*Karen Lehmann, Deputy Director,  
Manager Representation Program.*

The Commission provides funding for the legal representation of clients by either a private legal practitioner or by a Commission in-house legal practitioner. Funding in criminal law matters is provided predominantly by the State Government for litigation involving State legislation. Funding for cases in the Family Courts, and other matters that fall within the jurisdiction of the Commonwealth, is a Commonwealth funding responsibility.

The Grants of Legal Aid and Assignments Division has responsibility for ensuring that funds provided by the State and Commonwealth Governments for grants of legal aid are expended in accordance with the *Legal Services Commission Act 1977*, the *Criminal Law (Legal Representation) Act 2001* and the National Partnership Agreement.

If a client is unable to afford the cost of a legal practitioner, and it is determined that a matter has

merit and falls within Commission guidelines, a client may be granted legal aid. A private legal practitioner may be allocated a grant of legal aid if that practitioner has been nominated by a client as the client's preferred solicitor, if the Commission determines that the choice is appropriate and if the practitioner is on the correct panel. If a client does not nominate a legal practitioner, or if the chosen practitioner is considered inappropriate or is not on the correct panel, the client will be represented by an experienced practitioner with speciality knowledge of the area concerned, either on the staff of the Commission or in private practice.

The Commission has a legislative responsibility to ensure legal assistance is provided to persons throughout the State in the most efficient and economical manner. To achieve this, the Commission must ensure that each legal aid matter is assigned to a suitably qualified legal practitioner. Legislative changes in family law and criminal law, including the introduction of mandatory non parole periods for murder convictions and the potential availability of a discounted sentence for an early guilty plea, have indicated how important it is for clients to have representation of the highest standard.

The Commission's first formal panel system commenced on 1 May 2014 with a General Panel and a Complex Criminal Law panel with a murder

## Representation Program 2014-15

“648 practitioners included on the General Panel”

subpanel. Inclusion on these panels requires ongoing compliance with the General Panel Agreement and practice standards.

In April 2015 the Commission established the Guardianship and Mental Health Representation Panel and practice standards. This is a panel for practitioners wishing to represent clients at the South Australian Civil and Administrative Tribunal in particular proceedings under the *Guardianship and Administration Act 1993* and the *Mental Health Act 2009*.

As at 30 June 2015, 648 lawyers had been admitted to the General Panel, of which 197 were also included on the Complex Criminal Law Panel. Of these, 56 counsel have been admitted to the murder subpanel. The response of practitioners to the opportunity to be included on the panels has been very positive.

The Commission is recognised as a significant contributor to the criminal justice system. The Deputy Director attends project meetings initiated by the Criminal Justice Sector Reform Council set up to deliver efficiencies to the criminal justice sector so as to deliver better service to the people of South Australia. The Commission has also provided written responses to the Attorney General's Transforming Criminal Justice discussion papers.

The Criminal Law Practice Division of the Commission comprises 39 legal practitioners who provide representation in all criminal law jurisdictions including, with some help from the private profession, 15 198 duty solicitor attendances in the last financial year.

The Family Law Practice Division has 21 legal practitioners who undertake duty lawyer services and represent clients at family dispute resolution and in the Family Court and Federal Circuit Court. Practitioners also provide advice and assistance in child support cases. The Family Dispute Resolution (FDR) program continues to be well utilised. The purpose built suite available at 159 Gawler Place, Adelaide has enabled the Commission to provide more FDR sessions than was possible in the previous Wakefield Street premises. In the 2014-15 financial year over 800 conferences were conducted.

Duty solicitor services are available to all members of the public at the Magistrates Courts, the Family Law Courts and the Youth Court. Duty solicitors assist people with free legal advice and minor initial representation, including remand, bail and simple guilty pleas in the criminal law jurisdiction and adjournments and interim

applications in the family law jurisdictions. The courts have repeatedly voiced their appreciation and support for this program. The assistance of a duty solicitor is an early intervention strategy and often reduces the hearing time for a matter and helps cases to settle more quickly.

For the first time in many years a Saturday morning sitting was held in the Adelaide Magistrates Court on 27 December 2015 to process arrests made over the Christmas public holidays. This sitting was welcomed by those clients arrested during this time and resulted in 20 successful bail applications.

The Commission and the South Australian community are well served by the generous cooperation 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 2014-15 financial year private legal practitioners performed 68% of legal aid grants in criminal law matters, 66% of legal aid grants in family law matters and 84% of legal aid grants in civil law matters.

The introduction of email communication has proved beneficial, particularly in relation to the establishment of the panel system and in notifying changes applying to all practitioners undertaking legal aid cases.

# Chief Counsel 2014-15

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



*Greg Mead SC, Chief Counsel.*

The role of Chief Counsel in the functioning of the Legal Services Commission is important in a number of ways.

Most obviously, Chief Counsel undertakes work at the highest level in trials and appeals. During the last financial year Chief Counsel was briefed by Commission lawyers and external practitioners in Supreme and District Court trials, pleas and appeals. Chief Counsel, with junior counsel from the Commission, defended three clients who had each been charged with murder.

In the course of the year Chief Counsel appeared on numerous occasions in the Court of Criminal Appeal (CAA) in respect of appeals against sentence and in relation to questions of law referred to the Full Court.

In one of these cases, Chief Counsel was briefed by a private practitioner to appear before the CCA sitting in banco (five judges) to decide whether circumstances of aggravation alleged by the prosecution should be decided by the jury or by the judge on a disputed facts hearing. The judgement can be found at [R v W](#) [2015] SASCF 86.

In another case before the CCA the court had to determine whether the primary judge had erred in refusing to grant release on licence to a mentally ill client. The primary judge had decided not to follow the recommendations of four psychiatrists to the effect that the conditions of the licence proposed were reasonable and presented minimal risk to the community. This judgement can be found at [R v Bowen](#) [2015] SASCF 111.

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

In addition, Chief Counsel provides mentoring advice to legal staff, sits on selection panels in relation to senior staff appointments and is a member of the Sentencing Advisory Council.

# Grants of Legal Aid and Assignments Division 2014-15

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

*During 2014-15 the Commission introduced a process to enable barristers to bill the Commission and be paid by the Commission directly. This ensures the payment of barristers in a timely manner.*



*Sue Brebner, Manager, Grants of Legal Aid and Assignment Division.*

## Application for legal aid

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

## Eligibility for legal aid

Demand for the Commission's services is high so strict criteria is applied when granting aid for legal representation. To be eligible for legal aid an applicant must meet—

- a means test;
- a merit test; and
- a guidelines test.

### Means Test

The means test involves an assessment of the applicant's finances and the finances of anyone with whom the

applicant has a financial relationship. This includes assessing—

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

### Merit Test

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

### Guidelines Test

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

- criminal matters without a real risk of imprisonment;
- family property settlements unless there are special circumstances; or
- civil matters such as defamation, commercial contracts and conveyancing.

## Grants of Legal Aid and Assignments Division 2014-15

Additionally, in assessing matters for aid, National Legal Aid Funding Guidelines are applied.

### Applications for aid processed 2014-15

Of the 19 254 applications received by the Commission in the 2014-15 financial year, 8956 (47%) were lodged by private legal practitioners. These applications are known as 'claimed' applications because the client has chosen a solicitor. If approved, applications where a private practitioner is nominated are, in most cases, referred back to that practitioner.

Applications where no legal practitioner is nominated, ie 'unclaimed' applications are, if approved, assigned to a legal practitioner employed by the Commission.

Some unclaimed applications are also referred to private practitioners. This may occur if a conflict arises or if a client lives too far from a Commission office for an in-house practitioner to take on the case.

**“16 062 applications for aid approved — a 10.4% increase”**

**“7.3% increase in legal aid applications”**

Of the 16 062 approved applications for the reporting year, 10 898 (68%) of legal aid grants were assigned to private practitioners and 5164 (32%) to the in-house practice.

### Expensive criminal cases

In the 2014-15 financial year the Commission funded six criminal trials under the Expensive Criminal Cases Funding Agreement. In four of these matters the defendants faced charges of murder. Five of the six matters involved a single accused. The other case involved two co-accused.

*Appendix 2* contains the Expensive Criminal Cases Funding Agreement.

### Contribution

Legal aid is not usually free. It is granted on the condition that the applicant contributes towards the cost of the legal matter in one or more of the following ways:

- an initial contribution;
- a final contribution following the completion of the case;
- the placement of a statutory charge over the applicant's property or over that of any financially associated person.

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

### Statutory charge

The Commission takes a statutory charge over real estate in which an applicant, or his or her financially associated person, has an interest to secure full repayment of legal costs. This charge does not arise if the costs of the case are less than the statutory charge threshold, currently set at \$2200. The Commission allows the charge to remain on the title until the property is refinanced, further mortgaged, transferred, sold or the owner dies. No repayments are required in the meantime. (The Commission may impose an administration fee to cover the costs of preparing and registering the charge documents, the eventual removal of the charge and any other administrative work).

*Appendix 3* provides details of the statutory charges taken and repaid for the 2014-15 financial year.



## Grants of Legal Aid and Assignments Division 2014-15

### Scale of fees

The Commission increased its scale of fees for payment to private practitioners and for disbursements, effective from 1 December 2014. The fee scale is set by Commission resolution after consultation with the Law Society of South Australia.

### National relationships

The Manager of the Grants of Legal Aid and Assignments Division is a member of the National Legal Aid Grants National Statistics Working Group (GNSWG). This working group is comprised of representatives from each Australian legal aid commission. The GNSWG has a sound working relationship with other national groups including the Data Collection Working Group and the Family Law Working Group, and reports to National Legal Aid. The working group agendas include such matters as the National Partnership Agreement

### Applications for aid received by source 2014-15

Source	Total	
Legal Services Commission child support unit	252	1%
Community legal centres	20	0%
Direct from client	6 919	36%
Duty lawyer	1 728	9%
Family Court	29	0%
Federal Circuit Court	325	2%
Legal Services Commission interview	78	0%
Other agency	68	0%
Prison	878	5%
Private legal practitioner	8 956	47%
Unknown	1	0%
<b>Total</b>	<b>19 254</b>	<b>100%</b>

benchmarks, Commonwealth Funding Guidelines, the National Legal Aid Strategic Plan, consistent data collection and the National Legal Aid Statistics website.

### Applications for legal aid received 2014-15

Application status	Family		Criminal		Civil		Total	
Awaiting final assessment	14	0%	30	0%	1	1%	45	0%
Assigned	2 330	49%	8 552	60%	16	11%	10 898	57%
In-house	1 192	25%	3 969	28%	3	2%	5 164	27%
Refused	1 197	25%	1 638	11%	127	86%	2 962	15%
Withdrawn	45	1%	119	1%	0	0%	164	1%
<b>Total</b>	<b>4 778</b>	<b>100%</b>	<b>14 308</b>	<b>100%</b>	<b>147</b>	<b>100%</b>	<b>19 233</b>	<b>100%</b>

21 applications for aid received before 30 June 2015 were not processed by 30 June 2015.

