

## **35th Annual Report 2012-13**



Legal Services Commission of South Australia

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# Contents

### **02 Chairman's Report**

### **05 Directorate Program**

06 *Director's Report*

10 *The Commission*

14 *Finance*

45 *Human Resources*

50 *Clients of the Commission*

53 *Client Relations*

55 *Freedom of Information*

56 *Policy and Research*

### **57 Access Services Program**

### **67 Representation Program**

68 *Representation Program Manager's Report*

70 *Chief Counsel*

72 *Grants of Legal Aid and Assignments Division*

79 *Criminal Law Practice Division*

83 *Family Law Practice Division*

### **89 Whyalla and Port Augusta Program**

### **95 Physical Resources Program**

### **101 Appendices**

102 *App 1 Legal Services Commission Corporate Plan*

105 *App 2 Compliance with South Australia's  
Strategic Plan*

109 *App 3 Expensive Criminal Cases*

117 *App 4 Statutory Charges Report*

122 *App 5 Community Involvement*

# Chairman's Report 2012-13

02

The Honourable John Rau, 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 of South Australia for the year ending 30 June 2013, pursuant to section 33 of the *Legal Services Commission Act 1977*.

During the year, the Commission made the major decision to seek new CBD accommodation. The Commission has occupied its current premises at 82 Wakefield Street since 1984 and a great deal of history is contained within the walls of the old biscuit factory. The new head office, at 159 Gawler Place, will provide the Commission with much needed additional space in a modern, safe and energy efficient environment. The Commission will take up its new residence in September 2013. The Commission remains committed to providing services in the city of Adelaide and to contributing to the city's image as a vibrant place to work, socialise and live.

Following the retirement of its Director, Mr Hamish Gilmore, in July 2012, the Commission was pleased to appoint Ms Gabrielle Canny to that position. Ms Canny had previously been the Deputy Director since 2010, and prior to that the Manager of the Access Services Program since 2004. Ms Canny's extensive experience and knowledge of the Commission's legal functions, its financial operations and its relationship with State and Commonwealth governments have enabled her to step into the role of Director and provide continuity and stability. Ms Karen Lehmann moved to the position of Deputy Director shortly afterwards. She had previously been the Manager of the Grants of Legal Aid and Assignments Division since 2010 and brought a detailed knowledge of the grants process to the role of Deputy Director.

In September 2012 the Commission launched a new advertising campaign *Got a Problem? We Can Help* which focused on drawing attention to the Commission's free legal advice service. The campaign, which ran for six weeks, included colourful advertisements on the backs of buses as well as radio and newspaper coverage.

The Review of the Provision and Procurement of Legal Aid Services in South Australia's Criminal Courts, instigated by you in February 2011, continued, as did the Commonwealth Review of the National Partnership Agreement for Legal Assistance Services, which also commenced in 2011. The demands made on the Commission by these two reviews cannot be underestimated. Considerable resources were needed to provide the required detailed information on the Commission's operations and to respond to various enquiries and draft reports.

The Commission continues to meet the Commonwealth and State reporting obligations which are a necessary part of its funding arrangements. It has been very successful in its own Corporate Plan, achieving the goals set out there. A half day planning seminar was held for staff and management in March 2013 in order to identify new challenges leading up to 2015.

During the year, a number of long-standing Commissioners retired from the board. Mr David Meyer joined the Commission in 1997. Mr Meyer was a highly respected member of the private legal profession and a senior partner in a leading South Australian law firm. His wide legal experience and pragmatic approach to problems enabled him to make a significant contribution to the Commission, as did his deep commitment to access to justice. Mr Michael Burgess, an experienced senior accountant, had been a Commissioner since 1997. He provided sound financial advice and guidance over many years. Mr David Mazzone had been a Commissioner since 2011. He brought high-quality expertise in government relations and financial management. The Commission thanks these former Commissioners and wishes them well for the future. In their places, the board welcomed Mr John Keen, Mr Alan Herald and Ms Jayne Basheer as new Commissioners. They have already made important contributions to the Commission.

I thank members of the private legal profession in South Australia without whose support and commitment the provision of our representation services would not be possible. Growing budgetary pressures on the Commission have meant that private practitioners are providing increasingly expensive services for fixed amounts of funding. I urge the Law Society of South Australia and the South Australian Bar Association to continue to lobby for improved funding for their members who take on legal aid work.

## Chairman's Report 2012-13

3

I congratulate Commission staff on another successful year providing important legal services to the people of South Australia. One particular highlight of the year was winning the *National Migration and Settlement Award* in March 2013. The award was presented at Parliament House Canberra by the Chief Justice of the High Court of Australia, Hon Robert French AC, and recognised the incredible work done by Access Services staff with migrant communities. My heartiest congratulations to all involved with this well-deserved award.

