

40th Annual Report 2017-18



Legal Services Commission of South Australia

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Chairperson's Letter 2017-18

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

Dear Deputy Premier,

I am pleased to present the Annual Report of the Legal Services Commission for the financial year ending 30 June 2018, pursuant to section 33 of the *Legal Services Commission Act 1977*.

In compliance with its mandate, the Commission continues to provide high quality, efficient and effective legal assistance services, with expenditure in line with budget.

The *Legal Services Commission (Miscellaneous) Amendment Act 2016* inserted section 11A into the *Legal Services Commission Act 1977*. Section 11A requires the Commission to establish a Legal Profession Reference Committee to advise the Commission on matters arising from any of the Commission's functions under the Act. The Committee's membership includes representatives from the Law Society of South Australia and the South Australian Bar Association. The Committee met for the first time this year and discussed new initiatives under the criminal law cost scale.

This year the Commission affirmed its commitment to providing regional services by holding Commission meetings outside the CBD at the Elizabeth and Noarlunga offices, the first ever meetings at these locations. These meetings provide Commissioners with an opportunity for greater insight into the concerns of the staff and clients living and working in suburban centres. I thank my fellow Commissioners for their ongoing commitment to the good governance of the Commission.

I acknowledge the work of the Director and staff of the Commission and thank them for their ongoing expertise and commitment to access to justice and to increasing efficiencies in their work. The successful implementation of the Commission's new Electronic Document and Records Management System (EDRMS) is the result of their tireless efforts.

I also thank those 630 plus members of the legal profession who constitute the Commission's legal practitioner panels and provide legal assistance through grants of aid. 560 of these practitioners are in private legal practice and 73 are employed in-house at the Commission. This year, these practitioners acted in 15 805 grants of legal aid in State and Commonwealth courts and tribunals across South Australia.

I thank you Deputy Premier for your continued support both personally and in your role as Attorney-General. I would also like to acknowledge the support of the Hon. John Rau MP as Deputy Premier and Attorney-General in the first part of the year.



Michael Abbott, AO QC **Chairman**

Overview

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Legal Services Commission of South Australia

Highlights 2017-18

Over 630 lawyers available to undertake legal representation for clients

Production of a new series of *Young People and the Law* factsheets

Provision of nearly 135 000 services to South Australians
(excluding website page views)

25 years of the *After Hours Custody Service*

Highly successful *Brave New World* conference, held for Commission staff, private practitioners and community legal centre staff

Implementation of an Electronic Document and Records Management system (EDRMS)

**Launch
of a new
Commission
website**

**First full year of the
integration of social
support services
with family law duty
lawyer services**

**Increased emphasis on
technology, in particular
the development of an
online dispute resolution
platform for family law
property settlements**

**Over 80% of family
dispute resolution
conferences achieved
settlement**

**Expanded role for the
Commission in the triage,
eligibility and referral of
clients as a consequence
of the *SA Community Legal
Centres Service Review***

Summary of Services 2017-18

	2015-16	2016-17	2017-18
Telephone information sessions	70 287	67 591	66 577
Advice appointments	21 365	20 601	18 373
Extended legal assistance			372
Legal Chat online sessions	3 289	4 788	5 090
²⁴ Legal (information accessed through a decision tree)		*1 401	8 686
Participants in legal education sessions	6 174	7 250	6 176
Duty lawyer services	16 234	14 249	13 610
Grants of aid for legal representation	16 509	16 727	15 805
Total client services (excluding website page views)	133 858	132 607	134 689
Distribution of publications	87 779	67 888	65 418
Law Handbook page views	1 545 363	2 089 860	2 521 500
Commission website page views	984 352	931 234	1 002 364
Applications for aid received	19 562	19 612	18 269
Applications assigned in-house	5 400	5 474	4 825
Applications assigned externally	11 110	11 253	10 980
FDR conferences held	780	953	863
FDR conferences settled - percentage	77%	79%	83%
ICL appointments	312	334	274

*²⁴Legal commenced in March 2017

Director's Report 2017-18

The Legal Services Commission continued to demonstrate its value to the State and Commonwealth Governments this year by successfully delivering core services whilst introducing new initiatives.

I thank the Chairperson of the Commission, Michael Abbott AO QC and Commissioners Alan Herald, Cathy Nelson and Alison Lloyd-Wright for their ongoing support and good governance. I also acknowledge and thank the panel of assessors who volunteer their time to hear appeals against refusals to grant legal aid.

I acknowledge the commitment to legal aid of the South Australian Attorney-General, the Hon Vickie Chapman MP and the Commonwealth Attorney-General, the Hon Christian Porter MP. I also thank the Hon John Rau MP for his support of the Commission as Deputy Premier and Attorney-General in the first part of the year.

The Commission's panel system for legal practitioners has now been operating successfully for four years. The panel system ensures that clients receive the most appropriate and best qualified legal practitioners to advise and represent them. Legal practitioners who are members of the Commission panels provide representation on grants of aid at lower than market rates of remuneration. I express my thanks to all of these practitioners and look forward to their continuing support in acting on grants of aid in future years.

I thank all staff of the Commission, for their expertise and commitment in delivering legal assistance services as required by the *Legal Services Commission Act 1977*.

Financial Result

The Commission finished the year with a net result of \$22 984 000. This was due to the State Government paying \$21 960 000 in advance funding for the 2018-19 financial year.

In addition to our core funding from both State and Commonwealth governments, the Commission has been tasked with specific roles through pilot project funding. This funding covers the Family Advocacy Support Service at the family courts, the Health/Justice Partnership at the Lyell McEwin Hospital and the specialist Family Violence Prevention Unit based at Elizabeth. These services acknowledge the wide holistic needs of clients affected by family violence and see our lawyers working alongside social workers and medical professionals to achieve long term solutions for clients.

Director's Report 2017-18

Highlights and Achievements

In December 2017 the Commission celebrated the 25 year anniversary of one of its most unique services, the *After Hours Custody Service*. In 1992 staff volunteers put their names forward to be on call to assist persons arrested overnight. They were given a bag that contained, amongst other things, a pager primed to beep if calls came in during the night. Today the pager has been supplemented by a mobile phone, but the same volunteer spirit and commitment to access to justice is ongoing as Commission staff continue to provide this important free service each day of the year.

During the year Oliver Koehn, a senior member of the Commission's criminal law practice, was appointed a Magistrate. Magistrate Koehn was employed at the Commission for 30 years. He joins a long list of Commission former employees to attain judicial appointment. The judiciary are a great support to the Commission and have generously volunteered their time and expertise this year in delivering a number of continuing professional development training sessions.

Other key highlights and achievements during 2017-18 included–

- Extending the reach of our service delivery in civil law to include a presence at the South Australian Civil and Administrative Tribunal in the Guardianship and Mental Health stream and at the Administrative Appeals Tribunal, providing assistance in social security and NDIS cases.
- Implementing the new community legal centre triage delivery model whereby the Commission is the first point of call for all clients seeking legal help. 1310 referrals were made to community legal centres in South Australia over the financial year.
- In November 2017 the Commission launched a new website with improved search and navigation tools. The website plays a vital role in informing clients, practitioners and other agencies of the services and assistance provided by the Commission.
- Commonwealth grant funding was received by National Legal Aid to establish an Online Dispute Resolution project. The Commission is leading this national project to develop alternative, online dispute resolution options in family law. Using a client centred design approach, significant progress was made during the year, with a prototype designed and developed based on user testing and feedback. It is intended that this tool will assist couples who are separating and divorcing, resulting in less reliance on formal pathways.
- The Commission continued to enhance its digital service platforms, allowing people to seek assistance in whatever way that suits them – over the phone, face to face, accessing

Director's Report 2017-18

information on the website or using the newer 24Legal and Legal Chat platforms. This variety of delivery ensures people can get the information they need, at a time and place convenient to them.

- In May 2018 Content Manager, the Commission's Electronic Document and Records Management System (EDRMS), went live - ahead of time and within budget. This was a significant achievement made possible by the hard work of many of staff members, particularly in the Records and Grants sections where staff juggled high workloads with intensive consultation and training. The success of the project was due to effective staff participation and cooperation during the project. The implementation of this project ensures that now and in the future the Commission will be able to achieve greater efficiencies in document receipt, retrieval and storage.
- In June 2018 the Commission delivered another successful conference for staff and private practitioners. The theme of the conference was *Brave New World* with the focus was on legal, technological and societal future change. The conference was opened by the Deputy Premier and Attorney-General, the Hon Vickie Chapman MP. The plenary session was presented by the Chief Justice of South Australia, the Hon Chris Kourakis and the foundation Dean of the Swinburne University Law School, Professor Dan Hunter. There were well attended sessions on the future of legal practice by Kris Wilson from Flinders University and the President of the Law Council of Australia Morry Bailes, as well as popular sessions on driverless cars, artificial intelligence in the lawyer's office and cross cultural issues in domestic violence, to name only a few.

The coming year presents many new challenges both fiscally and operationally as the Commission continues to provide legal assistance in an environment of continued constrained funding and evolving technological advances.

In addition to the previous funding cuts, State legal aid funding will be further reduced by \$6.07 million over five years. Previous funding cuts introduced from 2015-16 were absorbed by reductions in non front-line services and internal efficiencies. These new cuts, announced in the 2018-19 State Budget, reflect a further 5% cut in total funding and will require the Commission to cut services for it to operate within the reduced funding allocation.