## Grants of Legal Aid and Assignments Division 2014-15

### Applications for legal aid refused by reason 2014-15

Reason Refused	Family		Criminal		Civil		Total	
Guidelines	223	19%	886	54%	114	90%	1 223	41%
Guidelines and means	84	7%	138	9%	2	2%	224	8%
Means	721	60%	560	34%	7	5%	1 288	43%
Means and merit	24	2%	3	0%	1	1%	28	1%
Means, merit and guidelines	18	1%	1	0%	0	0%	19	1%
Merit	50	4%	45	3%	3	2%	98	3%
Merit and guidelines	44	4%	2	0%	0	0%	46	2%
No jurisdiction	33	3%	3	0%	0	0%	36	1%
<b>Total</b>	<b>1 197</b>	<b>100%</b>	<b>1 638</b>	<b>100%</b>	<b>127</b>	<b>100%</b>	<b>2 962</b>	<b>100%</b>

### Care and protection applications 2014-15 (*Children's Protection Act 1993*)

Source	Assigned	In-house	Refused / Withdrawn	Total
Adult	370	0	45	415
Child	57	336	2	395
<b>Total</b>	<b>427</b>	<b>336</b>	<b>47</b>	<b>810</b>

## Grants of Legal Aid and Assignments Division 2014-15

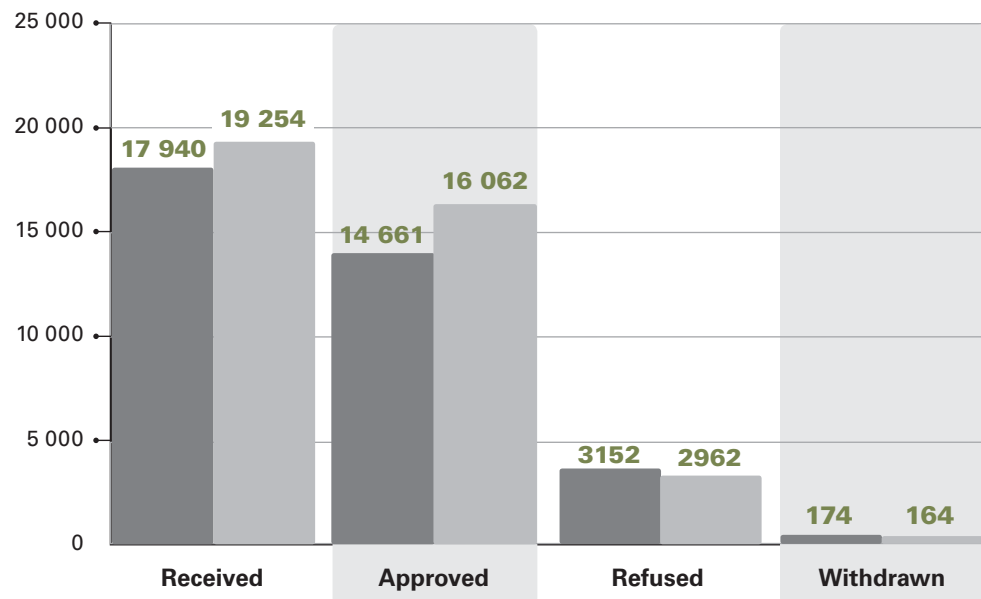
### Applications granted by primary matter group 2014-15

		Inhouse	Assigned	Total	% of approved matters
<b>Family</b>	Child protection application	44%	56%	763	4.75%
	Child support	96%	4%	203	1.26%
	Children	13%	87%	1 497	9.32%
	Contempt	15%	85%	73	0.45%
	Dissolution	67%	33%	21	0.13%
	Family dispute resolution	40%	60%	577	3.59%
	Independent children's lawyer	54%	46%	349	2.17%
	Injunctions (family)	100%	0%	1	0.01%
	Maintenance	100%	0%	10	0.06%
	Property settlement	25%	75%	28	0.17%
	<b>Total family law</b>	<b>34%</b>	<b>66%</b>	<b>3 522</b>	<b>21.93%</b>
<b>Criminal</b>	Assaults (excluding sexual assaults)	38%	62%	3 479	21.66%
	Burglary, break & enter	30%	70%	971	6.05%
	Drugs, Commonwealth offences	32%	68%	28	0.17%
	Drugs, dealing and trafficking	19%	81%	605	3.77%
	Drugs, manufacture	22%	78%	123	0.77%
	Drugs, possess/use	8%	92%	25	0.16%
	Environmental	50%	50%	22	0.14%
	Extortion	17%	83%	12	0.07%
	Fraud, misappropriation and deception	37%	63%	264	1.64%
	Handling, receiving and unlawful possession of stolen goods	16%	84%	192	1.20%
	Homicide	33%	67%	251	1.56%
	Motor vehicle driving offences	34%	66%	1 372	8.54%
	Motor vehicle other and related offences	34%	66%	326	2.03%
	Offences against good order	17%	83%	78	0.49%
	Offences against justice procedure	25%	75%	2 524	15.71%
	Offences against person	36%	64%	120	0.75%
	Offensive behaviour offences	50%	50%	66	0.41%
	Other criminal law matters/offences	52%	48%	31	0.19%
	Property damage (criminal)	41%	59%	237	1.48%
	Rape and sexual offences	37%	63%	490	3.05%
	Robbery	32%	68%	265	1.65%
	Theft and other dishonest offences	28%	72%	771	4.80%
	Unlawful possession of other weapons	28%	72%	269	1.67%
	<b>Total criminal law</b>	<b>32%</b>	<b>68%</b>	<b>12 521</b>	<b>77.95%</b>
<b>Civil</b>	Administrative law	0%	100%	16	0.10%
	Immigration	100%	0%	3	0.02%
	<b>Total civil law</b>	<b>16%</b>	<b>84%</b>	<b>19</b>	<b>0.12%</b>
<b>Total applications granted</b>		<b>32%</b>	<b>68%</b>	<b>16 062</b>	<b>100%</b>

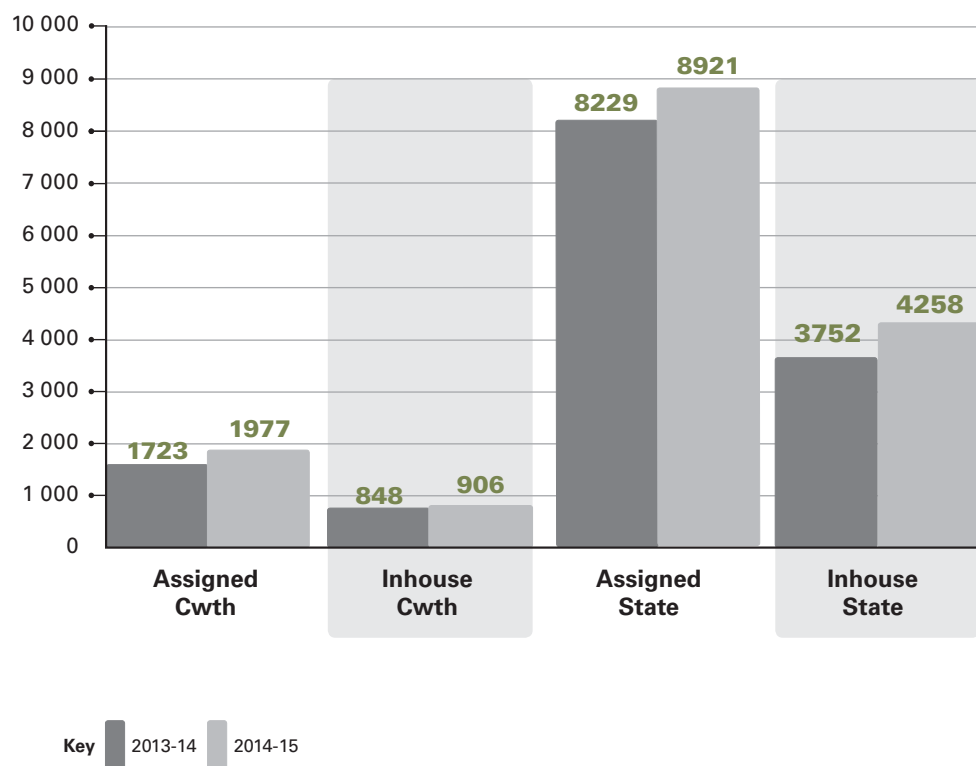
## Grants of Legal Aid and Assignments Division 2014-15

### Applications for legal aid received to 30 June 2015

The Commission received **19 254** applications for aid this financial year and approved **16 062**.



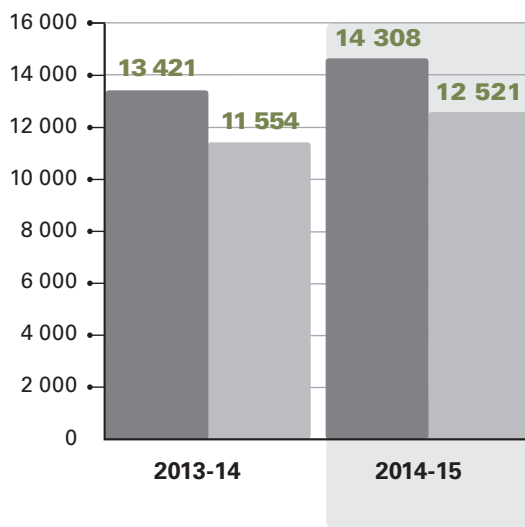
### Assigned/in-house by State/Commonwealth 2014-15



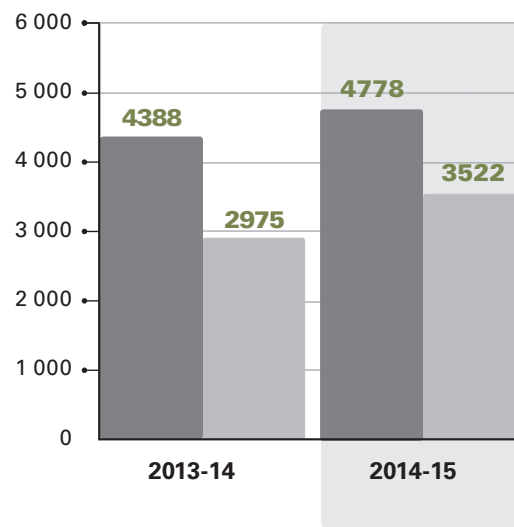
## Grants of Legal Aid and Assignments Division 2014-15

### Applications received and approved by law type 2013-14 and 2014-15

#### Criminal Law

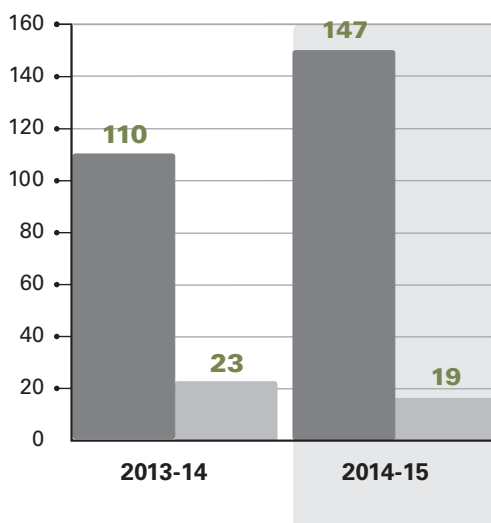


#### Family Law



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#### Civil Law



**Key** Received Approved

*Child protection applications previously categorised as civil law are now categorised as family law.*



# Criminal Law Practice Division 2014-15

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*The Criminal Law Practice Division of the Legal Services Commission is South Australia's largest criminal law defence practice. It provides clients with a wide range of quality representation services in all criminal courts.*



Andrew English, Manager  
Criminal Law Practice Division.

## Creation of Counsel Section and Solicitor Advocate Section

In January 2015 a restructure of the operation of the Criminal Law Practice Division commenced, with the creation of an in-house counsel section and a solicitor advocate section. The intent behind the restructure was to use and develop professional expertise, maintain practice standards, deal with the rapidly changing landscape of the criminal justice system and provide an improved career structure for the staff of the in-house practice. Further, the re-organisation addressed the matter of a public defender service raised in the 2014 *Review of the Provision and Procurement of Legal Aid Services in South Australia's Criminal Courts* instituted by the South Australian Attorney-General.

The in-house counsel section comprises the six most experienced trial and appeal lawyers in the Division. Each practitioner conducts his or her work as a barrister, mainly in the higher courts. The major focus of the counsel section is the conduct of District and Supreme Court trials and appeals. Counsel are also available to provide legal opinions to other in-house practitioners.

The counsel section is briefed by in-house solicitors from the Adelaide office and the Commission's regional offices, including Whyalla and Port Augusta. To ensure effective representation of clients, and better use of court time, counsel is briefed early and is responsible for counsel tasks on major indictable files from the Magistrates Court until the conclusion of the matter. The process of briefing counsel early meets many of the early resolution objectives currently being implemented or proposed by the Attorney-General.

In May 2015 the Aboriginal Legal Rights Movement commenced briefing the in-house counsel section and several private legal practitioners have also indicated an interest in using in-house counsel for legally aided clients.

The solicitor advocate section was created to provide experienced criminal solicitors, with an interest

## Criminal law Practice Division 2014-15



*Members of the Criminal Law Practice Division and the Director*

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in higher court advocacy work, with trial experience in the District Court. The career aim of practitioners in the solicitor advocate section is to gain entry to the counsel section.

A number of in-house practitioners have indicated an interest in developing skills as instructing solicitors in major indictable matters and appellate work. These practitioners will continue to appear as counsel in summary court litigation but will specialise in developing solicitor skills in major indictable matters. In these cases, the counsel section will be briefed.

### **Duty solicitor service**

The reorganisation of the criminal practice has benefitted the criminal courts duty solicitor service. Members of the counsel section are made available to courts of summary jurisdiction to reinforce duty solicitor services when need arises and the court schedule permits. As well as providing support to more junior practitioners, the

availability of experienced counsel to handle more complex guilty pleas and bail applications reduces the need for adjournments and benefits the justice system as a whole.