I recognise and appreciate the steady financial management of Commission funds that is evident from the Auditor General's favourable report.

Your continued support as Attorney General is, as ever, invaluable and greatly appreciated. I have enjoyed a close and open working relationship with you during my chairmanship.

This will be my final report as Chairman of the Commission. I began my association in 1999 as a Commissioner and was appointed Chairman in January 2005. I am the first woman to chair the Commission. The Parliament may consider it appropriate, in due course, to amend the nomenclature in the *Legal Services Commission Act 1977* to reflect the fact that the chair may, from time to time, be occupied by a woman.

I am proud of the achievements of the Commission during my chairmanship. My commitment to the principles of access to justice through legal aid remains as strong now as it was at my first board meeting. I am sure the Commission will continue to provide quality legal assistance to the South Australian community long into the future.



Deej Eszenyi  
Chairman

# Directorate Program

05

## Our Vision

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

## Our Goals

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

# Director's Report 2012-13

06

*It is with pleasure that I present my first report as Director of the Legal Services Commission of South Australia.*



*Gabrielle Canny, Director.*



*Wakefield Street premises.*

The Commission finished the 2012-13 financial year in a good position, with only a 1% variance between the Commission's budgeted and actual income and expenditure. This result is a credit to the Commission's hard working finance team and reflects the steady management of Commission funds. Sound financial management over a number of years has made it possible for the Commission to commence planning for a move to improved head office accommodation in late 2013.

The Commission is well respected in the South Australian legal community and is a regular contributor to State

and Federal government initiatives on law and order and family and civil law changes. The Commission is uniquely placed to put the views of disadvantaged clients to government when considering the impact of legislative change. In the criminal courts, the Commission funds more than 80% of serious matters. With respect to family law, the Commission funds the most difficult cases for generally the most disadvantaged clients. Assistance is provided to the courts through the appointment of independent children's lawyers and significant success has been seen in the offered Family Dispute Resolution program, where 80% of cases conferenced settled without a formal trial.

Through regular meetings with the Chief Justice, Chief Magistrate and Family Court Judges, the Commission contributes to constructive conversations on improvements to the justice system for South Australians.

Applications for aid, in both Commonwealth and State law matters, have increased this financial year compared to last year. The overall increase in applications for the year was 3%, with State law applications up by 2% and Commonwealth law applications up by 4%. Projected legal expenditure (commitment) was slightly down (9%) due to a reduction in the number of expensive criminal cases this year. That position, however, is likely to change in 2013-14.



## Director's Report 2012-13



*Alice Hall accepting the 2013 Diversity and the Law Award.*



*The 2013 Diversity and the Law Award.*



*Director Gabrielle Canny presents Gay Gardner with her 25 Years Service Award.*

Legal Aid Commissions around Australia received additional funding in the 2013 Federal budget which translated to an additional \$1.1million per year for two years for our Commission. This extra funding is welcome as the Commission has experienced increased activity in family law cases, particularly with respect to independent children's lawyer appointments and family dispute resolution cases. We have also seen an increasing need for civil law advice and minor assistance, particularly in the areas of consumer credit and social security disputes.

### Congratulations Staff Honours

I congratulate Rob Croser on receiving an OAM in the 2013 Australia Day Honours List for service to the arts

through contributions to amateur theatre as a director and mentor. This follows on from the recognition he received in 2010 when he won the National Award for Outstanding Legal Representation of the Rights and Interests of Children and Young People for representing children in care and protection applications before the Youth Court.

I also congratulate Brian O'Reilly, Oliver Koehn and Gay Gardner on achieving 25 years of service to the Legal Services Commission. It is an indication of the commitment of staff to the principles of the Commission that so many celebrate this milestone. Like Rob, Gay Gardner has been recognised in the Australia Day Honours List, although in 2009, with an AM for service to aged persons through the provision of community housing and support programs through the Abbeyfield Society (Australia).

### Justice Award

The congratulations of the Commission and its staff are extended to Barry Jennings, QC who provides volunteer mentor assistance to our in-house criminal lawyers. Barry received the South Australian Law Society

Justice Award at the Law Society's annual dinner in August 2012. A most deserving recipient!

### National Migration and Settlement Award

I join the Chairman in congratulating Access Services staff on winning the *National Migration and Settlement Award*. This inaugural award in the Diversity and the Law category recognises the legal information, advice and education services provided by the Commission to newly arrived migrants in South Australia. The Commission has a well-deserved reputation for excellence in the provision of education services to new migrants and their communities as they seek to find their feet in Australian society.