Gabrielle Canny

Director, Legal Services Commission

Financial Overview 2017-18

The Commission ended the 2017-18 financial year with a consolidated comprehensive result of \$22 984 000. This compares to a consolidated comprehensive result of \$206 000 surplus for the 2016-17 financial year. The State Government paid \$21 960 000 to the Commission for 2018-19 funding in advance, due to a change in the timing of the payment.

The 2017-18 financial statements record the following:

Income—

- Commonwealth Government funding of \$16 644 000
- State Government funding of \$44 545 000
- reimbursement from the State Government under the Expensive Criminal Cases Funding Agreement (see Appendix 2) of \$254 000
- reimbursement from the Commonwealth Government under the Expensive Criminal Cases Funding Agreement of \$355 000
- funds from the Law Society of South Australia pursuant to the *Legal Practitioners Act 1981* of \$2 920 000
- other income of \$3 396 000
- total income of \$68 114 000

Expenditure—

- private practitioner payments of \$18 015 000
- total expenses of \$45 130 000

The Finance section of this Report contains the detailed financial year report, the Auditor-General's Report and financial statements.

About the Legal Services Commission

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

Legal Services Commission 2017-18

Vision

To provide quality, independent legal assistance to South Australians

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.*

Functions

The Legal Services Commission is an independent statutory authority established by the Legal Services Commission Act 1977 (the Act) to provide legal assistance to people throughout the State. It is funded by the South Australian Government and the Commonwealth Government. It has the powers, functions and duties prescribed or imposed on it by the Act.

The statutory functions of the Commission are to—

- a) provide, or arrange for the provision of, legal assistance in accordance with the Act;

This financial year the Commission—

- *received 18 269 applications for aid for legal representation*
- *granted aid in 15 805 of those applications*
- *provided 13 610 duty lawyer services*
- *provided 99 098 legal advice and information services*
- *provided legal education sessions to 6 176 participants.*

- b) determine the criteria under which legal assistance is to be granted;

The Commission regularly reviews the criteria under which legal assistance is granted.

The criteria include means, merit and guideline tests.

In addition, specific criteria are developed for one-off funding grants. This financial year, using such funding, the Commission was able to provide grants of aid for representation to victims of family violence who fell just outside the Commission's means or guideline tests.

- c) conduct research with a view to ascertaining the needs of the community for legal assistance, and the most effective means of meeting those needs;

Under the National Partnership Agreement on Legal Assistance Services 2015-2020 (the Agreement), the Commission is required to undertake a client survey every two years to assess whether services are tailored to meet clients' legal needs and capability levels. The first survey under the current Agreement occurred in 2016-17 with overwhelmingly positive results (see the 2016-17 Annual Report). The next survey is to occur in the 2018-19 financial year.

Legal Services Commission 2017-18

- d) establish such offices and other facilities as the Commission considers necessary or desirable;

During the financial year the Commission provided information, advice and representation services from offices in Adelaide, Elizabeth, Port Adelaide, Noarlunga, Mount Barker, Port August and Whyalla. Duty lawyer services were provided from offices in the family law courts, the magistrates' courts and the Youth Court. Regular advice outreach services were provided at the Murray Bridge Community Centre, the Administrative Appeals Tribunal, the South Australian Civil and Administrative Tribunal, prisons and the Adelaide Magistrates Court.

24Legal, an online legal information tool that allows clients to access legal information by clicking on questions and answers provided through a decision tree, and Legal Chat, an online chat tool, have extended the Commission's ability to reach South Australians who cannot access a physical office.

- e) 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 Community Legal Education program targets four priority groups – new migrants, young people, older people and people with disabilities. These groups are prioritised by the National Partnership Agreement on Legal Assistance Services 2015–2020 and were identified by the Legal Australia Wide Survey of 2012 as amongst the groups most vulnerable to unresolved legal problems.

This financial year the Commission's Community Legal Education team produced a new legal education resource specifically designed for someone with an intellectual disability or cognitive impairment who is under arrest, or is a victim or a witness. It explains a person's rights when interacting with a police officer and demonstrates the new rules regarding communication assistance in police interviews for people with complex communication needs.

- f) 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 promotes its services to the public through traditional advertising, the Commission website, social media platforms, press releases and media opportunities. This financial year over 200 media reports (excluding court cases) were published in relation to the work of the Commission.

- g) co-operate and make reciprocal arrangements with persons administering schemes of legal assistance in other States and Territories of the Commonwealth or elsewhere;

The Director of the Commission is a member of National Legal Aid, a co-operative body of legal aid directors from Australia and New Zealand. She leads the National Legal Aid Family Law Working Group, working closely with the Commonwealth government on family law reform. Senior staff

Legal Services Commission 2017-18

members participate in other National Legal Aid committees, including the Criminal Law Working Group, the Dispute Resolution Working Group and the Grants and National Statistics Working Group.

The Director oversees reciprocal arrangements with other legal aid commissions, community legal centres and Aboriginal and Torres Strait Islander legal services.

- h) 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 for clients attending court or legal advice interviews. This year the Commission provided interpreters on 3078 occasions.

As part of the duty lawyer service in the family law courts a social worker is available to assist clients. In the last financial year 254 clients received a service from the social worker, with 92% of those clients experiencing family violence.

During this financial year lawyers from the Commission's Criminal Law Practice Division worked co-operatively with caseworkers in the gambling intervention program at the Adelaide Magistrates Court. The program is specifically designed to deal with criminal offenders who have a gambling addiction.

- i) 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;

The Commission offers four paid summer clerkships for law students, at least two of which are for indigenous law students.

The Commission also provides six week placements for students participating in practical legal training courses. In 2017-18, eight students participated in this program.

- j) 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 engages in many collaborative ventures with other agencies and organisations. This financial year, in accordance with State and Commonwealth priorities, the Commission has focussed on family violence. Accordingly, the Commission provided education, information and support to a West Java NGO providing assistance to victims of family violence in Indonesia.

- k) perform such other functions as the Attorney-General may direct.

The Commission regularly responds to requests from the State Attorney-General for analysis of proposed changes to legislation and for comment on major reviews and reforms of the State's justice system.

Legal Services Commission 2017-18

In performing its functions the Commission must—

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

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Offices

The Commission offices are located at the following addresses:

Adelaide

159 Gawler Place
Adelaide 5000

T: 08 8111 5555

F: 08 8111 5599

Elizabeth

Windsor Building
Elizabeth Shopping Centre
Elizabeth 5112

T: 08 8111 5400

F: 08 8207 9333

Mount Barker

18 Walker Street
Mount Barker 5251

T: 08 8111 5320

F: 08 8391 4747

Noarlunga

Noarlunga House
Centro Colonnades
Shopping Centre
Noarlunga Centre 5168

T: 08 8111 5340

F: 08 8207 3880

Port Adelaide

ANL House
306 Vincent Street
Port Adelaide 5015

T: 08 8111 5460

F: 08 8207 6277

Port Augusta

13 Flinders Street
Port Augusta 5700

T: 08 8686 2200

F: 08 8648 5370

Whyalla

Tenancy 7
169 Nicolson Avenue
Whyalla Norrie 5608

T: 08 8620 8500

F: 08 8648 8950

Commission Clients

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

Some people are also able to access legal representation. These people are among the most disadvantaged in our community.

Commission Clients 2017-18

Over the last three years South Australians who received a grant of aid for legal assistance, a legal advice appointment or a duty lawyer service fell within the following priority client groups.

% of clients within each client group

Priority client group	2015-16	2016-17	2017-18
Aboriginal or Torres Strait Islander	8.77%	8.52%	8.71%
Culturally and linguistically diverse	15.27%	16.78%	17.83%
Disability or mental illness	13.8%	15.44%	16.35%
Under 18	5.92%	6.25%	5.95%
65 or over	6.12%	6.05%	6.65%
Receives a government benefit	51.79%	59.7%	62.05%
Lives in regional or remote South Australia	14.12%	13.79%	13.79%
Requires an interpreter	3.81%	4.48%	4.75%
In custody	9.68%	10.73%	10.67%

Services provided to each client group 2017-18

Priority client group	Grant of Aid	Advice Apptmt	Duty Lawyer	Total
Aboriginal or Torres Strait Islander	2 469	635	1 576	4 680
Culturally and linguistically diverse	1 338	5 993	2 060	9 391
Disability or mental illness	4 553	1 463	3 496	9 512
Under 18	1 355	119	839	2 313
65 or over	153	2 356	243	2 752
Receives a government benefit	12 311	9 848	9 370	31 529
Lives in regional or remote SA	2 533	1 909	1 685	6 127
Requires an interpreter	433	2 119	526	3 078
In custody	4 188	674	3 177	8 039

Commission Clients 2017-18

Strategies to improve services and access for people who fall within a priority group are regularly reviewed. In particular, the Commission provides–

- interpreters
- a telephone typewriter service
- advice appointments by telephone so as not to disadvantage regional or remote clients or those with mobility issues
- online legal information services
- Readspeaker on the Commission website for clients who are visually impaired or prefer spoken language
- regional offices
- prison visits
- video conferencing appointments
- written advice available in community languages, including Braille
- video information in Auslan.