### **Overnight service**

Twenty three years ago the Commission introduced an after hours service that provides telephone advice to any person arrested for a major indictable offence. This service operates between 5 pm and 9 am seven days a week and is staffed by in-house criminal law practitioners who volunteer for inclusion on an after hours roster. The service receives between 20 and 30 calls a month. A clear protocol now exists with police whereby if a person in custody is about to be charged with, or interviewed for, a major indictable offence and requests legal advice, the person is permitted to speak to the after hours service. The Supreme

Court has rejected confessions in certain cases where the defendant was not advised by police of this after hours service.

### **Workload of the Criminal Law Division**

The criminal practice has experienced an increase in workload over the past financial year in relation to both grants of legal aid and demand for duty solicitor services. There were many major indictable matters, with trials and pleas involving the full ambit of serious criminal offending. The in-house practice was also involved in appeals before the Court of Criminal Appeal. In addition to this more complex work, in-house practitioners undertook arraignments, directions hearings and special directions hearings, appeared on bench warrants at short notice and provided legal opinions to staff across the Commission.

**“14.8% increase in criminal duty solicitor services”**

## Criminal law duty solicitor services by court location and work type 2014-15

Court Location	Advice	Mention	Plea	Contested Bail Application	Hearing	Other	Total
Adelaide	1 201	1 931	237	531	8	319	4 227
Amata	0	11	6	0	3	0	20
Berri*	36	206	40	31	0	0	313
Ceduna	0	0	0	1	0	0	1
Christies Beach	325	474	64	692	0	68	1 623
Cooper Pedy	15	37	24	2	1	4	83
Elizabeth	3 096	115	11	217	0	38	3 477
Ernabella	3	13	10	0	0	0	26
Fregon	1	10	10	0	2	0	23
Holden Hill	765	50	8	52	3	3	881
Indulkana	0	18	12	0	3	2	35
Kanpi	0	1	0	0	0	0	1
Millicent	2	9	13	0	0	0	24
Mimilli	0	9	17	0	1	1	28
Mount Barker	111	133	36	17	0	3	300
Mount Gambier*	23	52	67	2	1	2	147
Murray Bridge*	3	29	2	2	0	0	36
Noarlunga	9	0	0	0	0	0	9
Pipalyatjarra	1	3	0	0	3	1	8
Port Adelaide	476	326	104	1 061	1	176	2 144
Port Augusta	125	337	107	375	10	43	997
Port Pirie	1	0	0	1	0	0	2
Renmark	0	2	1	0	0	0	3
Victor Harbor	1	5	4	1	0	0	11
Waikerie	0	9	3	0	0	0	12
Whyalla	222	231	69	211	12	22	767
<b>Total</b>	<b>6 416</b>	<b>4 011</b>	<b>845</b>	<b>3 196</b>	<b>48</b>	<b>682</b>	<b>15 198</b>

\*Duty solicitor services provided by contracted private legal practitioners.

## Criminal law duty solicitor services by court type and work type 2014-15

Court	Advice	Mention	Plea	Contested Bail Application	Hearing	Other	Total
Youth Court	92	591	111	62	1	11	<b>868</b>
Magistrates Court	6 324	3 420	734	3 134	47	671	<b>14 330</b>

# “Successful Saturday court through use of audio visual link”

In 2013 the State Government passed section 353A of the *Criminal Law Consolidation Act 1935*, allowing appeals against conviction on the ground of fresh and compelling new evidence. In July 2014 the Commission granted legal aid funding to a defendant to appeal under this provision. The appeal required significant Commission resources, including the temporary employment of two law clerks. The appeal concluded successfully six months later with a retrial being ordered.

### Saturday Court

On the Saturday after Christmas the Courts Administration Authority opened the Adelaide Magistrates Court to deal with people arrested and refused police bail between Christmas Eve and the morning of 27 December 2014.

Court ran from 10am to 4.45pm, during which time the Commission's duty solicitor service provided representation for bail applications and guilty pleas to 41 clients. Of the 41 clients represented, bail was granted to 20 and guilty pleas were entered by seven, with non custodial sentences imposed.

For the first time no defendant appearing before the court was physically present. All defendants were being held in police cells

throughout metropolitan and country South Australia and appeared by audio visual link. Special arrangements were made for the duty solicitors to take instructions privately, either by phone or by the audio visual link.

### Early Resolution Court

The Early Resolution Court (ERC) was established in 2014 as part of the State Government's reforms designed to encourage early guilty pleas where appropriate. The ERC deals with a separate weekly list in the Adelaide Magistrate's Court of matters identified by the Director of Public Prosecutions (DPP) as having the potential to be settled by a guilty plea within four weeks of the first appearance.

The Commission is always ready to support initiatives that make justice more efficient and effective. To this end, the Commission allocated an in-house practitioner to the ERC and resolved that one additional hour at the major indictable solicitor fee scale rate would be granted for matters resolving in the ERC.

If a matter is listed in the ERC the Commission must notify the DPP of the practitioner acting. That

practitioner is required to proactively attempt to communicate with the DPP, with the aim of facilitating a plea within four weeks of the first appearance. If no agreement can be reached on a guilty plea within four weeks, the extra payment does not apply.

### Correctional Services Ministerial Taskforce

In 2014 the Correctional Services Ministerial Task Force resolved to establish a Cross-Agency Liaison Group to monitor progress of strategies and initiatives to improve access to prisoners. The Liaison Group consists of representatives from the Law Society, Corrections, the Courts Administration Authority and the Commission.

The first meeting of the Liaison Group took place in late June 2015. Many of the ongoing problems practitioners are encountering in gaining access to clients were highlighted. In particular, concerns were expressed about–

- the lack of audio visual link facilities available to practitioners from prison institutions;
- the difficulties associated with scheduling professional visits; and

## Criminal law Practice Division 2014-15

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- the unsatisfactory interview rooms available to consult with remand clients being held in the Adelaide City Watch House, Sturt Police Station and Holden Hill Police Station.

Other topics discussed included–

- the operation of the Correctional Services Complaints Line;
- the email professional booking system; and
- an extension of hours available to practitioners to see clients in custody, particularly at the Adelaide Women's Prison where there is no dedicated interview room and visiting hours are very restricted due to major building construction work.

### Transforming Criminal Justice

Over the course of the year the Criminal Law Practice Division contributed to the State Attorney-General's justice reform agenda. In March 2015, the Attorney-General visited the Commission and gave a presentation on his *Transforming Criminal Justice* strategy. Staff members were invited to ask questions and raise issues. The meeting was successful and productive.

### Professional Development

Throughout 2014-15 staff in the Criminal Law Practice Division participated in regular professional development opportunities provided by the Commission and in accordance with the continuing professional development requirements for maintaining a practising certificate. The Commission provides a comprehensive professional development program for its criminal law practitioners with speakers including forensic specialists, judges and senior counsel.

### Vale

During the year, the Criminal Law Practice Division sadly lost two valued colleagues.

**Bronwen Waldron** passed away a very short time after retiring from the Commission where she had worked for 22 years. Bronwen dedicated her professional career to assisting mentally ill clients in very complex criminal law cases. She was greatly respected by her colleagues in the profession, the judiciary and amongst mental health professionals.

**Selvie Demiri** passed away in December 2014. Selvie was very popular throughout the Commission and although unable to see, a very capable criminal lawyer. Her interest in the criminal law, and her determination not to let her lack of sight get in the way of a full and fulfilling career and social life, was admired by all. She is greatly missed.

# Family Law Practice Division 2014-15

*The Family Law Practice Division of the Commission provides–*

- *advice and representation to people who qualify for legal aid in family law matters;*
- *specialist advice on child support through the Child Support Unit; and*
- *through its duty lawyer service, assists unrepresented parties at all sitting days of the Family Law Courts.*

*In addition, the Family Dispute Resolution Unit and the Commission's child and family counsellor provide family law conferencing and general family dispute resolution services to clients.*



*Graham Russell, Manager  
Family Law Practice Division.*

## **Changes to the Family Law System**

Important changes occurred in the family law system in the past year. The overwhelming majority of all applications are now filed in the Federal Circuit Court, with the Family Court hearing only the most complex cases, including those cases where allegations of sexual abuse or serious physical abuse have been made. These cases are heard by the Family Court under its Magellan Case Management System.

Significant effort was made to increase collaboration between the family law and child protection sectors, and in particular to increase the flow of information between the two sectors. In November 2014 the Attorney-General's Department convened a National Child Protection and Family Law Collaboration meeting in Canberra. There were

40 attendees including representatives from each jurisdiction's legal aid commission and Child Protection Department and national representatives from the Attorney-General's Department, the Family Law Council and the Family Law Courts.

Plenary sessions were presented by Judge Hughes of the Federal Circuit Court and Professor Chisholm, who has prepared two reports for the Attorney General's Department on information sharing between the two systems. There were also updates from various jurisdictions in relation to the implementation of innovations to assist in the sharing of information.

The Federal Circuit Court formally announced that its evaluation of the Notice of Risk pilot project, conducted in South Australia over the previous 18 months, had concluded with the Court resolving to introduce the Notice of Risk regime nationally from 12 January 2015.

The meeting highlighted the fact that with the less complex family law cases being dealt with by family dispute resolution processes, those matters remaining in the family law court system share most of the characteristics of matters in the child protection system.



## Family Law Practice Division 2014-15

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The Attorney-General has asked the Family Law Council to report on ways of improving responses to families with complex needs who use the family law system. In particular, the referral is to examine the needs of these families who are often mutual clients of both the family law and child protection systems. With a view to an interim report being delivered by 30 June 2015, each legal aid commission was asked to make submissions initially in relation to—

- the possibilities for transferring proceedings between the family law courts, and state and territory courts exercising the care and protection jurisdiction, within current jurisdictional frameworks; and
- the possible benefits of enabling the family courts to exercise the powers of the relevant state and territory courts including children's courts, and vice versa, and any changes that would be required to implement this approach, including jurisdictional and legislative changes.

The Commission has presented its submission to the Family Law Council about these matters.

During the financial year one judge in South Australia retired from the Federal Circuit Court, with a second judge to retire later in 2015. To date,

no full time replacement has been announced. The Family Court has also experienced a number of judicial retirements. Justice Dawe is now the Family Court's most senior judge having been on the Bench since 1997. Both courts are now assigning judges to fill sitting times in the most needy of registries and this practice is likely to continue.

### Community Education

During the year the members of the Family Law Practice Division continued to be active in providing community education services to many organisations.

Independent children's lawyers presented at the TAFE *Interagency Practice in Child Protection* course to staff of SAPOL and Families SA about the role of an independent children's lawyer and its inter-relationship with these agencies and the courts. The Division also assisted in the provision of Commission programs, such as the regular free legal information seminars and the Commission's *Law for Community Workers* course. These programs were transmitted to many country and suburban areas by audio visual link.

The Division also provided family law training and information sessions, both within the Commission and to external organisations such as the

Women's Information Service and to family law practitioners on the Commission's General Panel. Staff also presented at the Australian Children Contact Services Forum and the Family and Relationship Services Australia Annual Conference. In May the co-ordinator of the Child Support Unit presented on *Child Support Legislation – An Overview of Court Applications*, to 56 registrants as part of the Law Society's CLE Program.

### Family Law Casework

During the financial year the Family Law Practice Division—

- continued to honour all requests for the appointment of independent children's lawyers made by the Family Law Courts;
- continued a low asset pool family dispute resolution conferencing program, commenced in the 2013-14 financial year, that allows clients, without access to legal aid or private lawyers, the opportunity to mediate an agreement in relation to relatively modest property settlements; and
- established a program to enable parties being represented by community legal centres to access the services of counsel for defended hearings in the family law courts.

## Family Law Practice Division 2014-15

This latter scheme received good support from family lawyers in community legal centres.

*"We thank you and greatly appreciate the Commission's continued support and collaboration with CLCs and in particular our Service."*

Until recently the Commission's family law conferencing program could only be accessed if at least one of the parties was in receipt of a grant of legal assistance. This precluded a client of a community legal centre from participating in a conference if the other party was not funded by the Commission. Following a request from the Aboriginal Legal Rights Movement and the Women's Legal Service the Commission extended the program to clients of all community legal centres. This extension of the conferencing program has been well received and a number of community legal centres have since been involved in conferences.

The in-house practice continued to act in an increasing number of legally aided cases.