### Commission's Corporate Plan

The Commission very successfully met the goals established under its Corporate Plan for 2012-13. A review of the key result areas shows that important milestones such as the upgrade of office accommodation and the launch of a comprehensive communications and marketing plan have been achieved. The Commission has taken the leadership role in the South Australian Legal Assistance Forum (SALAF) and made changes to its reporting models to meet the requirements of the National Partnership Agreement between the Commonwealth and States. Improved information systems have increased the Commission's reporting capabilities.

## Director's Report 2012-13

### South Australian Legal Assistance Forum

The National Partnership Agreement on Legal Assistance Services requires each State and Territory to establish a forum to consider opportunities for improved coordination and targeting of services between legal assistance providers, as well as the linking of legal services with other service providers. The South Australia Legal Assistance Forum (SALAF) is hosted by the Legal Services Commission. Its members include community legal centres, aboriginal legal services, the Law Society, JusticeNet SA, university law school advice clinics and State and Commonwealth government representatives. In the 2012-13 financial year SALAF was involved in—

- improving access to legal services for unrepresented litigants;
- plotting unmet need for legal assistance services;
- raising awareness of the adverse impact of fine penalties on Aboriginal people and people with a mental impairment;
- raising awareness of the lack of alternatives to prosecution for minor shop theft matters despite statutory provision for diversion under the *Shop Theft (Alternative Enforcement) Act 2000*;
- planning for the coordination of emergency legal assistance services in the event of a major disaster;
- producing a *Legal Referral Guide* to assist in referrals between legal assistance providers.

### Legal Needs Survey

In October 2012 the largest survey on legal needs ever conducted in Australia was released. The survey, entitled *Legal Australia-Wide Survey – Legal Need in Australia*, was undertaken by the Law and Justice Foundation of New South Wales and funded by legal aid commissions around Australia through National Legal Aid.

The survey showed that an estimated 613 000 South Australians are likely to experience at least one legal problem within a one year period. Information from the 20 716 interviews conducted indicated that legal problems are widespread across Australia with almost 50% of those surveyed reporting experiencing legal issues. In South Australia, the prevalence of legal problems stood at 47% with most of the reported disputes related to the areas of consumer, crime, housing and government law.

The survey found that young people, single parents, people with a disability, Aboriginal people, those on welfare payments and people from non-English speaking backgrounds are most at risk of experiencing multiple legal issues. Across all jurisdictions, and in South Australia in particular, people with a disability showed the highest levels of vulnerability to legal problems. With an estimated 8.5 million Australians experiencing a legal problem in a 12 month period, the survey confirms that access to justice is fundamental to community well-being.



Commission Chairman, Dee Eszenyi and Director, Gabrielle Canny at the "We can help" bus advertising launch.

### Advertising campaign

An advertising campaign, *Got a problem? We Can Help* was designed to reach people who may not otherwise have been aware of the free legal advice and information services provided through the Legal Help Line and the Commission's eight offices. The campaign was launched by the Attorney-General outside the Courts in Victoria Square in front of a bus featuring our 'standout' message. Indicators revealed that the campaign contributed to a significant lift in caller rates (9%) in the first two weeks, with good spikes in the number of internet visitors to the Commission's website, and to the Law Handbook on-line.

### Select Committee — Access to and Interaction with the South Australian Justice System for People with Disabilities

In the 2011-12 financial year the Commission made an extensive submission to this Select Committee, and this financial year Commission



*The Commission's new Gawler Place premises.*

staff were called before the Committee to give evidence in relation to assisting disabled persons to deal with the justice system. The Commission is always a willing participant in studies and investigations into the impact of the legal system on groups within the community. Such participation accords with the Commission's legislative responsibility to ascertain the needs of the community for legal assistance pursuant to section 10 of the *Legal Services Commission Act 1977*.

## Reviews of legal aid

This financial year the Commission expended considerable resources and time working with consultants appointed by the Commonwealth to the *Review of the National Partnership for Legal Assistance Services*. Between August and November 2012 the Commission provided detailed responses to the *Draft Evaluation Framework* prepared by the consultants. The *Framework* is intended to improve reporting to the Commonwealth by the States and Territories by ensuring greater consistency of community-wide

justice indicators and commonality of data types. In January 2013 members of the consultancy team visited the Adelaide and Port Augusta offices to interview clients about their impressions of Commission services. On-line surveys were also conducted with Commission staff and other agencies regularly in contact with the Commission.

## National Legal Aid

National Legal Aid is the representative body for legal aid agencies around Australia and provides a forum for Directors to meet to discuss common issues of national significance and share ideas and experiences.