Commission Client Services

The Commission provides the following services to the public:

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

Legal Information, Advice and Advocacy Services 2017-18

What we do

The Commission provides free legal information and advice–

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

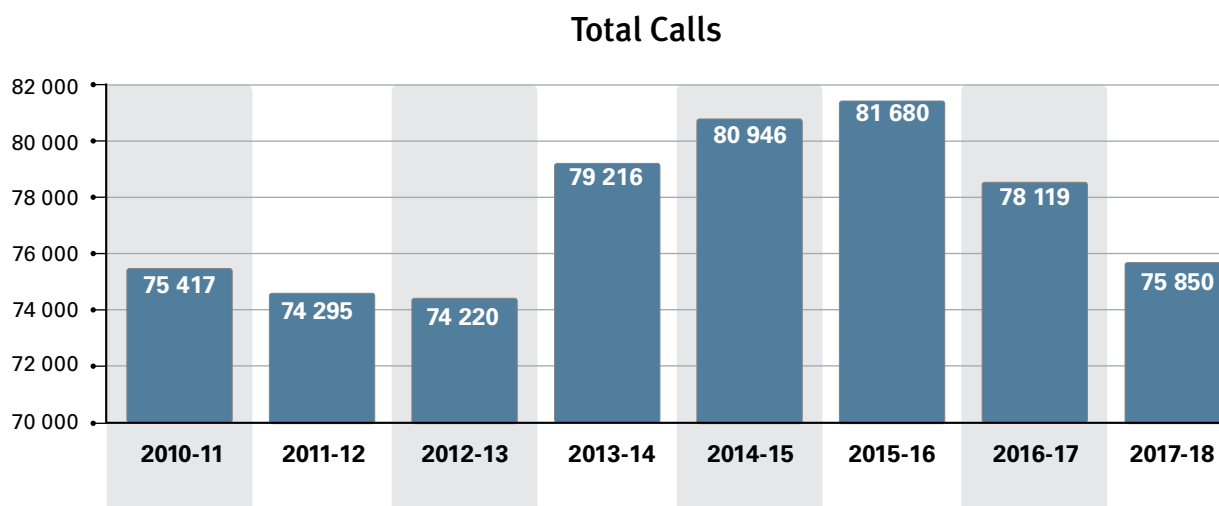
In addition, legal information can be accessed–

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

Telephone information and advice

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

Number of recorded calls to and from the legal helpline



Legal Information, Advice and Advocacy Services 2017-18

In person advice appointments

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

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

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

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

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

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

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

Legal Information, Advice and Advocacy Services 2017-18

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

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

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Case study—Domestic violence unit

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

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

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

Legal Information, Advice and Advocacy Services 2017-18

Key achievements

Legal Chat

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

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

24Legal

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

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Client Feedback

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

“Dear T,

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

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

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

Thank you T for your wonderful advice.

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

Keep up the good work guys!!”

Received August 2017

Legal Information, Advice and Advocacy Services 2017-18

Facts and figures

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

Top five telephone information enquiries

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

Top five advice sessions

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

% of sessions by law type

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

Community Legal Education Services 2017-18

What we do

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

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

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

Community Legal Education is delivered through the following programs.

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

Community Legal Education Services 2017-18

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

Key achievements

Law Week Legal Health Check Up in Rundle Mall

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

South Australia Community Legal Education Network

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

RIGHTS ON SHOW: Explaining your rights when engaging with Police

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

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

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



Young People and the Law - Factsheets

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

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

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

Community Legal Education Services 2017-18

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Linking the Law

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

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

Client Feedback

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

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

Received June 2018

Feedback received in response to education sessions includes–

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

Received 2017-18

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

Received 2017-18

Community Legal Education Services 2017-18

Facts and figures

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

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

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Top five online legal information topics

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

Top five publications distributed

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

Duty Lawyer Services 2017-18

What we do

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

Family courts

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

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

Criminal and civil courts

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

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

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

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

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

Case Study

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

Duty Lawyer Services 2017-18

Facts and figures

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

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

Criminal law duty solicitor services by location and work type

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

Duty Lawyer Services 2017-18

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Criminal law duty solicitor services by court type and work type

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

Family law duty lawyer services by court type and work type

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

Legal Representation Services 2017-18

What we do

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

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

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

For further information on cases that may be funded please visit the Commission website at http://www.lsc.sa.gov.au/cb_pages/legal_aid_eligibility.php.

Practitioner Panels

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

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

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

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

Legal Representation Services 2017-18

Facts and figures

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

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

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

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

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

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

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

Legal Representation Services 2017-18

Reason for refusal of applications received 2017-18

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

Family Law Services 2017-18

What we do

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

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

Family law legal services include–

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

Family law sub-programs

In-house legal representation

Commission family lawyers–

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

Child Support case study

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

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

Family Dispute Resolution

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

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

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

Family Law Services 2017-18

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

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

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

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

Independent children's lawyers

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

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

Family Law Services 2017-18

The following matter illustrates the role of an ICL.

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

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

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

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

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

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

Key achievements

Family Advocacy and Support Services

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

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

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

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

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

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

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

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

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

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

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

Domestic Violence List

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

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

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

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

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

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

Family Law Services 2017-18

044

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

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

Aboriginal and Torres Strait Islander Family Law List

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

Facts and figures

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

*Legal Chat was established in September 2015

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

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

Family Law Services 2017-18

Family Law Dispute Resolution conferences

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

Independent Children's Lawyers

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

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Challenges

Changes to the family law system

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

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

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

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

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

Criminal Law Services 2017-18

What we do

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

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

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

Specialist court representation

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

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

The following case illustrates the benefits of the program.

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

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

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

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

Magistrates Court representation

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

Higher court representation

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

Key achievements

Improved services to vulnerable clients

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

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

Facts and figures

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

*Legal Chat was established in September 2015

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

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

Challenges

Major indictable reform

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

Assisting clients in custody

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

Clients affected by methamphetamine

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

Increase in domestic violence cases

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

Children's Care and Protection Services 2017-18

What we do

The Commission–

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

In undertaking these roles the Commission provides–

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

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

Client case study

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

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

Children's Care and Protection Services 2017-18

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

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

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

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

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

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

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

Children's Care and Protection Services 2017-18

Key achievements

New child protection legislation

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

Facts and figures

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

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

Status of new matters as at 30 June 2018

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

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

Children's Care and Protection Services 2017-18

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

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

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Challenges

Review of child protection system

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

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

Regional Services 2017-18

What we do

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

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

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

Key achievements

Family law practice

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

Legal advice service

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

Regional Services 2017-18

Client Feedback

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

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

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



Homemade donuts, regularly provided by a grateful client.