Almost all these cases relate to parenting matters and involve representing parties at family dispute resolution conferences,



*Some members of the Family Law Practice Division*

whether pre-litigation or court-ordered, or representing the best interests of children as independent children's lawyers.

In January 2015 the Manager of the Family Law Practice Division, together with the family lawyer with responsibility for representing Aboriginal clients, attended a meeting chaired by Judge Kelly to implement the Federal Circuit Court's Reconciliation Action Plan (RAP). The RAP sets out the Court's commitment to reconciliation and includes a range of actions the Court will implement to foster a better relationship between the Court and the Aboriginal and Torres Strait Islander community and to better improve access to justice through the Court.

Following that meeting, Judge Kelly convened a three day court sitting at Port Augusta in April, using the

state court facilities. Two trials were listed and Her Honour heard a number of directions applications involving litigants from the area. Three Commission family lawyers, including those in the Whyalla and Port Augusta offices, were involved in the trials and some of the other listed matters.

The Mandatory Continuing Professional Development scheme (CPD) requires practitioners to complete a minimum of 10 units of CPD activity each year to maintain a practising certificate. Members of the Family Law Practice Division attended a number of external training sessions and the Commission organised a number of internal training sessions that were also open to family dispute resolution chairpersons and staff of community legal centres.

## Family Law Practice Division 2014-15

### Independent Children's Lawyers (ICLs)

In the most difficult of parenting cases heard in the Family Law Courts, the Courts may order that a child's interests be represented by an independent children's lawyer (ICL) appointed by the Commission. In 2014-15 the Commission made 339 ICL appointments. The Commission has continued to honour all ICL orders made by the courts.

In October 2014 the Children's Committee of the Family Law Courts and National Legal Aid convened the first national ICL conference entitled *Honouring the Role*. The conference was held on the day prior to the National Family Law Conference and attracted 187 attendees. The day began with a welcome by the chief judges of the three family law courts and the program covered a range of presentations all relevant to the practice of ICLs. It is planned to hold a second conference prior to the next National Conference in 2016.

An ICL must hold specialist qualifications to undertake this work. During the year, the Commission continued to provide training forums for all in-house and private practitioners undertaking the work of an ICL.

“339 ICL appointments”

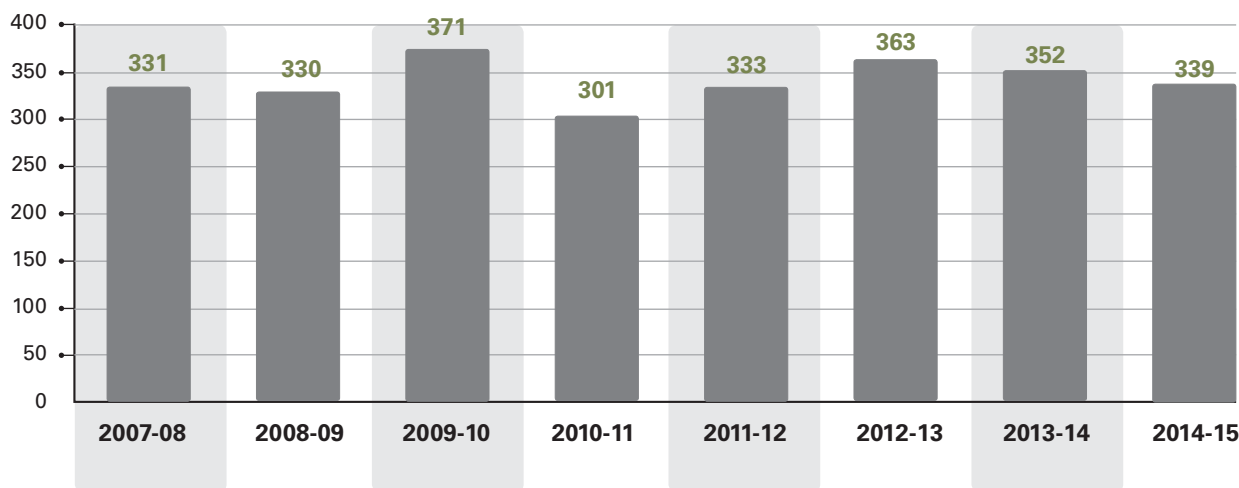
In October 2014 Dr Peter Martin, psychologist, presented a session at the Commission on *Meeting with Children*. This was a practical session on how an ICL might structure and conduct a meeting with a child. Commentary was provided by Judge Peter Cole of the Federal Circuit Court. In November 2014 the Commission held an ICL Forum on *Mandatory Reporting*. The Manager of the Division introduced this two hour session with an overview of the law relating to mandatory notification of child abuse, with reference to the *Family Law Act 1975*, the *Children's Protection Act 1993* and the *Legal Services Commission Act 1977*. Presentations were then given by employees of Families SA who discussed the process involved when notifications are made to the Department. In March 2015 the Division held its annual *Ethics and the ICL- A Fireside Chat*. This was a panel presentation discussing various ethical situations. The Panel comprised a member of the Ethics & Practice Committee of the Law Society, a private family law barrister and the Manager of the Division.

In November 2014 Family & Relationships Services Australia (FRSA) held its National Conference in Adelaide. There were about 500 registrants for this three day event. The Manager of the Division presented a paper jointly with the Director of Family Law at Legal Aid Queensland entitled *Independent Children's Lawyers- a crucial role in complex family law cases*. This paper set out a history of the role of the ICL and the response of National Legal Aid to the Australian Institute of Family Studies research on the role.

National Legal Aid convened two National ICL Stakeholders Meetings in July 2014 and March 2015 as part of its response to the Australian Institute of Family Studies report on ICLs. Participants at these meetings included members of National Legal Aid's Family Law Working Group and representatives from the Federal Circuit Court, Family Court, Family Court of WA, Australian Institute of Family Studies, the Family Law Section of the Law Council and the Attorney-General's Department.

## Family Law Practice Division 2014-15

Number of ICL appointments 2007-08 to 2014-15



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### Child Support Unit

The Child Support Unit offers free, independent, specialised advice in relation to all child support and maintenance matters. The Child Support Help Line operates each weekday to provide telephone information and legal advice to clients who contact the service. Many child support matters require representation for court applications or assistance with administrative law remedies through the change of assessment process or Administrative Appeals system. This assistance is provided by lawyers in the Child Support Unit, subject to means and merit tests.

The Child Support Unit has maintained contact with the *Department of Human Services – Child Support* through stakeholder engagement meetings and through regular contact with the Families Stakeholder Coordinator.

The Unit assists other areas of the Commission by providing training on child support law. Presentations have also occurred in the Commission's free legal information sessions, the *Law for Community Workers* TAFE course and at the Adelaide Family Relationship Centre legal collaboration meetings.

### Family Dispute Resolution Unit

The Commission's Family Dispute Resolution (FDR) program had another busy year. This lawyer assisted dispute resolution program sits between the mediation offered by community based organisations, such as the family relationship centres, and litigation in the Family Law Courts. The dispute resolution model offered by this program particularly assists clients in parenting disputes who have complex issues and who require the support and advice of legal

representation during, and as part of, the negotiation process.

The FDR program is available both prior to litigation and after litigation has commenced. In an increasing number of cases courts are referring matters to the Commission's court ordered conferencing program after litigation has commenced in an effort to assist parties to achieve a negotiated finalisation of the dispute. These are matters for which FDR has not been conducted in the pre-litigation stage because of urgency or other factors exempting the parties from the program. Notwithstanding the complex nature of these matters the settlement rate of conferences has remained fairly stable, at 75%.

**“FDR  
settlement  
rate 75%”**

## Family Law Practice Division 2014-15

The FDR Unit conducted over 800 conferences during this financial year. Experienced family law practitioners, with dispute resolution accreditation, chair the FDR conferences. The practitioners attend continuing professional development training through the Commission and through the SA Family Law Pathways Network.

Independent children's lawyers regularly participate in court ordered FDR conferences.

The FDR program continues to be supported by the Commission's in-house child and family counsellor who assists with the child inclusive work undertaken in the program.

**“Over 800  
FDR  
conferences  
conducted”**

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### Family law duty lawyer services by court type and work type 2014-15

Work Type	Family Court	Federal Circuit Court	No Court nominated	Total
Advice & Information	34	526	806	1 366
Minor legal assistance	1	55	11	67
Adjourned/mention	0	5	1	6
Consent order explanation	0	3	0	3
Negotiations/draft terms	0	12	0	12
Urgent hearing	0	7	1	8
Referral	4	31	33	68
Legal aid application	0	4	3	7
Other	0	71	30	101
<b>Total</b>	<b>39</b>	<b>714</b>	<b>885</b>	<b>1 638</b>

## Family Law Practice Division 2014-15

### Family Law Duty Lawyer

The Commission has duty lawyers based at the Family Law Courts. These lawyers are present each sitting day–

- to assist unrepresented parties to manage their court appearance;
- to help with legal aid applications; or
- to refer clients to private family law practitioners or other community services, as appropriate.

This service has been strongly supported by the judicial officers of the courts. In this financial year 1638 unrepresented clients were assisted by the duty lawyer program.

**“10.2%  
increase in  
family law  
duty lawyer  
services”**

### Liaison

The Family Law Practice Division regularly liaises with the other sections of the Commission and with external organisations.

One such external organisation is the Adelaide University Law School. The Commission partners with the Law School to provide specialist family law training to law students as part of the clinical legal education (CLE) elective. The training is over 13 weeks with the student attending at the Commission for 13 days. The placement is structured around the passage of a client through the family law system.

Students spend time with the Commission's Access Services program, (observing legal advice sessions and community legal education sessions), the Child Support Unit, the Family Dispute Resolution Unit, (where they are involved in one of the Commission's lawyer assisted FDR conferencing sessions), duty lawyers and independent children's lawyers. In addition, students attend sessions at the Adelaide Family Relationship Centre to gain an insight into the mediation services provided at

that Centre. The sessions include a child focused information session, an intake assessment and, if appropriate, a mediation. The program has been very successful and well received.

During the year the Division Manager attended tri-annual meetings with the judges of the Federal Circuit Court and regular meetings with the judges of the Family Court. In addition, the Family Law Working Group of National Legal Aid, which comprises the managers of each Commission's family law practices, met twice to consider matters at a national level. These meetings of the Family Law Working Group were also attended by judges from both the Family Court and the Federal Circuit Court and a representative of the Commonwealth Attorney-General's Department.

### South Australian Family Law Pathways Network

The South Australian Family Law Pathways Network is made up of representatives from the major government and community based organisations in the family law sector, including the Family Law Courts, the Commission, the Family Law Section of the Law Society, Family Relationship Centres, other funded family dispute resolution



## Family Law Practice Division 2014-15

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services, Family Violence groups, the Child Support Agency, the Aboriginal Legal Rights Movement and Grandparents For Grandchildren. The Network receives ongoing Commonwealth funding to undertake projects.

The Commission continues to support the Network and the Manager of the Family Law Practice Division is currently the Chairman of the Network's Steering Committee.

The Network held its major conference, *Conflict, Trauma and Everything in Between* in May 2015.

Most of the Commission's family lawyers attended, together with a number of the FDR Chairpersons. The keynote speakers included Associate Professor Bruce Smyth and Judge Cole from the Federal Circuit Court, while Justice Berman of the Family Court participated in a panel discussion that followed a complex case through the family law system.

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# Whyalla & Pt Augusta Program

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# Whyalla & Pt Augusta Program 2014-15

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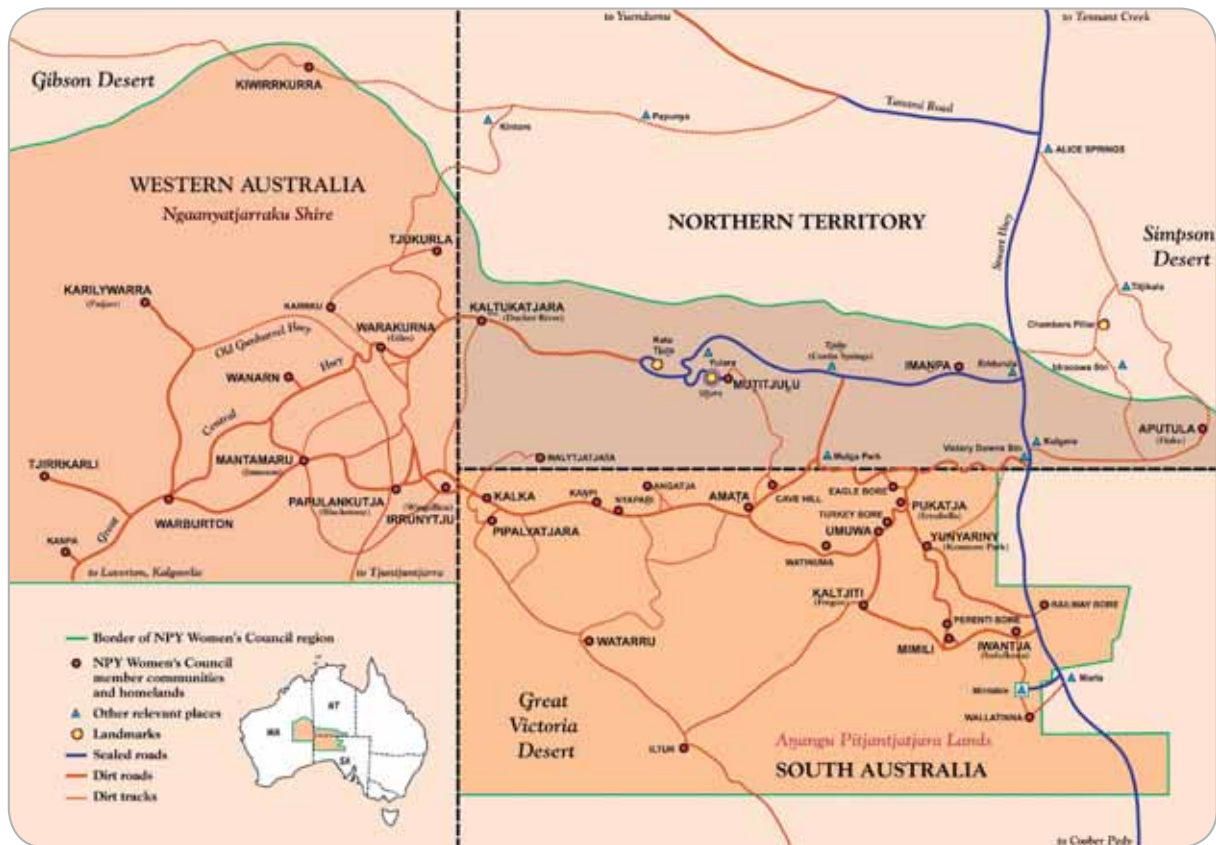
*The Legal Services Commission maintains offices in the northern regional towns of Whyalla and Port Augusta. The offices provide valuable criminal law and family law representation and legal advice and education services to the residents of Whyalla and Port Augusta. These services extend to residents of other towns including, but not limited to, Port Lincoln, Port Pirie, Peterborough, Hawker, and Quorn.*



Tim Weiss, Manager Whyalla and Port Augusta Program.

*An invaluable service is also provided from these offices to the most remote places in the north of South Australia such as Coober Pedy and the communities of the APY Lands.*

*Commission practitioners are relied on by these regional towns and remote communities to provide quality legal advice and representation. The solicitors and administration staff are dedicated to ensuring there is access to justice for all people the Commission services.*



Anangu Pitjantjatjara Lands.

## Whyalla & Pt Augusta Program 2014-15

The in-house representation practice provided by the Whyalla and Port Augusta offices services a wide range of people, including some of the most vulnerable in our community. This includes people with an intellectual disability or a mental illness and young people from backgrounds such as those who have required alternative care arrangements or those who have suffered abuse.

Within the jurisdictions of the northern offices there is a large representation of Aboriginal people. The increasing incarceration rate of Aboriginal people highlights their overrepresentation in the criminal justice system.

The Northern District Criminal Court Circuit sits in Port Augusta and covers the towns and communities in northern South Australia. Legal practitioners from the Whyalla and Port Augusta offices provide legal representation in these serious criminal matters originating from this large geographical area.



Michael Abbott AO, QC, Gabrielle Canny and Tim Weiss at the Whyalla 30 year celebration

### 30 Year Anniversary of opening of Whyalla office

This financial year the Commission celebrated the 30th anniversary of the opening of its Whyalla office, a small legal outpost that has been covering a vast part of the state since the 1980's. Initially, the office consisted of only one staff solicitor but demand for services was so great that for the first six months, until more staff could be recruited, in-house lawyers were flown from Adelaide on a weekly rotation to assist.

To mark the 30 year milestone Commissioners travelled to Whyalla and Port Augusta. For the first time the Commission met outside Adelaide.

Commission Chairman, Michael Abbott AO QC stated—

*The Legal Services Commission of SA does exactly what its name suggests: it provides legal services to people across the State... As such, the Commission always had a strong commitment to access to justice for people in regional areas....People living in rural and remote areas face a number of constraints when dealing with legal matters. These include reduced access to technology, lack of choice in legal service providers, additional travel and personal expenses, as well as limited access to courts and tribunals. As a result, the Commission's role is particularly important in regional areas.*

## Whyalla & Pt Augusta Program 2014-15

### Staff

A senior criminal lawyer is based in each of the Whyalla and Port Augusta offices. Two senior family lawyers are employed in the two offices. A junior criminal lawyer is based in each of the Whyalla and Port Augusta offices and provides a duty solicitor service to the Magistrates, Youth and District Courts, representation in the Magistrates and Youth Courts, legal advice and a duty solicitor service to the Port Augusta prison.

A community legal education and legal advice officer provides legal education and advice to the Whyalla and Port Augusta communities, as well as an outreach service to the surrounding rural areas of the Iron Triangle.



*Annette Hudson and Ada Casey - 25 year milestone*

A dedicated, supportive, hardworking and multi skilled group of administration staff ably assists the lawyers. In 2015 two administration staff reached their 25 year milestone, a testament to their dedication to the Commission.

### Criminal Law Practice

The Commission's criminal lawyers act on behalf of clients appearing in the Magistrates and Youth Courts in Port Augusta, Whyalla, Coober Pedy and the APY Lands (and on occasion in the Port Pirie and Peterborough Magistrates Court). In addition, they appear for clients in the Northern District Criminal Court.

With the increased number of people in custody across South Australia, and the subsequent limits on available bed space, the work of the criminal lawyers has been affected by the significant movement of clients between Port Augusta Prison, Yatala Labour Prison and Port Lincoln Prison. The Adelaide Women's Prison is not yet able to provide telephone or audio visual link bookings for women on remand and the Port Lincoln Prison does not offer audio visual link bookings for legal practitioners. The movement of clients necessitates considerable effort to locate the client and make alternative arrangements for the client to be seen. Telephone or audio visual links are useful in certain situations but to properly act for clients on remand face to face meetings must also be achieved. This improves confidence and communication and allows prosecution material to be seen and instructions to be signed.

The APY Lands cover more the 103 000 square kilometres of arid land in the northwest of South Australia, running up to the border of South Australia with Western Australia and the Northern Territory. The most remote community, Pityatyatjara, is about 480 km from the Stuart Highway and about 1580 km from Adelaide.

In the 2014-15 financial year the Magistrates Court sat for 47 weeks in Port Augusta and 32 weeks in Whyalla, with an additional 6 weeks in Coober Pedy and 6 weeks on the APY Lands. The Northern District Criminal Court sat for a total of 20 weeks, comprising four three week blocks followed by two four week blocks.

In the course of the financial year the Commission's Criminal Law Practice Division established a Counsel section. Since the beginning of 2015 a lawyer from the Counsel section has been in attendance during the Northern District Criminal Court circuit. This has proved to be invaluable in ensuring experienced counsel are briefed to appear on behalf of Commission clients and in providing the court with consistency during the circuit month.

## Whyalla & Pt Augusta Program 2014-15

A successful outcome was recently obtained by the junior Whyalla lawyer who ensured the Magistrate was cognisant of the discretion under sections 15 and 39 of the *Criminal Law (Sentencing) Act*

1998 when finalising charges under section 47BA of the *Road Traffic Act 1961 (drug driving)*. There is discretion to impose a disqualification less than the minimum set by the Act.

“31% increase in duty solicitor services in the North”

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Criminal Files	2010-11	2011-12	2012-13	2013-14	2014-15
Whyalla	226	233	336	277	230
Port Augusta	292	273	299	279	359
Total	518	506	635	556	589

Duty Solicitor	2010-11	2011-12	2012-13	2013-14	2014-15
Far North*	159	294	377	200	227
Port Augusta	535	663	923	731	997
Whyalla	557	451	637	581	767
Total	1251	1408	1937	1512	1991

\* Far North comprises Amata, Coober Pedy, Ernabella, Fregon, Indulkana, Leigh Creek, Marla, Mimili, Pipalyatjara.

### Duty Solicitor appearances by court type in Pt Augusta and Whyalla

Duty Solicitor	2010-11	2011-12	2012-13	2013-14	2014-15
Magistrates	1054	1070	1469	1190	1650
Youth	27	35	79	122	114
Total	1081	1105	1548	1312	1764



## Whyalla & Pt Augusta Program 2014-15

### Family Law Practice

In 2014-15 the family law practice continued to grow with a family lawyer present in the Port Augusta office three days a week, reducing waiting times for clients to obtain advice and representation.

**“61% increase in family law files”**

Family Law	2010-11	2011-12	2012-13	2013-14	2014-15
Family law files opened	26	45	28	41	66
Family law advice	346	395	419	432	494

During April 2015 a number of family law matters involving parties from Port Augusta, Port Pirie and Whyalla were listed before Judge Kelly. As a result of representations made by the family lawyers, the Federal Circuit Court travelled to Port Augusta to hear these matters.

Two trials were listed, both involving Commission appointed independent children's lawyers. The trials were complex, one with many parties to the proceeding and the other involving a high level of entrenched conflict.

Each canvassed issues of–

- Aboriginal culture;
- connection to country;
- familial relations for children within the broader understanding of family in Aboriginal communities; and
- family violence.

Both trials were resolved by the Court.

The clients attending the hearings were grateful to the Court for sitting in Port Augusta, relieving them of travelling to Adelaide to unfamiliar surroundings during a

difficult time and at a financial cost they would struggle to meet.

In addition, it was a great opportunity for the Commission's Port Augusta and Whyalla family lawyers to undertake counsel work—something they are often unable to do when matters are listed in Adelaide.

Judge Kelly commented that she would be recommending that consideration be given to arranging similar circuits in the future as parties in the region would benefit from a more accessible court.

## Whyalla & Pt Augusta Program 2014-15

### Community Legal Education and Legal Advice

The community legal education and legal advice position is based at the Port Augusta office, with Whyalla attendances as necessary.

In the 2014-15 financial year community legal education sessions were held in conjunction with, or for, organisations and groups in the region. The sessions are based on community need and community requests. The advice service provides a gauge of current community issues, allowing community legal education sessions to be tailored accordingly.

This financial year, sessions were provided on–

- laws affecting young people;
- supporting young people in police interviews;
- cyberbullying;
- debt;
- utilities literacy;
- advance care directives;
- power of attorney and wills;
- consumer law; and
- disability law.

A highlight of the financial year was an Aboriginal Cultural Awareness Training Program held in conjunction with the Senior Aboriginal Justice Officer from the Courts Administration Authority. This had long been requested by local practitioners. Commission staff attended along with other professionals, including Aboriginal Legal Rights Movement lawyers and field officers, Family Violence Legal Service Aboriginal Corporation staff, Courts Sheriff officers and private practitioners. This program was the first of its kind in the region, was thought provoking and was extremely well received by all attendees.

### Legal Advice *including prison advice*

Criminal Files	2010-11	2011-12	2012-13	2013-14	2014-15
Port Augusta	526	635	699	934	760
Whyalla	658	734	907	863	868
Total	1184	1369	1606	1797	1628

## Whyalla & Pt Augusta Program 2014-15

“*legal ed reaches  
2733 in the far  
north*”

Another highlight was the Law Week newsletter and launch, produced in conjunction with the Family Violence Legal Service Aboriginal Corporation and the Aboriginal Legal Rights Movement. The newsletter was launched on Umeewarra Radio, a local Aboriginal Radio station, by the Commission and the Family Violence Legal Service Aboriginal Corporation. The feedback from the community was overwhelmingly positive.

An ongoing and invaluable service is the Commission's support and involvement in the Certificate IV in Legal Services Pathways Program. The community legal educator and legal adviser provides a tutorial and mentor service to those studying within this program.