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Facts and figures

Services provided from Port Augusta and Whyalla offices

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

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

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

Regional Services 2017-18

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

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

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

Challenges

Criminal practice

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

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

'Ice' abuse in rural communities

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

Commission Corporate Services

Governance 2017-18

Governing legislation

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

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

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

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

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

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

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

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

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

The Commission

The Commission consists of–

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

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

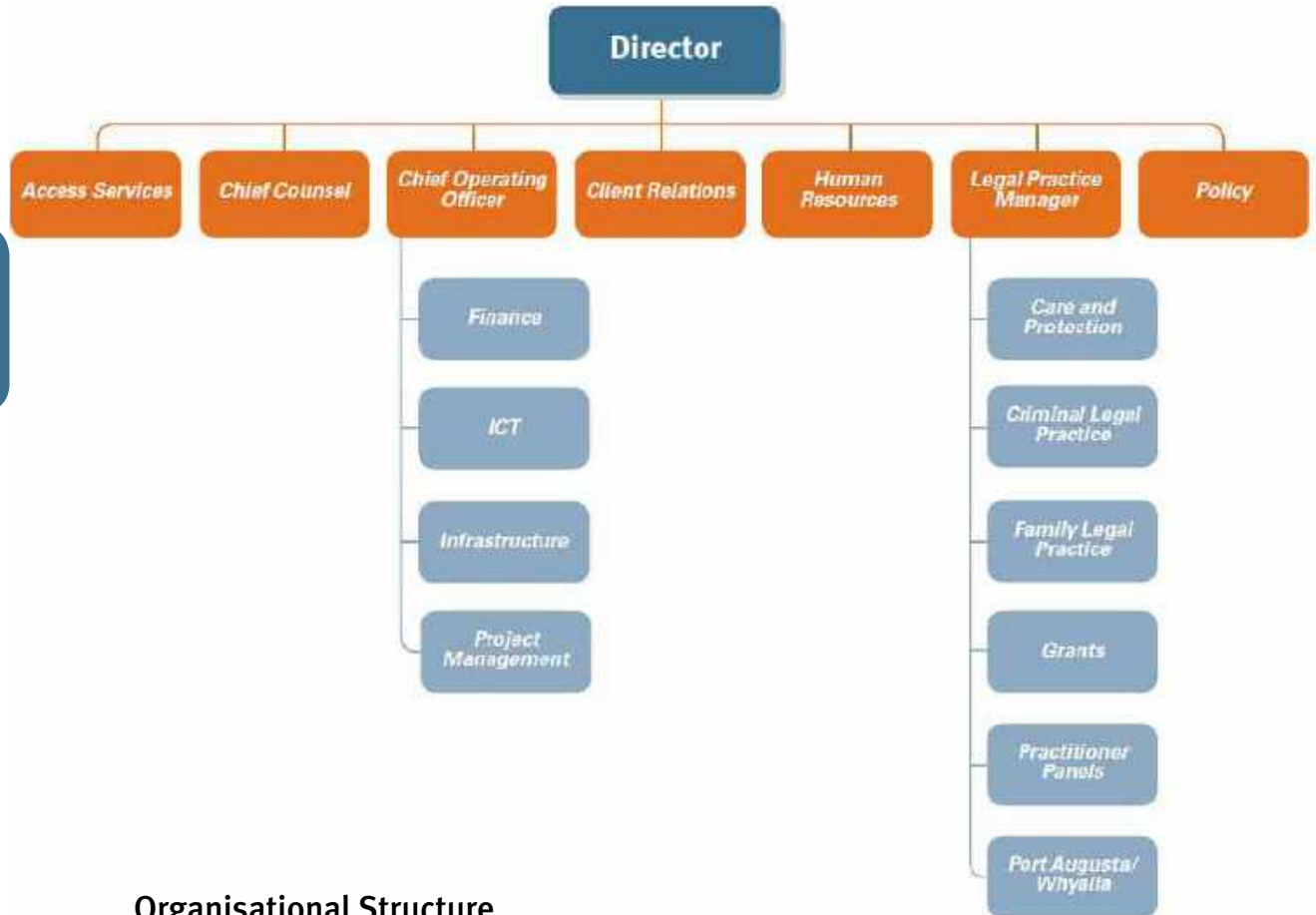
The Commission comprises–

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

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

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

Governance 2017-18



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Organisational Structure

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

Audit, Compliance and Risk Committee

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

The Committee considers—

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

Governance 2017-18

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

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

National Partnership Agreement

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

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

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

Corporate Planning

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

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

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

Staff 2017-18

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

Professional development for lawyers

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

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

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

Law graduates

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

Staff 2017-18

Employee numbers, status and gender at 30 June 2018

Number of employees	Total
Persons	216
Full-time equivalent	199.76

Gender	% Persons	% FTE's
Male	23.3	25.1
Female	76.7	74.9

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

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

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Number of employees by salary bracket

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

Status of employees in current position

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

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

Staff 2017-18

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Executives by gender, classification and status

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

Average days leave per full time equivalent employee

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

Aboriginal and/or Torres Strait Islander employees

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

Number of employees by age bracket and gender

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

Staff 2017-18

Cultural and linguistic diversity

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

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

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

Type of disability *where specified*

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

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Voluntary flexible working arrangements by gender

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

	2017-18
Performance Review discussions	48%

Work Health and Safety Management

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

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

Note: The Commission is not a South Australian Government exempt employer but has based its Work Health and Safety Program on prescribed WorkCover requirements.

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

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

Support Services 2017-18

Information and communication services

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

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

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

Records management

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

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

Library

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

Involvement with Stakeholders and the Community 2017-18

Legislative and policy reform

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

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

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

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

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

Involvement with Stakeholders and the Community 2017-18

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

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

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

Involvement with Stakeholders and the Community 2017-18

Community involvement

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

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

Seeking stakeholder and community views

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

Partnerships 2017-18

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

National Legal Aid

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

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

Australian Legal Assistance Forum

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

South Australian Legal Assistance Forum

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

Partnerships 2017-18

Private Practitioners

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

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

Reporting Responsibilities 2017-18

Complaints

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

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

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

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Client Relations Contacts 1 July 2017- 30 June 2018

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

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

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

Reporting Responsibilities 2017-18

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

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Freedom of Information

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

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

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

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

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

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

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

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

Reporting Responsibilities 2017-18

- **Documents usually held by the Commission**

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

- **Access to documents**

The Commission's Freedom of Information Officer administers the *FOI Act* and facilitates, subject to exemptions and exceptions, access to documents and amendments to personal information held by the Commission. Arrangements can be made to inspect or purchase documents available under the *FOI Act* at 159 Gawler Place, Adelaide between 9.00 am and 5.00 pm on working days. Copies may be purchased for 50 cents per page, which may be waived in appropriate cases.

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

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

Whistleblowers Protection Act 1993

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

Contractual arrangements

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

Reporting Responsibilities 2017-18

Fraud

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

Consultants

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

Commission Finances

Finance 2017-18

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Income

The Commission is primarily funded by the State and Commonwealth governments.

In 2017-18 the State Government provided funding of \$44 545 000, an increase from \$21 848 000 in 2016-17. This was due to an advance payment to the Commission of \$21 960 000 of its funding for 2018-19. The State Government also provided \$254 000 in reimbursements under the Expensive Criminal Cases Funding Agreement. State Government funding is largely used for matters involving State criminal law and child protection applications.

The Commonwealth Government, through the National Partnership Agreement on Legal Assistance Services and other grants, provided funding of \$16 644 000, an increase from \$16 250 000 in 2016-17. The Commonwealth Government also provided \$355 000 in reimbursements under the Commonwealth Expensive Criminal Cases Funding Agreement. Commonwealth funding is mostly used for family law matters, although it may be used to fund any matter under Commonwealth law.

The Commission received a further \$2 920 000 from the Law Society pursuant to sections 56 and 57A of the *Legal Practitioners Act 1981*. This income is used for State law related matters.

The Commission generated income from investments, client contributions, cost recovery, 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*.

Expenditure

Total operating expenditure for 2017-18 was \$45 130 000, up from \$44 993 000 in 2016-17. Private legal practitioner payments totaled \$18 015 000, down from \$19 314 000 in 2016-17.

The Commission completed the 2017-18 financial year with a consolidated comprehensive result of \$22 984 000 surplus.

Commonwealth Government funding as at 30 June 2018

Financial Year	2013-14	2014-15	2015-16	2016-17	2017-18
	\$'000	\$'000	\$'000	\$'000	\$'000
Annual Funds	15 893	16 194	15 699	16 250	16 644

State Government funding as at 30 June 2018

Financial Year	2013-14	2014-15	2015-16	2016-17	2017-18
	\$'000	\$'000	\$'000	\$'000	\$'000
Annual Funds	20 282	17 750	21 423	21 848	44 545*

*During 2017-18 the State Government paid \$21 960 000 in advance to the Commission for the 2018-19 financial year.

Auditor-General's Letter 2018

For official use only



Government of South Australia
Auditor-General's Department

Our ref: A18/111

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28 September 2018

Mr M Abbott AO QC
Chairman
Legal Services Commission
DX 104 ADELAIDE SA

Dear Mr Abbott

Audit of Legal Services Commission for the year to 30 June 2018

We have completed the audit of your accounts for the year ended 30 June 2018. Three key outcomes from the audit are the:

- 1** Independent Auditor's Report on your agency's financial report
- 2** opinion on your financial controls
- 3** audit management letter recommending you address identified weaknesses

1 Independent Auditor's Report

We are returning the financial statements for the Legal Services Commission, with the Independent Auditor's Report. This report is unmodified.

2 Opinion on financial controls

In my opinion, the controls exercised by the Legal Services Commission in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, except for:

- Audit, Compliance and Risk Committee Charter had not been updated the Commission had made some progress in reviewing the BCP and ICT Strategic Plan but these had not been finalised. The DRP was yet to be reviewed and updated.
- the Risk Management Policy and Risk Management had not been reviewed.
- insufficient segregation of duties for private practice expenditure assessment and payment
- completeness and accuracy of invoice details in Law Office.

are sufficient to provide reasonable assurance that the financial transactions of the Legal Services Commission have been conducted properly and in accordance with law.

Auditor-General's Letter 2018

For official use only

3 Audit management letter

During the year, we sent you an audit management letter detailing the weaknesses we noted and improvements we considered you need to make.

We have received responses to our letter and will follow these up in the 2018-19 audit.

What the audit covered

Our audits meet statutory audit responsibilities under the *Public Finance and Audit Act 1987* and the Australian Auditing Standards.

Our audit covered the principal areas of the agency's financial operations and included test reviews of systems, processes, internal controls and financial transactions. Some notable areas were:

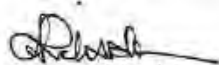
- Commonwealth, State and other income
- operating expenses, including private practitioner payments
- employee entitlements
- cash and cash equivalents
- financial accounting, general ledger and journals
- review of Commission and committee minutes
- governance, business planning and risk management
- compliance with legislation, government frameworks and policies/procedures
- compliance with Treasurer's Instructions 2 and 28
- information technology and communication review.

Opportunities for improvement

We will write to you separately about areas for improvement regarding the financial report preparation process.

I would like to thank the staff and management of your agency for their assistance during this year's audit.

Yours sincerely



Andrew Richardson
Auditor-General

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Independent Auditor's Report 2018

INDEPENDENT AUDITOR'S REPORT



Government of South Australia
Auditor-General's Department

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To the Chairperson Legal Services Commission

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 25 of the *Legal Services Commission Act 1977*, I have audited the financial report of the Legal Services Commission for the financial year ended 30 June 2018.