### Number of participants in legal information sessions

	2011-12	2012-13	2013-14	2014-15
<b>Port Augusta</b>	312	225	621	1655
<b>Whyalla</b>	53	339	170	598
<b>CLE Outreach</b>	N/A	714	331	480
<b>Total CLE participants in the North</b>	<b>402</b>	<b>1278</b>	<b>1122</b>	<b>2733</b>

*\*These figures do not include the audience in the 'Legal Talk' radio information sessions*

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# Infrastructure Program

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# Infrastructure Program 2014-15

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*Facilities management and record keeping functions are performed within the Infrastructure Program of the Commission.*



Neil Traeger, Manager Infrastructure Program.

## Infrastructure

The Commission's Adelaide office provides facilities management and record keeping functions for all the Commission's metropolitan and regional offices.

The Commission's Holden Hill office was closed on Friday 29 August 2014. The decision to close the office was in response to shifting client demographics and changes in court scheduling.

With all the leases for regional offices due to expire (or with a termination option) between 30 April 2016 and 31 May 2017, the Commission is reviewing its accommodation requirements.

As part of this process, an Accommodation Strategic Plan (ASP) is being developed. As the first stage in this process, a needs analysis was conducted to assist in determining the Commission's strategic direction. This involved

gathering information from senior staff, managers and team leaders through questionnaires and interviews. By taking a strategic approach, the Commission increases the prospect of having suitable office accommodation in place on time and within budget to support its service delivery and corporate objectives.

## Records

The Records unit–

- provides strategic and operational records management support to all Commission offices to ensure staff have timely access to information to support their functions;
- provides general records management advice;
- manages the Adelaide office switchboard;
- procures stationery;
- processes incoming and outgoing mail; and
- Provides file creation, storage, retrieval and archival services.

During the 2014-15 financial year other activities undertaken included–

- management of the end of lease clean out of the former Holden Hill office;
- development of a business case for a communications portal and electronic document and records management system;

## Infrastructure Program 2014-15

- an official assessment of *records management adequacy*, demonstrating continued incremental improvement as measured against State Records Standards;
- audit of off-site records storage providing enhanced access to, and control of, information;
- closure of inactive case files to better utilise office space and free up underutilised commitment;
- establishment of contracts for the secure destruction of paper and the management of off-site data tape storage, delivering cost savings and improved service standards;
- archival of papers for Commission meetings from 1978 to present;
- continued development of a whole of Commission Records Disposal Schedule to classify the retention of all Commission records.

### Energy use

As part of the State Government's commitment to energy efficiency, government agencies are required to undertake a range of measures to reduce the output of greenhouse gases. In particular, energy use in government buildings was to be cut by 15% from 2000-01 to 2009-10 (as an interim target), a further 10% by 30 June 2014 and is to be cut by a further 5% by 30 June 2020 (T61: Energy efficiency - government buildings).

Legal Services Commission	Energy Use (Gj)	Expenditure	Greenhouse Gas Emissions (Tonnes CO <sub>2</sub> )
2000-01	2 116	\$85 795	652
2008-09	1 850	\$107 813	432
2009-10	1 825	\$112 134	425
2010-11	1 818	\$119 849	424
2011-12	1 833	\$148 453	428
2012-13	2 046	\$175 564	478
2013-14	1 338	\$127 181	312
<b>25% reduction Target 2014</b>	<b>1 587</b>		<b>489</b>
2014-15	1 069	\$106 475	249
<b>Target 2015</b>	<b>1 534</b>		<b>473</b>
<b>Target 2016</b>	<b>1 481</b>		<b>457</b>
<b>Target 2020</b>	<b>1 270</b>		<b>391</b>

The Commission decreased its recorded energy consumption from 1338Gj in the 2013-14 financial year, to 1069Gj in the 2014-15 financial year, a reduction of 269Gj (20.01%). This brings the Commission's energy consumption 465Gj below its 25.833% reduction target for 2015 of 1534Gj and 201Gj below the reduction target for 2020.

### Energy management activities

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

- the Adelaide office moved in September 2013 to a more energy efficient location;
- adjustments were made to air conditioning timers;
- staff remained vigilant in turning lights out when areas were vacated;
- timed light activation and deactivation was maintained;
- motor vehicles with dual fuel (petrol and LPG) were used to save energy and associated running costs.



# Information and Communication Technology Section 2014-15

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*The ICT section has continued to adapt the client service delivery model, improving it to provide a reliable standardised platform for all staff across all Commission locations.*



*Andrew March, Manager Information and Communication Technology*

During the reporting period, a number of new initiatives were undertaken by the ICT section, including–

- the replacement of multifunction devices in all regional offices to improve reliability and performance and to reduce printing costs;
- the introduction of an electronic system to distribute Commission papers, committee documents and appeal papers, allowing Commissioners to read and notate papers on iPads, significantly reducing the number of hard copy documents;
- the implementation of a mobile device management system, providing for the configuration, tracking and management of devices, including remote wiping to protect data;

- enabling lawyer participation in the trialling of court appearance by audio visual link from Commission offices, with a number of appearances being made in the Christies Beach Magistrates Court through this system;
- the commencement of an Information Security Management System, with the completion of an initial assessment of the Commission's systems and remediation currently in progress.

## **Business applications**

In the course of the financial year development of the Law Office grants management system continued, with additional functionality introduced to meet the changing needs of the Commission. Changes were made to Law Office to manage the practitioner panel system implemented by the Commission.

## **Business Analysis**

A Business Analyst was employed to prepare the Commission to move toward the future digitisation of systems and processes. To date, significant work has been completed identifying and documenting current processes. A number of efficiency initiatives have been implemented based on this work.

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# Appendices

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## Appendix 1

# Legal Services Commission Corporate Plan

### Our Vision

To provide quality legal assistance to people in South Australia.

### Our Goals

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

### We Believe

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

# Appendix 1

## Legal Services Commission

### Corporate Plan

#### Key Result Areas

##### 1. CLIENTS

###### 1.1 Improve Accessibility of Services

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### 1.2 Improve Satisfaction with Services

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### **Achievements in 2014-15**

- *Established a representation service in the guardianship and mental health review jurisdiction of SACAT.*
- *Expanded the practitioner panel system to ensure quality representation for clients.*
- *Participated in the Saturday morning Magistrates Court session.*
- *Encouraged the development of a regional family law practice at Whyalla and Port Augusta.*
- *Participated in a circuit to Port Augusta by the Federal Circuit Court.*
- *Participated in the Early Resolution Court.*

# Appendix 1

## Legal Services Commission

### Corporate Plan

#### 2. STAFF

##### 2.1 IMPROVE HUMAN RESOURCES

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

- Increased ability to deliver quality services through effective human resource management.
- Provide a satisfying and challenging career environment for staff.
- Develop a staff appraisal and career development mechanism for in-house practitioners with a view to improving output standards.

##### 2.2 IMPROVE SECURITY

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### **Achievements in 2014-15**

- *Continued the professional development review process for all staff.*
- *Involved senior managers in the selection of key staff.*
- *Provided regular, quality training activities to legal staff to comply with mandatory compulsory professional development.*
- *Reviewed metropolitan and regional accommodation, particularly in Port Augusta.*

#### 3. SERVICES

##### 3.1 Improve Cost

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

##### 3.2 Improve Output Requirements

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

- Ensure output targets are appropriately determined.
- Investigate reporting requirements to ensure maximum efficiencies.
- Ensure that as far as possible the number of State and Commonwealth services delivered equal or exceed output targets.

##### 3.3 Improve Service Standards

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### **Achievements in 2014-15**

- *Improved ICT resources, boosting the Commission's operational efficiency.*
- *Reviewed and updated Commission strategies in the areas of risk management and staff recruitment.*
- *Introduced direct payment for barristers.*
- *Initiated a project to digitise Commission records.*

# Appendix 1

## Legal Services Commission

### Corporate Plan

#### 4. FINANCE

##### 4.1 Improve/Secure Adequate Funding

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

##### 4.2 Improve Financial plans and Budgets

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### **Achievements in 2014-15**

- *Identified long term outstanding commitment and closed files where appropriate.*
- *Introduced payment by electronic funds transfer for practitioners.*
- *Rationalised Commission services to ensure resources were directed to areas of greatest need*
- *Introduced electronic papers for Commission and appeals meetings, saving costs and resources.*

#### 5. COMMUNITY AND GOVERNMENT AWARENESS

##### 5.1 Government/Public Sector

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

##### 5.2 Community Sector

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### **Achievements in 2014-15**

- *The Director was appointed Chair of National Legal Aid.*
- *The Director is a member of the Criminal Justice Sector Reform Council established by the South Australian Attorney-General.*
- *Meetings with the South Australian Attorney-General and Shadow Attorney-General.*
- *Provided an extensive submission to the State Government on the proposal to close certain suburban Magistrates Courts.*
- *Participated in the State Attorney-General's Transforming Criminal Justice initiative by attending consultative forums and providing extensive written responses to discussion papers.*
- *Appointed a media and communications officer to improve the Commission's interface with the community.*



# Appendix 1

## Legal Services Commission

### Corporate Plan

#### 6. LEADERSHIP

##### 6.1 Provide Inspirational Leadership

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

##### 6.2 Improve Change Management

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

###### **Achievements in 2014-15**

- *Met all reporting deadlines required under the National Partnership Agreement with the Commonwealth Government on legal assistance services.*
- *Reported as required on the expenditure of State Government funds.*
- *The Director chaired regular National Legal Aid forums attended by other legal aid Directors.*
- *Commission staff contributed to community involvement through their membership of various committees and organisations*
- *Commission staff participated with other agencies in improvement projects sponsored by the Criminal Justice Sector Reform Council.*
- *A business analyst was appointed to oversee the digitisation of records and other ICT projects.*

#### 7. STRATEGY AND PLANNING PROCESS

##### 7.1 Improve Corporate Planning

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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

##### 7.2 Maximise Technology Gains

###### *Key Programs / Performance Indicators*

###### **What we want to achieve**

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


###### **Achievements in 2014-15**

- *Staff and Commissioners attended workshops to develop a new Corporate Plan, to be released in the new financial year.*
- *Commenced benchmarking and performance measurement analysis for future inclusion in management reports to the Commission.*

## Appendix 2

# Expensive Criminal Cases Funding Agreement

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

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

## Appendix 2

# Expensive Criminal Cases Funding Agreement

Page 1 of 3

THIS DEED is made the SECOND day of DECEMBER 2004

**BETWEEN:**

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

**AND**

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

**RECITALS:**

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

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

**THE PARTIES AGREE AS FOLLOWS:**

**1. DEFINITIONS AND INTERPRETATION**

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

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

Page 2 of 3

**2. RECITALS**

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

**3. OPERATION OF AMENDMENTS**

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

**4. AMENDMENT TO CLAUSE 6**

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

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

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

**5. COSTS AND STAMP DUTY**

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

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

CSO 55888 / 0820743 / Final

XPPIO / 1/12/04

## Appendix 2

# Expensive Criminal Cases Funding Agreement

Page 1 of 9

### EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

AGREEMENT dated 29th January 2002

#### BETWEEN:

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

#### AND

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

#### RECITALS:

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

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15 November 2002

CSO 21337

Page 3 of 3

### 6. CONFIRMATION OF PRINCIPAL AGREEMENT

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

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE

MICHAEL ATKINSON,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of:

Witness

[Print Name: Susan Deere ]

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:

MICHAEL CARPENTIER, CHAIRMAN OF THE LEGAL SERVICES COMMISSION

[Print Name:

Director

[Print Name: Helen James Givens ]

Director/Secretary

[Print Name: NINA JEAN HARRIS ]

CSO 55888 / 0820743 / Final

PXPHO / 11/2/04

# Appendix 2

## Expensive Criminal Cases Funding Agreement

### AGREED TERMS:

#### 1. DEFINITIONS

In this Agreement unless a contrary intention is evident:

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

#### 2. INTERPRETATION

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

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15 November 2002

*M. A.*  
21/11/2002

**COPY**

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

#### 3. TERM

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

#### 4. AGREEMENT OPERATES AS A DEED

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

#### 5. APPROVAL OF A CASE MANAGEMENT PLAN

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

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15 November 2002

*M. A.*  
21/11/2002

# Appendix 2

## Expensive Criminal Cases Funding Agreement

### 6. CASE MANAGEMENT PLANS

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

*M. J. H.*  
21/11/2002

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

*M. J. H.*  
21/11/2002



## Appendix 2

# Expensive Criminal Cases Funding Agreement

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### 7. COMMISSION'S OBLIGATIONS

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

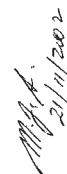
### 8. REIMBURSEMENT OF COSTS

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

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### 9. APPLICATION OF CONTRIBUTIONS

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

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

### 10. CONFIDENTIALITY

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

### 11. AUDIT

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

### 12. NO ASSIGNMENT

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

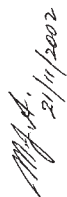
### 13. SURVIVAL

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

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15 November 2002



## Appendix 2

# Expensive Criminal Cases Funding Agreement

Page 8 of 9

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

#### 14. COUNTERPARTS

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

#### 15. ENTIRE AGREEMENT

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

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

#### 16. PROPER LAW

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

#### 17. JURISDICTION OF COURTS

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

#### 18. MODIFICATION

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

#### 19. SEVERANCE

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

*M.J.A.*  
21/11/2002

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15 November 2002

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- 19.1 the provision must be read down for the purposes of the obligation of that provision in that jurisdiction, if possible, so as to be valid and enforceable; or
- 19.2 if the provision cannot be read down, it must be severed if it is capable of being severed without affecting the remaining provisions of this Agreement or affecting the validity or enforceability of that provision in any other jurisdiction and the parties must consult in good faith to determine whether any amendment or substituted provision is required.

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE

MICHAEL ATKINSON,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of:

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

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:

*Brian Withers*  
Chairperson  
[Print Name: *BRIAN WITHERS*]  
[ ]



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15 November 2002

## Appendix 2

### Expensive Criminal Cases Funding Agreement

SCHEDULE 1

## Contents of Defence Proposal

A defence proposal shall contain the following material:

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

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- (c) to prove distant expert witnesses other than by telephone, video-link, email or other methods of long distance communication; or
- (d) to prove formally any aspect of the defence case which the prosecution will agree; or
- (e) to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence;
- transcript of anything said by the court about this course of action, and the reasons why such course of action is necessary for the defence.
5. A written undertaking by defence counsel to the Commission that he or she will:
- (a) present the defendant's case as quickly and simply as may be consistent with its advancement;
- (b) avoid unnecessary delay or unnecessary complication or prolongation of the proceedings;
- (c) inform the defendant about the reasonably available alternatives to fully contested adjudication of the case;
- (d) advise the defendant to agree matters as to which the prosecution case is overwhelming and the defence has no countervailing evidence, or matters which are purely formal;
- (e) encourage consultation between defence and prosecution experts with a view to defining and confining the issues in dispute.

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5 November 2002

## Appendix 3

# Statutory Charge Report as at 30 June 2015

## 1. Summary

YEAR	AMOUNT SECURED GST EXCL *	GST	AMOUNT RECOVERED	INTEREST LEVIED **	ADMIN FEE ***
1992-93	168 244	Nil	Nil	Nil —	Nil
1993-94	439 991	Nil	73 785	487 (Due 1/7/93)	Nil
1994-95	594 046	Nil	197 504	2 551 (Due 1/7/94)	Nil
1995-96	503 993	Nil	227 045	14 994 (Due 1/7/95)	Nil
1996-97	556 046	Nil	261 888	28 660 (Due 1/7/96)	Nil
1997-98	456 176	Nil	243 789	72 (Due 1/7/96)	Nil
1998-99	263 880	Nil	250 210	Nil	2 750
1999-00	360 977	Nil	253 335	Nil	23 420
2000-01	629 306	36 135	297 450	Nil	67 530
2001-02	688 879	67 059	609 803	Nil	75 250
2002-03	720 747	67 030	569 448	Nil	55 500
2003-04	1 046 674	101 604	885 825	Nil	51 700
2004-05	948 859	92 551	590 485	Nil	63 710
2005-06	758 695	71 762	726 033	Nil	48 970
2006-07	732 171	71 989	793 987	Nil	44 950
2007-08	1 002 285	96 587	764 477	Nil	56 100
2008-09	926 844	90 129	566 399	Nil	46 500
2009-10	938 593	91 889	593 891	Nil	41 660
2010-11	981 065	94 702	644 975	Nil	46 450
2011-12	915 429	88 175	591 926	Nil	35 400
2012-13	845 397	82 330	473 782	Nil	42 330
2013-14	915 550	87 769	643 367	Nil	40 800
2014-15	813 812	80 647	494 284	Nil	44 400
<b>TOTAL \$</b>	<b>16 207 659</b>	<b>1 220 353</b>	<b>10 754 508</b>	<b>46 609</b>	<b>828 220</b>

\*Total amount  
secured during each  
financial year

\*\*Interest was levied  
between 1 July 1992  
and 30 June 1996

\*\*\*An administration  
fee has been charged  
since 1 October 1998.  
It is currently set  
at \$300.

## Appendix 3

# Statutory Charge Report as at 30 June 2015

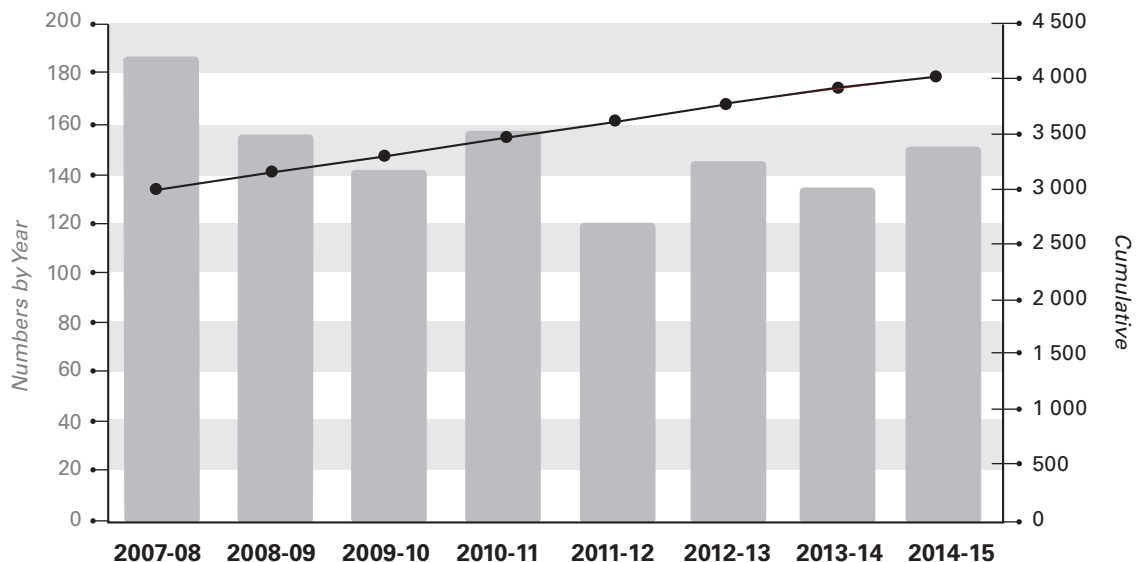
### 2. Cost secured analysis

Under the *Legal Services Commission Act 1977*, an application for legal assistance may be granted subject to the condition that legal assistance costs payable to the Commission are to be secured by a charge on land.

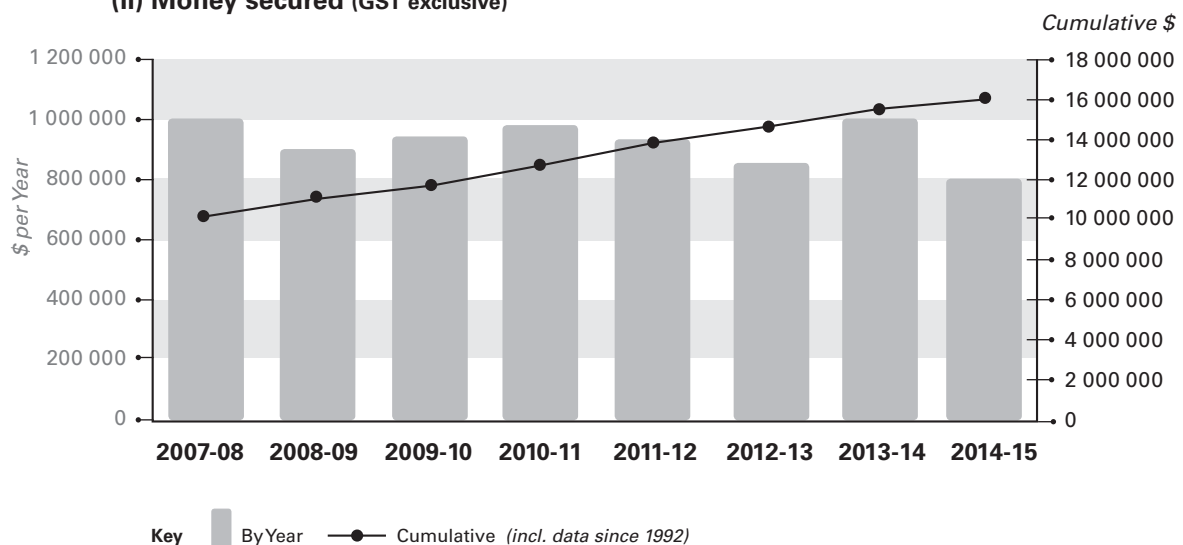
As at 30 June 2015 the Commission had secured **\$16 207 659** (GST exclusive), through **3995** charges on land. Of these 3995 charges, **998** (securing **\$6 674 271** (GST exclusive)), are outstanding. An average of **\$6687** is secured by each charge.

Of the 998 charges outstanding, **914** secure funds for legal proceedings that have finalised or are no longer funded by the Commission. Costs for ongoing matters are secured by 84 charges. The costs secured by these charges will increase.

(i) Number of charges taken



(ii) Money secured (GST exclusive)

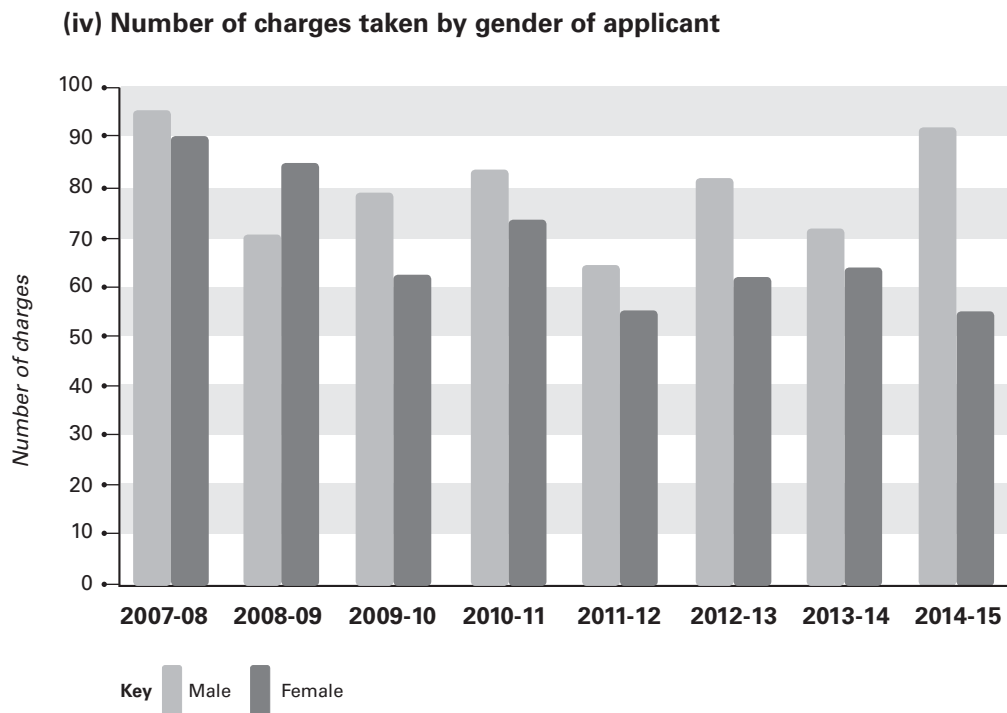
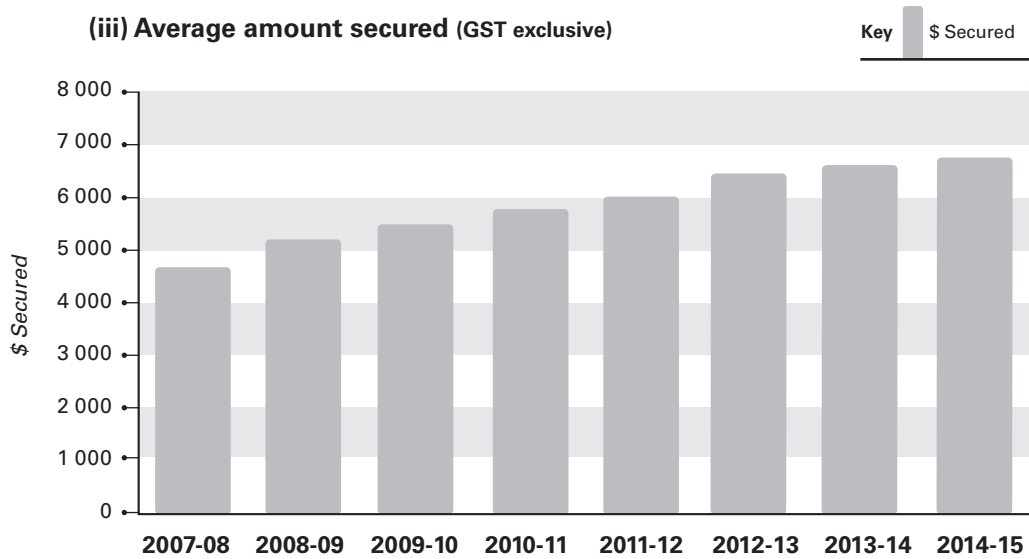


## Appendix 3

# Statutory Charge Report as at 30 June 2015

During the 2014-15 financial year **148** charges were taken (see graph (i) for a comparison of this number with previous years). Of these 148 charges—

- **91** were taken for aid granted to male applicants
- **57** were taken for aid granted to female applicants
- **55** were taken for criminal law matters
- **93** were taken for family law matters
- **95** were for proceedings under Commonwealth law
- **53** were for proceedings under State law.