Opinion

In my opinion, the accompanying financial report gives a true and fair view of the financial position of the Legal Services Commission as at 30 June 2018, its financial performance and its cash flows for the year then ended in accordance with the Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2018
- a Statement of Financial Position as at 30 June 2018
- a Statement of Changes in Equity for the year ended 30 June 2018
- a Statement of Cash Flows for the year ended 30 June 2018
- notes, comprising significant accounting policies and other explanatory information
- a Certificate from the Chairperson, the Director and the Manager, Finance.

Basis for opinion

I conducted the audit in accordance with the *Public Finance and Audit Act 1987* and Australian Auditing Standards. My responsibilities under those standards are further described in the 'Auditor's responsibilities for the audit of the financial report' section of my report. I am independent of the Legal Services Commission. The *Public Finance and Audit Act 1987* establishes the independence of the Auditor-General. In conducting the audit, the relevant ethical requirements of APES 110 Code of Ethics for Professional Accountants have been met.

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

Independent Auditor's Report 2018

Responsibilities of the Director and members of the Commission for the financial report

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

The members of the Commission are responsible for overseeing the entity's financial reporting process.

Auditor's responsibilities for the audit of the financial report

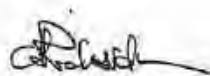
My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

My report refers only to the financial report described above and does not provide assurance over the integrity of electronic publication by the entity on any website nor does it provide an opinion on other information which may have been hyperlinked to/from the report.

I communicate with the Director and members of the Commission about, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during the audit.



Andrew Richardson
Auditor-General
28 September 2018

Statement of Comprehensive Income 30 June 2018

Legal Services Commission of South Australia

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2018

	Note	2018 \$'000	2017 \$'000
Expenses			
Employee benefits expenses	3	19 521	18 550
Private Practitioner services		18 015	19 314
Supplies and services	5	6 883	6 417
Depreciation and amortisation expense	6	547	710
Other expenses	7	164	2
Total expenses		45 130	44 993
Income			
Commonwealth revenues	8	16 999	16 250
Legal Practitioners Act revenues	9	2 920	2 579
Statutory charges		927	1 042
Interest revenues	10	368	387
Costs recovered and contributions	11	273	297
Other income	12	1 828	1 937
Total income		23 315	22 492
Net cost of providing services		21 815	22 501
Revenues from SA Government			
Revenue from SA Government	13	44 799	22 707
Net result		22 984	206
Total comprehensive result		22 984	206

The net result and total comprehensive result are attributable to the SA Government as owner.

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position 30 June 2018

Legal Services Commission of South Australia

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2018

	Note	2018 \$'000	2017 \$'000
Current assets			
Cash and cash equivalents	14	36 158	12 333
Receivables	15	<u>2 066</u>	<u>2 189</u>
Total current assets		<u>37 224</u>	<u>14 522</u>
Non-current assets			
Property, plant and equipment	17	3 729	4 172
Intangible assets	18	524	464
Statutory charge debtors	19	<u>7 511</u>	<u>7 215</u>
Total non-current assets		<u>11 764</u>	<u>11 851</u>
Total assets		<u>48 988</u>	<u>26 373</u>
Current liabilities			
Legal payables		807	1 336
Payables	20	442	440
Employee benefits	21	1 833	1 776
Other current liabilities	22	<u>233</u>	<u>233</u>
Total current liabilities		<u>3 315</u>	<u>3 794</u>
Non-current liabilities			
Payables	20	271	251
Employee benefits	21	3 980	3 657
Other non-current liabilities	22	<u>2 100</u>	<u>2 333</u>
Total non-current liabilities		<u>6 351</u>	<u>6 241</u>
Total liabilities		<u>9 666</u>	<u>10 035</u>
Net assets		<u>39 322</u>	<u>16 338</u>
Equity			
Revaluation surplus		49	49
Retained earnings		<u>39 273</u>	<u>16 289</u>
Total equity		<u>39 322</u>	<u>16 338</u>

The total equity is attributable to the SA Government as owner.

Unrecognised contractual commitments	23
Contingent assets and liabilities	24

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity 30 June 2018

Legal Services Commission of South Australia

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2018

	Revaluation surplus	Retained earnings	Total
	\$'000	\$'000	\$'000
Balance at 30 June 2016	49	16 083	16 132
Net result 2016-17	-	206	206
Total comprehensive result for 2016-17	-	206	206
Balance at 30 June 2017	49	16 289	16 338
Net result for 2017-18	-	22 984	22 984
Total comprehensive result for 2017-18	-	22 984	22 984
Balance at 30 June 2018	49	39 273	39 322

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

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows 30 June 2018

Legal Services Commission of South Australia

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2018

	Note	2018 Inflows (Outflow) \$'000	2017 Inflows (Outflows) \$'000
Cash flows from operating activities			
Cash outflows:			
Employee benefits payments		(19 141)	(18 142)
Supplies and services		(6 975)	(7 517)
Private Practitioner services		<u>(20 453)</u>	<u>(20 961)</u>
Cash used in operations		<u>(46 569)</u>	<u>(46 620)</u>
Cash inflows:			
Receipts from Commonwealth		16 744	16 250
<i>Legal Practitioners Act</i> receipts		2 884	2 642
Costs recovered and contributions		296	328
Statutory charge receipts		690	637
Interest received		364	391
GST recovered from the ATO		2 365	2 357
Other receipts		<u>1 640</u>	<u>1 711</u>
Cash generated by operations		<u>24 883</u>	<u>24 214</u>
Cash flows from SA Government			
Receipts from SA Government		<u>44 676</u>	<u>23 029</u>
Cash generated from SA Government		<u>44 676</u>	<u>23 029</u>
Net cash provided by operating activities		<u>22 989</u>	<u>623</u>
Cash flows from investing activities			
Cash outflows:			
Purchase of property, plant & equipment and intangible assets		<u>(164)</u>	<u>(638)</u>
Net cash used in investing activities		<u>(164)</u>	<u>(638)</u>
Net increase/(decrease) in cash and cash equivalents		22 825	(15)
Cash and cash equivalents at the beginning of the period		<u>12 333</u>	<u>12 348</u>
Cash and cash equivalents at the end of the period	14	<u>35 158</u>	<u>12 333</u>

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

Note Index 30 June 2018

Legal Services Commission of South Australia

NOTES TO THE FINANCIAL STATEMENTS

1. Basis of Financial Statements
2. Objectives and Activities
3. Employee Benefits
4. Remuneration of Commission Members
5. Supplies and Services
6. Depreciation and Amortisation Expense
7. Other Expenses
8. Commonwealth Revenues
9. *Legal Practitioners Act* Revenues
10. Interest Revenues
11. Costs Recovered and Contributions
12. Other Income
13. Revenues from SA Government
14. Cash and Cash Equivalents
15. Receivables
16. Non-Current Assets
17. Property, Plant and Equipment
18. Intangible Assets
19. Statutory Charge Debtors
20. Payables
21. Employee Benefits - Liability
22. Other Liabilities
23. Unrecognised Contractual Commitments
24. Contingent Assets and Liabilities
25. Transactions with Key Management Personnel and Other Related Parties
26. Financial Instruments/Financial Risk Management

NOTES TO THE FINANCIAL STATEMENTS

1. BASIS OF FINANCIAL STATEMENTS

1.1 REPORTING ENTITY

The Legal Services Commission of South Australia (the Commission) is a body corporate. It is capable of acquiring or incurring any rights or liabilities that may properly attach to a body corporate. It has the powers, functions and duties prescribed or imposed upon it by or under the *Legal Services Commission Act 1977* (the Act).

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.

The financial statements and accompanying notes include all activities of the Commission.

The Commission does not control any other entities and has no interests in unconsolidated structured entities.

1.2 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 (Reduced Disclosure Requirements) 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. 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 2018.

1.3 BASIS OF PREPARATION

The financial statements have been prepared based on a 12 month period and presented in Australian currency. The historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured on a different basis.

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

Assets and liabilities that are to be sold, consumed or realised as part of the normal operating cycle have been 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.

Significant accounting policies are set out in the notes.

1.4 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 payroll 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; and
- 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.

2. OBJECTIVES

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.

3. EMPLOYEE BENEFITS

3.1 EMPLOYEE BENEFITS EXPENSES

	2018 \$'000	2017 \$'000
Salaries and wages	15 602	14 756
Long service leave	496	330
Annual leave	1 208	1 189
Skills and experience retention leave	89	88
Employment on-costs - superannuation *	1 679	1 613
Employment on-costs - other	414	388
Commission members' fees	43	58
Workers compensation	90	128
Total employee benefits expenses	19 521	18 590

* The superannuation employment on-costs charge represents the Commission's contributions to superannuation plans in respect of current services of current employees.

3.2 KEY MANAGEMENT PERSONNEL

Key management personnel of the Commission in 2018 include the Director, four Commissioners, the Chief Operating Officer and the Legal Practice Manager. In 2017, it included the Director, four Commissioners and eight members of the Executive Team who have responsibility for the strategic direction and management of the Commission.

Notes to and Forming Part of the Financial Statements 30 June 2018

Total compensation for the Commission's key management personnel was \$800 000 in 2017-18 and \$1 841 000 in 2016-17.

3.3 REMUNERATION OF EMPLOYEES

	2018 No	2017 No
The number of employees whose remuneration received or receivable falls within the following bands:		
\$147 000 to \$149 000*	N/A	1
\$149 001 to \$159 000	3	1
\$159 001 to \$189 000	4	3
\$179 001 to \$189 000	1	1
\$189 001 to \$199 000	1	1
\$199 001 to \$209 000	1	-
\$209 001 to \$219 000	1	1
\$239 001 to \$249 000	1	-
\$249 001 to \$259 000	-	1
\$289 001 to \$299 000	1	2
\$299 001 to \$309 000	1	-
Total	14	11

* This band has been included for the purposes of reporting comparative figures based on the executive base level remuneration rate for 2016-17.

The table includes all employees who received remuneration equal to or greater than the base executive remuneration level during the year. Remuneration of employees reflects all costs of employment including salaries and wages, payments in lieu of leave, superannuation contributions, salary sacrifice benefits and fringe benefits tax paid or payable in respect of those benefits. The total remuneration received by these employees for the year was \$2 773 000 (2017 - \$2 230 000).

4. REMUNERATION OF COMMISSION MEMBERS

Members of the Commission during the 2018 financial year were:

Mr Michael Abbott	Chairman
Ms Gabrielle Canny *	Ex Officio
Mr Alan Herald	
Ms Alison Lloyd Wright *	
Ms Catherine Nelson	

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

	2018	2017
\$0 - \$9 999	2	5
\$10 000 - \$19 999	2	2
\$20 000 - \$29 999	1	1
Total	5	8

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 \$50 000 (2017 - \$63 000) including \$4 000 (2017 - \$5 000) 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.

5. SUPPLIES AND SERVICES

	2018	2017
	\$'000	\$'000
Operating lease payments	2 426	2 583
Computing and communications	2 018	1 906
Accommodation	642	316
Periodicals and subscriptions	274	262
Travel	173	197
Office supplies and consumables	164	165
Interpreter fees	159	156
Practising certificates and membership	111	102
Legal fees	111	146
Relationship Australia Service fees	108	-
Consultancy fees	90	8
Audit fees	76	92
Courses and training	76	41
Northern Domestic Violence Service fees	70	70
Storage fees	69	65
Media and advertising	41	13
Other	275	293
Total supplies and services	6 883	6 417

The total supplies and services amount disclosed includes GST amounts not recoverable from the Australian Taxation Office due to the Commission not holding a tax invoice or payments relating to third party arrangements.

5.1 OPERATING LEASES

Operating lease payments (less incentives) are recognised on a straight-line basis over the lease term, unless another systematic basis is more representative of the time pattern of benefits derived from the use of the leased assets.

5.2 CONSULTANTS

The number of consultancies and the dollar amount paid/payable (included in supplies and services expense) to consultants that fall within the following bands:

	Number	2018 \$'000	Number	2017 \$'000
Below \$10,000	3	12	2	6
Above \$10,000	3	78	-	-
Total paid/payable to the consultants engaged	6	90	2	6

6. DEPRECIATION AND AMORTISATION EXPENSE

	2018 \$'000	2017 \$'000
Plant and equipment	273	433
Leasehold improvements	223	226
Intangible assets	<u>51</u>	<u>51</u>
Total depreciation and amortisation	547	710

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. Lease incentives in the form of leasehold improvements are capitalised as an asset and depreciated over the remaining term of the lease or estimated useful life of the improvement, whichever is shorter.

6.1 USEFUL LIFE

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

Class of Asset	Useful Life (years)
Plant & Equipment	
Computers	3-5
Office equipment	5-13
Furniture and fittings	13
Leasehold improvements	5-16
Intangibles	3-8

The library collections are anticipated to have very long and indeterminate useful lives. No amount for depreciation has been recognised as their service potential has not, in any material sense, been consumed during the reporting period.

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.

6.2 REVISION OF ACCOUNTING ESTIMATES

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 Commission did not have any changes during the financial year.

7. OTHER EXPENSES

	2018 \$'000	2017 \$'000
Statutory charge bad debts and allowance for doubtful debts	162	(20)
Bad debts and allowance for doubtful debts	<u>2</u>	<u>22</u>
Total other expenses	164	2

8. COMMONWEALTH REVENUES

	2018 \$'000	2017 \$'000
National Partnership payment - funding	16 034	15 879
Family Advocacy and Support Service - funding	610	371
Expensive Cases - reimbursement	<u>355</u>	<u>-</u>
Total depreciation and amortisation	16 999	16 250

A National Partnership Agreement on Legal Assistance Services between the Commonwealth of Australia and States and Territories is effective from 1 July 2015 to 30 June 2019. Amounts from the Commonwealth are received via the Attorney-General's Department.

Contributions are recognised as an asset and income when the Commission obtains control of the contributions or obtains the right to receive the contributions and the income recognition criteria are met.

9. LEGAL PRACTITIONERS ACT REVENUES

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

	2018 \$'000	2017 \$'000
Statutory Interest account	1 138	1 008
Interest on Legal Practitioners Trust account	1 782	1 571
Total Legal Practitioners Act revenue	2 920	2 579

10. INTEREST REVENUES

	2018 \$'000	2017 \$'000
Interest - Bank SA	1	1
Interest - SAFA	367	386
Total interest revenues	368	387

11. COSTS RECOVERED AND CONTRIBUTIONS

	2018 \$'000	2017 \$'000
Costs recovered	46	70
Contributions*	227	227
Total costs recovered and contributions	273	297

* In addition, contributions of \$777 000 (2017 - \$575 000) in relation to referred cases were paid or are payable directly to private practitioners by clients.

12. OTHER INCOME

	2018 \$'000	2017 \$'000
Women's Domestic Violence	450	450
Community Legal Service Eligibility, Triage and Referral Services	320	50
Online Dispute Resolution System	240	341
Drug Court Funding	147	145
Legal Assistance Services	-	140
Return to Work SA Funding	111	110
Innovation Fund	-	73
Other income	560	628
Total other income	1 828	1 937

13. REVENUES FROM SA GOVERNMENT

In 2017-18 the State Government contributed funding of \$44 545 000 (2017 - \$21 848 000). The State Government paid \$21 960 000 to the Commission for 2018-19 funding, due to a change in the timing of the payment. This amount is deposited with SAFA.

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

The State Government provided \$254 000 (2017 - \$859 000) for approved expensive cases that exceeded the Commission funding cap of \$50 000 in the case of one party being aided and \$100 000 in the case of more than one party. Irrespective of the number being aided. These matters are separately funded by the State Government.

14. CASH AND CASH EQUIVALENTS

	2018 \$'000	2017 \$'000
Short-term deposits with SAFA	34 960	11 700
Cash at bank and on hand	198	633
Total cash and cash equivalents	<u>35 158</u>	<u>12 333</u>

Cash is measured at nominal amounts

14.1 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 the 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.

15. RECEIVABLES

	2018 \$'000	2017 \$'000
<i>Legal Practitioners Act</i> debtors	817	780
GST input tax recoverable	248	304
Client debtors and other debtors	655	865
Allowance for doubtful debts	(30)	(40)
Prepayments	376	280
Total Receivables	<u>2 066</u>	<u>2 189</u>

15.1 MOVEMENT IN THE ALLOWANCE FOR DOUBTFUL DEBTS

The allowance for doubtful debts (allowance for impairment loss) is recognised when there is objective evidence (i.e. 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.

	2018 \$'000	2017 \$'000
Carrying amount at the beginning of the period	40	40
Decrease in allowance	2	22
Amounts written off	(12)	(22)
Carrying amount at the end of the period	<u>30</u>	<u>40</u>

15.2 INTEREST RATE AND CREDIT RISK

Receivables arise in the normal course of selling goods and services to other government agencies and to the public. Receivables are normally settled within 30 days after the issue of an invoice or prepayments and accrued revenues are non-interest bearing.

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.

16. NON-CURRENT ASSETS

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

If at any time management considers that the carrying amount of an asset materially differs from its fair value, then the asset will be revalued regardless of when the last valuation took place.

Non-current tangible assets that are acquired between revaluations are held at cost until the next valuation, where they are revalued to fair value.

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.

17. PROPERTY, PLANT AND EQUIPMENT

	2018 \$'000	2017 \$'000
Leasehold improvements at fair value	4 136	4 120
Accumulated amortisation	<u>(1 901)</u>	<u>(1 578)</u>
Total leasehold improvements	<u>2 235</u>	<u>2 442</u>
Plant and equipment at fair value	5 015	4 979
Accumulated depreciation	<u>(3 782)</u>	<u>(3 510)</u>
Total plant and equipment	<u>1 233</u>	<u>1 469</u>
Library at fair value	<u>261</u>	<u>261</u>
Total library	<u>261</u>	<u>261</u>
Total property, plant and equipment	<u>3 729</u>	<u>4 172</u>

17.1 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.

Where assets are acquired at no value, or minimal value, they are recorded at fair value in the Statement of Financial Position. However, if the assets are acquired at no or nominal value as part of a restructure of administrative arrangements then the assets are recognised at book value (i.e. the amount recorded by the transferor public authority immediately prior to the restructure).

Notes to and Forming Part of the Financial Statements 30 June 2018

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

17.2 CARRYING AMOUNT OF PLANT AND EQUIPMENT

All items of plant and equipment had a fair value at the time of acquisition that was less than \$1 million or had an estimated useful life that was less than three years, and have not been revalued in accordance with APFIII. The carrying value of these items are deemed to approximate fair value.