## Appendix 3

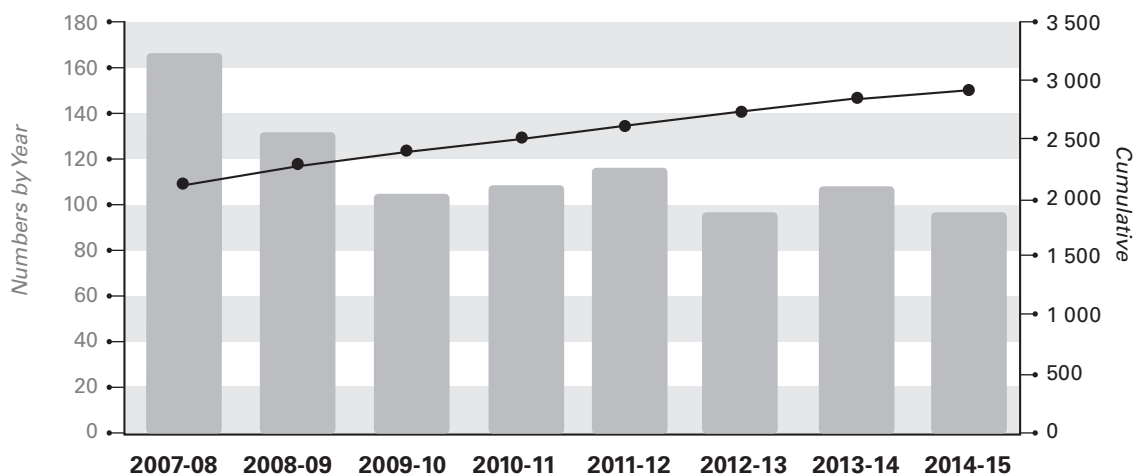
# Statutory Charge Report as at 30 June 2015

### 3. Money recovered analysis

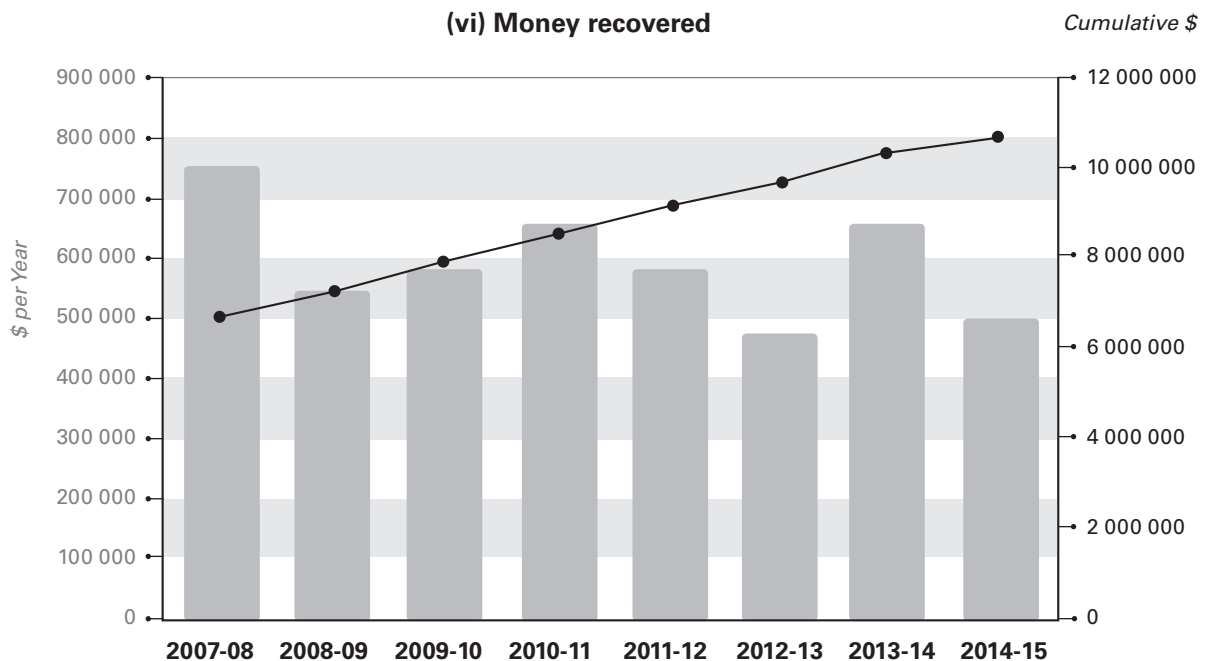
Of the **3995** charges taken by the Commission, **2904** have been removed. The Commission has received **\$10 754 508** in payments from these charges.

During the reporting period **98** charges were removed, resulting in the Commission recovering **\$494 284** (see graphs (v) and (vi)). The largest individual charges were for \$25 725, \$20 370, \$15 991 and \$15 803.

(v) Number of charges removed



(vi) Money recovered



Key By Year Cumulative (incl. data since 1992)

## Appendix 3

# Statutory Charge Report as at 30 June 2015

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

During the reporting period the Commission incurred bad debts due to non recovery of charges of **\$166 076** (GST exclusive). Of this amount, \$154 298 was not recovered due to a shortfall of sale proceeds following a sale by mortgagee. There were 15 sales by mortgagees, including one charge securing \$85 717. This number includes any sale that occurred in a previous financial year but which the Commission only became aware of in the 2014-15 financial year (see tables (vii) and (viii)).

A charge contribution is reduced by–

- \$300 if paid within six months;
- \$150 if paid within two years; and
- \$100 if paid within four years.

During the 2014-15 financial year the reduction in charges totalled \$7 050 (GST inclusive).

### (vii) Reason for removal of charge

Reason	Number of charges	
	2013-14	2014-15
Paid–Sale	38	30
Paid –financed	20	15
Paid –voluntary	17	26
*Property Settlement	15	6
Finalised	0	0
Part Payment–balance cancelled	1	2
Deceased estate	3	2
Substitute	0	4
Waived–sale/shortfall	3	1
Survivorship	2	0
Recovered–other	3	3
Waived on appeal	0	0
Waived–no equity	3	1
Waived	1	0
Paid–mortgagee sale	1	0
**Waived–Mortgagee sale, shortfall	3	6
**Waived mortgagee sale	0	0
Correction	2	1
Withdrawn not registered	0	1

\* The Commission is not always aware that money has been received as a result of a property settlement and so some property settlements may be recorded as Paid - sale or Paid - financed.

\*\* This includes mortgagee sales that occurred in this financial year where the Commission was aware of the sale in this financial year. Sometimes, the Commission may not become aware of the sale during the financial year in which it occurred. These sales are not included in this table. See table (viii) for mortgagee sale by date of sale.

## Appendix 3

### Statutory Charge Report as at 30 June 2015

#### (viii) Charges extinguished by mortgagee sale by date of sale

Financial Year	Number of charges waived mortgagee sale/shortfall*	Number of charges paid mortgagee sale*
2005-06	5	1
2006-07	3	0
2007-08	2	0
2008-09	1	0
2009-10	3	7
2010-11	0	1
2011-12	11	3
2012-13	17	1
2013-14	8	1
2014-15	6	0

\* The number of charges in this table for each financial year may change, depending on when the Commission becomes aware of the sale.

## Appendix 4

# Community Involvement 2014-15

### Staff membership of community organisations

- Law Society of South Australia
- Aboriginal Issues Committee, Law Society of South Australia
- Animal Law Committee of the Law Society of South Australia
- Bulletin Committee, Law Society of South Australia
- Criminal Law Committee, Law Society of South Australia
- Ethics and Practice Committee, Law Society of South Australia
- Family Law Committee, Law Society of South Australia
- Human Rights Committee, Law Society of South Australia
- Justice Access Committee, Law Society of South Australia
- Women Lawyers Committee, Law Society of South Australia
- Professional Ethics Committee, Law Council of Australia
- Sentencing Advisory Council
- Treatment Intervention Court Consultative Committee
- Courts Community Reference Group
- Disability Justice Plan Action Group
- Advance Care Directives Website Subcommittee
- Ministerial Advisory Committee, End of Life Decision Making
- Multicultural Advisory Forum, Department of Human Services
- South Australian Aboriginal Advisory Council
- South Australian Legal Assistance Forum
- JusticeNet SA
- Northern Community Legal Service, Management Committee
- Australian Lawyers for Human Rights
- Women Lawyers Association of South Australia
- Brian Burdekin Clinic, Management Committee
- South Australian Council of Social Services Policy Council (SACOSS)
- Refugee Advocacy Service of South Australia
- Southern Domestic Violence Action Group
- SA Family Law Pathways Network (Chairman)
- Consumer Law Consultative Forum
- Murray Bridge Community Services Forum
- Murray Bridge Domestic Violence Action Group
- Low Income Support Providers Anti-Poverty Forum
- Adelaide Hills Community Services Forum
- Non-English Speaking Background Domestic Violence Action Group
- Alliance for the Prevention of Elder Abuse
- Mental Health Act User Group
- Editorial Committee, Alternative Law Journal
- Australian Law Librarians' Association
- National Accreditation Authority for Translators and Interpreters, Regional Advisory Committee (SA)
- Working Party for Quality Legal Interpreting
- External Merits Review Stakeholder Group
- Industrial Relations Society of SA
- John Bray Law Alumni Network
- Office for the Ageing, Planning Ahead Committee

**For legal advice call:**

1300 366 424

**Interpreter and national  
relay service:**

[www.lsc.sa.gov.au/cb\\_pages/  
legal\\_advice\\_interpreters.php](http://www.lsc.sa.gov.au/cb_pages/legal_advice_interpreters.php)

**Website:**

[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

**Up to date legal information:**

[www.lawhandbook.sa.gov.au](http://www.lawhandbook.sa.gov.au)

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## Our Goals

*To provide clients with accessible information, advice and representation to meet their legal needs.*

*To work in partnership with other members of the legal community to deliver to our clients equitable access to the justice system.*

*To provide a safe, healthy, rewarding, satisfying work environment.*

*To provide quality legal assistance efficiently and effectively.*

*To satisfy the community that we fulfil our statutory and contractual obligations and are deserving of ongoing financial support.*

*To provide timely research and advice on legal issues to the government and the community.*

*To inform governments of the likely impact on the Legal Services Commission and the community of proposed changes to legislation and policy.*

## We believe

*In the rule of the law*

*People matter*

*Our clients are entitled to be fairly treated*

*Integrity and quality are important*

*Our staff are valuable*

*We deliver an essential service*

*Cost efficiency matters*

*Accountability is necessary*

*Change for beneficial purposes is desirable*



Please provide feedback regarding the 2014–15  
Legal Services Commission Annual Report to:  
[www.lsc.sa.gov.au/reportfeedback](http://www.lsc.sa.gov.au/reportfeedback)