17.3 IMPAIRMENT

There were no other indications of impairment of property, plant and equipment at 30 June 2018.

17.4 RECONCILIATION OF PROPERTY, PLANT AND EQUIPMENT DURING 2017-18

	Leasehold Improvements	Plant and Equipment	Library	Property Plant & Equipment Total
	\$'000	\$'000	\$'000	\$'000
Carrying amount at 1 July	2 442	1 469	261	4 172
Additions	16	37	-	53
Depreciation/amortisation expense	(223)	(273)	-	(496)
Carrying amount at 30 June	2 235	1 233	261	3 729

17.5 RECONCILIATION OF PROPERTY, PLANT AND EQUIPMENT DURING 2016-17

	Leasehold Improvements	Plant and Equipment	Library	Property Plant & Equipment Total
	\$'000	\$'000	\$'000	\$'000
Carrying amount at 1 July	2 669	1 626	261	4 556
Additions	-	276	-	276
Depreciation/amortisation expense	(226)	(433)	-	(659)
Carrying amount at 30 June	2 442	1 469	261	4 172

18. INTANGIBLE ASSETS

	2018 \$'000	2017 \$'000
Work in progress	473	362
Computer software	1 557	1 557
Accumulated amortisation	(1 506)	(1 455)
Total intangible assets	524	464

An intangible asset is an identifiable non-monetary asset without physical substance. Intangible assets are measured at cost and are tested for indications of impairment at each reporting date. 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 and recognition criteria and when the amount of expenditure is greater than or equal to \$1 000.

18.1 IMPAIRMENT

There were no other indications of impairment of intangible assets at 30 June 2018.

18.2 RECONCILIATION OF INTANGIBLE ASSETS DURING 2017-18

	Computer Software \$'000	WIP \$'000	Total \$'000
Carrying amount at 1 July	102	382	464
Additions	-	111	111
Depreciation/amortisation expense	(51)	-	(51)
Carrying amount at 30 June	51	473	524

18.3 RECONCILIATION OF INTANGIBLE ASSETS DURING 2016-17

	Computer Software \$'000	WIP \$'000	Total \$'000
Carrying amount at 1 July	153	-	153
Additions	-	352	352
Depreciation/amortisation expense	(51)	-	(51)
Carrying amount at 30 June	102	362	464

19. 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.

	2018 \$'000	2017 \$'000
Statutory charge debtors	7 641	7 345
Allowance for doubtful debts	(130)	(130)
Total Statutory charge debtors	7 511	7 215

19.1 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.

Notes to and Forming Part of the Financial Statements 30 June 2018

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.

	2018 \$'000	2017 \$'000
Carrying amount at the beginning of the period	130	301
Increase/(decrease) in the allowance	162	(20)
Amounts written off	<u>(162)</u>	<u>(151)</u>
Carrying amount at the end of the period	<u>130</u>	<u>130</u>

20. PAYABLES

	2018 \$'000	2017 \$'000
Current		
Creditors	144	141
Accrued expenses	76	92
Employment on-costs	<u>222</u>	<u>216</u>
Total current payables	<u>442</u>	<u>449</u>
Non-current		
Employment on-costs	<u>271</u>	<u>251</u>
Total non-current payables	<u>271</u>	<u>251</u>
Total payables	<u>713</u>	<u>700</u>

Employment on-costs include payroll tax, Return to Work levies and superannuation contributions. The Commission makes contributions to both State and Commonwealth Government and externally managed superannuation schemes. 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 respective superannuation schemes. The only liability outstanding at reporting date relates to any contributions due but not yet paid to these schemes.

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 2017 rate of 40% to 41% and the average factor for the calculation of employer superannuation on-cost has changed from the 2017 rate of 10.1% to 9.9%. These rates are used in the employment on-cost calculation. The net financial effect of the change in the current financial year is immaterial.

20.1 INTEREST RATE AND CREDIT RISK

Payables are measured at nominal amounts. Creditors and accruals are raised for all amounts owing but unpaid. Sundry creditors are normally settled within 30 days from the date of the invoice is first received.

21. EMPLOYEE BENEFITS - LIABILITY

	2018 \$'000	2017 \$'000
Current		
Accrued salaries and wages	376	308
Annual leave	1 111	1 057
Long service leave	234	276
Skills and experience retention leave	<u>112</u>	<u>136</u>
Total current employee benefits	<u>1 833</u>	<u>1 776</u>

Non-current		
Long service leave	<u>3 980</u>	<u>3 657</u>
Total non-current employee benefits	<u>3 980</u>	<u>3 657</u>
Total employee benefits	<u>5 813</u>	<u>5 433</u>

Employee 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.

21.1 SALARIES AND WAGES, ANNUAL LEAVE, SKILLS AND EXPERIENCE RETENTION LEAVE (SERL) 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 (SERL) liability in full is expected to be payable within 12 months and is measured at the undiscounted amount expected to be paid.

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.

21.2 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.

AASB 119 *Employee Benefits* 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 and is based on actuarial assumptions on 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.

AASB 119 *Employee Benefits* 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 remains unchanged from 2017 rate of 2.5%.

The net financial effect of the changes to actuarial assumptions in the current financial year is a increase in the long service leave liability of \$95 000 and employee benefits expense of \$95 000. The impact on future periods is impracticable to estimate as the benchmark is calculated using a number of demographical and financial assumptions including the long-term discount rate.

The actuarial assessment performed by the Department of Treasury and Finance left the salary inflation rate at 4% for long service leave liability and 3% for annual leave and skills, experience and retention leave liability. As a result, there is no net financial effect resulting from changes in the salary inflation rate.

The Commission estimate of expected future payments for the current portion of long service leave is based on an average over a three year period on long service leave taken.

22. OTHER LIABILITIES

	2018 \$'000	2017 \$'000
Current		
Lease incentive	<u>233</u>	<u>233</u>
Total current other liabilities	<u>233</u>	<u>233</u>
Non-current		
Lease incentive	<u>2 100</u>	<u>2 333</u>
Total non-current other liabilities	<u>2 100</u>	<u>2 333</u>
Total other liabilities	<u>2 333</u>	<u>2 566</u>

Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

23. UNRECOGNISED CONTRACTUAL COMMITMENTS

Commitments include operating, capital and outsourcing arrangements arising from contractual or statutory sources and are disclosed at their nominal value.

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

23.1 LEGAL EXPENSE COMMITMENTS

	2018 \$'000	2017 \$'000
Legal expense commitments		
Not later than one year	<u>7 259</u>	<u>7 976</u>
Total legal expense commitments	<u>7 259</u>	<u>7 976</u>

As at 30 June 2018, the Commission has disclosed a commitment on all outstanding amounts raised since 1 January 2018 (i.e. 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.

23.2 EXPENDITURE COMMITMENTS

	2018 \$'000	2017 \$'000
Expenditure commitments		
Not later than one year	66	113
Later than one year but not later than five years	226	317
Greater than five years	-	<u>68</u>
Total expenditure commitments	<u>291</u>	<u>498</u>

The Commission's expenditure commitments are for the Electronic Document and Record Management System (EDRMS).

23.3 OPERATING LEASE COMMITMENTS

	2018	2017
	\$'000	\$'000
Operating lease commitments		
Not later than one year	2 699	2 604
Later than one year but not later than five years	10 450	10 502
Greater than five years	14 556	17 160
Total operating lease commitments	27 705	30 266

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.

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.

24. CONTINGENT ASSETS AND LIABILITIES

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.

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

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

25. TRANSACTIONS WITH KEY MANAGEMENT PERSONNEL AND OTHER RELATED PARTIES

Compensation of Key Management Personnel is disclosed at note 3.2.

There were no transactions with key management personnel and other related parties during the financial year.

26. FINANCIAL RISK MANAGEMENT/FINANCIAL INSTRUMENTS

26.1 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's exposure to financial risk (liquidity risk, credit risk and market risk) is low due to the nature of the financial instruments held.

26.2 LIQUIDITY RISK

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's exposure to liquidity risk is insignificant based on past experience and current assessment of risk. There have been no changes in risk exposure since the last reporting period.

26.3 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 asset, financial liability and equity instrument are disclosed in the respective financial asset/financial liability note.

The carrying amounts are detailed below of each of the following categories of financial assets and liabilities:

- Receivables
- Financial liabilities measured at cost

Category of financial assets and financial liabilities

Category of financial asset and financial liability	Notes	2018 Carrying amount/ Fair value (\$'000)	2017 Carrying amount/ Fair value (\$'000)
Financial assets			
<u>Cash and equivalent</u>			
- Cash and cash equivalent	14	35 158	12 333
<u>Loans and receivables</u>			
- Receivables (a)(b)	16	525	586
Total financial assets		35 683	12 919
Financial liabilities			
<u>Financial liabilities at cost</u>			
- Payables (e)	20	144	141
Total financial liabilities		144	141

- a) 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).
- b) Receivable amounts disclosed here exclude prepayments. Prepayments are presented in Note 15 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.



Legal Services Commission of South Australia

CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that the:

- financial statements of the Legal Services Commission of South Australia:
 - are in accordance with the accounts and records of the Legal Services Commission of South Australia; and
 - comply with relevant Treasurer's instructions; and
 - comply with relevant accounting standards; and
 - present a true and fair view of the financial position of the Legal Services Commission of South Australia at the end of the financial year and the result of its operations and cash flows for the financial year.
- internal controls employed by the Legal Services Commission of South Australia over its financial reporting and its preparation of the financial statements have been effective throughout the financial year.



Chinh Dinh-Pham
MANAGER, FINANCE
28 September 2018



Gabrielle Canny
DIRECTOR
28 September 2018



Michael Abbott
CHAIRPERSON
28 September 2018

Appendices

Appendix 1

Commission Corporate Plan 2015-18

The Commission Corporate Plan 2015-18 comprises four sections under the headings of clients, people, stakeholders and resources. Key performance indicators (KPIs) were developed for each section. The following is a report against each KPI.

KEY ● KPI met and task completed
● Project in progress

OUR CLIENTS

- Develop and launch Law Chat for online legal information.
- Upgrade and enhance the Commission's website
- Demonstrate satisfaction with services through survey results
- Email only correspondence with the private profession in place by 2018

OUR PEOPLE

- Investigate the benefit of exit interviews
- Develop a staff succession policy
- Ensure compliance with the professional development policy

OUR STAKEHOLDERS

- Develop reporting templates that capture data and information to demonstrate the value and quality of legal aid services provided by the Commission
- Meet all benchmarks under the National Partnership Agreement on Legal Assistance Services 2015-2020
- Deliver successful Commission conferences in 2016 and 2018
- Respond to the Attorney-General's Transforming Criminal Justice Strategy

OUR RESOURCES

- Review of the ICT plan to be completed by 2018
- Redevelop the Commission's intranet site
- Practice management tools to be in place by 2018
- Equip staff who work across more than one service delivery point with remote access portable communication devices

Expensive Criminal Cases Funding Agreement

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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 FXFHO / 1/12/04

DATED 2nd DAY OF *September* 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 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 / 082043 / Final
PXP/0 / 1/12/04

Page 1 of 3

THIS DEED is made the SECOND day of DECEMBER 2004 at Adelaide, South Australia.

BETWEEN:
Revenue SA - State Govt
ABN 15 040 749 992

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.

CSO 55888 / 082043 / Final
PXP/0 / 1/12/04

Appendix 2

Expensive Criminal Cases Funding Agreement

Page 1 of 9

EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

COPY

AGREEMENT dated 29th January 2002

BETWEEN:

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

COMMISSIONER OF STATE PRINTING
10/03/0002 11:06:06 02701241

15 November 2001

CSO 21537

CSO 55888 / 0820743 / Final

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 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.

B. 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.

C. The parties wish to enter into this Agreement in order to give effect to section 18 of the Act.

 29/1/02
 29/1/02

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

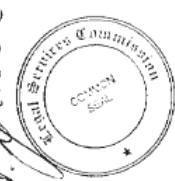
was hereto affixed in the presence of:

MARGARET CAROLLE HARRIS BULLOCK
Chairperson
[Print Name:]

Director
[Print Name: Heidi James Currale]

Director/Secretary
[Print Name: 1924 JOHN ANNEIT]

EXPIRO / 11/2/04

Appendix 2

Expensive Criminal Cases Funding Agreement

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2.1.3 a reference to a clause number is a reference to all of its sub-clauses;

2.1.4 a reference to a clause, sub-clause, schedule or annexure is a reference to a clause, sub-clause, schedule or annexure of this Agreement;

2.1.5 a word in the singular includes the plural and a word in the plural includes the singular;

2.1.6 a word importing a gender includes any other gender;

2.1.7 a reference to a person includes a partnership and a body corporate;

2.1.8 a reference to legislation includes legislation repealing, replacing or amending that legislation; and

2.1.9 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings.

2.2 This Agreement incorporates the attached schedule.

3. **TERM**

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

4. **AGREEMENT OPERATES AS A DEED**

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

5. **APPROVAL OF A CASE MANAGEMENT PLAN**

5.1 For the purposes of section 18 of the Act, the Attorney-General shall approve a case management plan or a proposal to vary a case management plan if it complies with this Agreement.

5.2 Approval is effected by the Attorney-General returning a signed copy of the approved plan or approved variations to the plan to the Commission.

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CSO 21537
15 November 2002

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21/11/2002
15 November 2002

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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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CSO 21537
15 November 2002

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15 November 2002

Appendix 2

Expensive Criminal Cases Funding Agreement

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

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M.A. 2/11/2012

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

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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.

M.A.A.
21/11/2002

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15 November 2002
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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

M.A.A.
21/11/2002

CSO 211517
15 November 2002
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Appendix 2

Expensive Criminal Cases Funding Agreement

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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 enquires 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

(c) to proof distant expert witnesses other than by telephone, video-link, email or other methods of long distance communication; or

(d) to prove formally any aspect of the defence case which the prosecution will agree, or

(e) to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence;

transcript of anything said by the court about this course of action, and the reasons why such course of action is necessary for the defence.

5. A written undertaking by defence counsel to the Commission that he or she will:

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

K Speed Advocate (02)82017206
29/1/03
MJA
21/1/2002
CSO 2153
15 November 2002

Page 1 of 2

SCHEDULE 1
Contents of Defence Proposal

A defence proposal shall contain the following material:

1. A copy of the Information upon which the defendant has been arraigned.
2. The name of the court in which the matter is to be heard.
3. The following information:
 - (a) the number of witnesses who have provided declaration statements,
 - (b) whether any expert testing and evidence will be needed, and if so, in relation to what issues and for what purpose;
 - (c) if it is proposed to use an expert witness whose fees or expenses exceed Commission scale fees and expenses, or who is from outside South Australia, the reasons why this is necessary;
 - (d) if the case entails the use of an expert witness from outside Australia, an account of the enquires 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

(c) to proof distant expert witnesses other than by telephone, video-link, email or other methods of long distance communication; or

(d) to prove formally any aspect of the defence case which the prosecution will agree, or

(e) to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence;

transcript of anything said by the court about this course of action, and the reasons why such course of action is necessary for the defence.

5. A written undertaking by defence counsel to the Commission that he or she will:

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

K Speed Advocate (02)82017206
29/1/03
MJA
21/1/2002
CSO 2153
15 November 2002

Appendix 3

Statutory Charge Report as at 30 June 2018

Summary

Year	Amount secured (GST excl)*	GST	Amount recovered	Interest levied**	Administration 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
2015-16	692 040	68 144	750 990	Nil	45 520
2016-17	1 041 651	100 212	480 196	NIL	48 600
2017-18	764 801	72 993	541 543	NIL	36 900
TOTAL \$	\$18 706 151	\$1 459 699	\$12 527 237	\$46 609	\$959 240

*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 2018

Costs secured

Under section 18A of 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 secured by a charge on land – a statutory charge.

As at 30 June 2018–

- **\$18 706 151** (GST exclusive) had been secured through statutory charges
- **\$6 964 101** (GST exclusive) was outstanding, secured by **1063** statutory charges.

Of the 1063 outstanding statutory charges, 951 secure funds for legal proceedings that have finalised or are no longer funded by the Commission. The remaining 112 statutory charges are for ongoing matters, the costs of which will increase.

During 2017-18 the Commission imposed statutory charges in **123** matters, a decrease from 164 in 2016-17. Of these 123 matters–

- **51** were for criminal law files and **72** were for family law files;
- **71** were for proceedings under Commonwealth law and **52** were for proceedings under State law.

Money recovered

The Commission has received **\$12 527 237** from the statutory charges that have been imposed.

During 2017-18 the Commission recovered **\$541 543** from statutory charges. The largest individual amounts were for \$52 029, \$19 023, \$18 446 and \$17 792.

This financial year, the Commission incurred bad debts of **\$178 206** (GST exclusive) an increase from \$80 941 in 2016-17. Of this amount–

- \$147 658 was unrecoverable through a shortfall following sale by mortgagee, and
- \$17 382 was unrecoverable through a shortfall following private sale.

19 mortgagee sales were recorded in 2017-18 (this includes sales that occurred in a previous financial year but which the Commission only became aware of in 2017-18). This is an increase from 11 in 2016-17.

The Commission reduces a statutory charge by–

- \$300 if paid within six months;
- \$150 if paid within two years; and
- \$100 if paid within four years.

During 2017-18 these reductions totalled \$7 500 (GST inclusive).

Appendix 3

Statutory Charge Report as at 30 June 2018

Reason security removed	Number of securities removed	
	2016-17	2017-18
Paid - sale	26	34
Paid - financed	14	10
Paid - voluntary	20	16
*Property settlement	12	8
Finalised	0	0
Part payment - balance cancelled	1	1
Deceased estate	7	2
Substitute	3	3
Waived – sale, shortfall	2	3
Survivorship	0	0
Recovered - other	2	0
Waived on appeal	0	0
Waived - no equity	0	1
Waived	0	1
Paid - mortgagee sale	0	0
Paid – crown sale	0	2
**Waived - mortgagee sale, shortfall	7	8
**Waived – mortgagee sale	0	0
Waived – council sale, shortfall	1	0
Correction	0	0
Withdrawn not registered	0	0

* The Commission may not be aware that money received is 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 that the Commission was aware of. The Commission may not be aware of the sale during the financial year in which it occurred. These sales are not included in this table. See table to left for mortgagee sale by date of sale.

A number of securities may be held over one statutory charge.