It provides the opportunity for Directors, when appropriate, to speak with a common voice and meet with the Commonwealth Attorney-General and Shadow Attorney-General. South Australia is an active member of this forum and as Director I have participated in national teleconferences, video conferences and meetings throughout the year.

## Head office move

Preparations for the Commission's head office move to new premises in Adelaide have been ongoing and extensive.

The need to move became imperative as the Commission continued to outgrow available space and security concerns increased. The decision to move was followed by negotiations to find a suitable building and then the release of a tender for the construction of the fit out. The move has been co-ordinated by a hard working and dedicated in-house team whose unflagging enthusiasm has impressed me greatly.

“

*My direct involvement with the Legal Services Commission was over a period of some nine years. I have now seen from the Bench the ongoing value of its service to the justice system on a daily basis. The majority of defendants in criminal matters that come before this court are legally aided by the Commission or by the Aboriginal Legal Rights Movement...it is not only the clients who benefit from this service. The whole justice system benefits from more efficient and focused disposition of criminal matters, when those on serious charges are represented in court by legal practitioners with expertise suited to the gravity or complexity of the matter at hand.*

”

*Chief Judge Worthington at the special sitting of the District Court in April to mark his retirement.*

# The Commission 2012-13

010

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

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

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

For the reporting year 2012-13, the Commission consisted of the following members:

- **Dymphna Eszenyi BA, LLB**—Chairman (appointed Chairman 20 January 2005);
- **Michael Dawson BA, Dip Ed**—representative of the interests of assisted persons (appointed 16 February 2006);
- **Michael Burgess B Ec, FCA**—nominee of the South Australian Attorney-General (appointed 20 November 1997, retired 19 November 2012);
- **David Mazzone B Com (ACC)**—nominee of the South Australian Attorney-General (appointed 17 January 2008, retired 3 April 2013);
- **Jayne Basheer BA (Juris), LLB (Hons), GDLP**—nominee of the South Australian Attorney-General (appointed 4 October 2012);
- **Alan Herald FCA**—nominee of the South Australian Attorney-General (appointed 6 December 2012);
- **David Meyer LLB**—nominee of the Law Society of South Australia (appointed 21 August 1997);
- **Maurine Pyke QC**—nominee of the Law Society of South Australia (appointed 24 March 2005);
- **Tracee Micallef LLB, GDLP, B Com**—nominee of the Law Society of South Australia (appointed 6 November 2008);
- **John Keen LLB, LLM**—nominee of the Law Society of South Australia (appointed 10 September 2012);
- **Andrew English LLB**—nominee of the employees of the Legal Services Commission (appointed 16 July 2009);
- **Hamish Gilmore B Ec**—Director of the Legal Services Commission (appointed Director 17 June 1999, retired 31 July 2012).
- **Gabrielle Canny LLB**—Director of the Legal Services Commission (appointed Director 2 August 2012).



## The Commission 2012-13



The Commissioners.

(L–R) Maurine Pyke QC, Gabrielle Canny, Michael Dawson, John Keen, Alan Herald, Dymphna Eszenyi, Andrew English and Jayne Basheer. Absent, Tracee Micallef.



(L–R) David Meyer, Commissioner 1997–2012; Michael Burgess, Commissioner 1997–2012; Hamish Gilmore, Commissioner 1999–2012; David Mazzone, Commissioner 2008–2013.

## Functions

The Commission has the following legislated functions:

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

# The Commission 2012-13

## Principles under which the Commission operates

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

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

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

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

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

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

## Staff of the Commission

The Commission employs 215 staff (both legal and non-legal) to carry out its functions under the Act. The employees are overseen by the Director who is appointed by the Commission and holds office on terms and conditions determined by the Commission and approved by the Governor. The employees of the Commission are located at the Commission's head office in Wakefield Street, Adelaide and in metropolitan and regional offices at Elizabeth, Holden Hill, Mt Barker, Noarlunga, Port Adelaide, Whyalla and Port Augusta.

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

## Services to the public

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

- legal representation to eligible people under criteria set by the Commission in accordance with the *Legal Services Commission Act 1977*;
- free legal information, advice and minor assistance provided over the telephone, at a Commission office by appointment or in a gaol;
- a free duty solicitor service to eligible people attending metropolitan, and some country, Magistrates Courts, Youth Courts and the Family Court where those people have not yet consulted a legal practitioner;
- a range of free publications explaining the law in simple terms, available from Commission offices, various community organisations and on the Commission website;
- a comprehensive and up to date Law Handbook Online available at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au), providing legal information in plain English;
- an extensive range of community legal education programs, some free and others fee paying.

# The Commission 2012-13

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

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

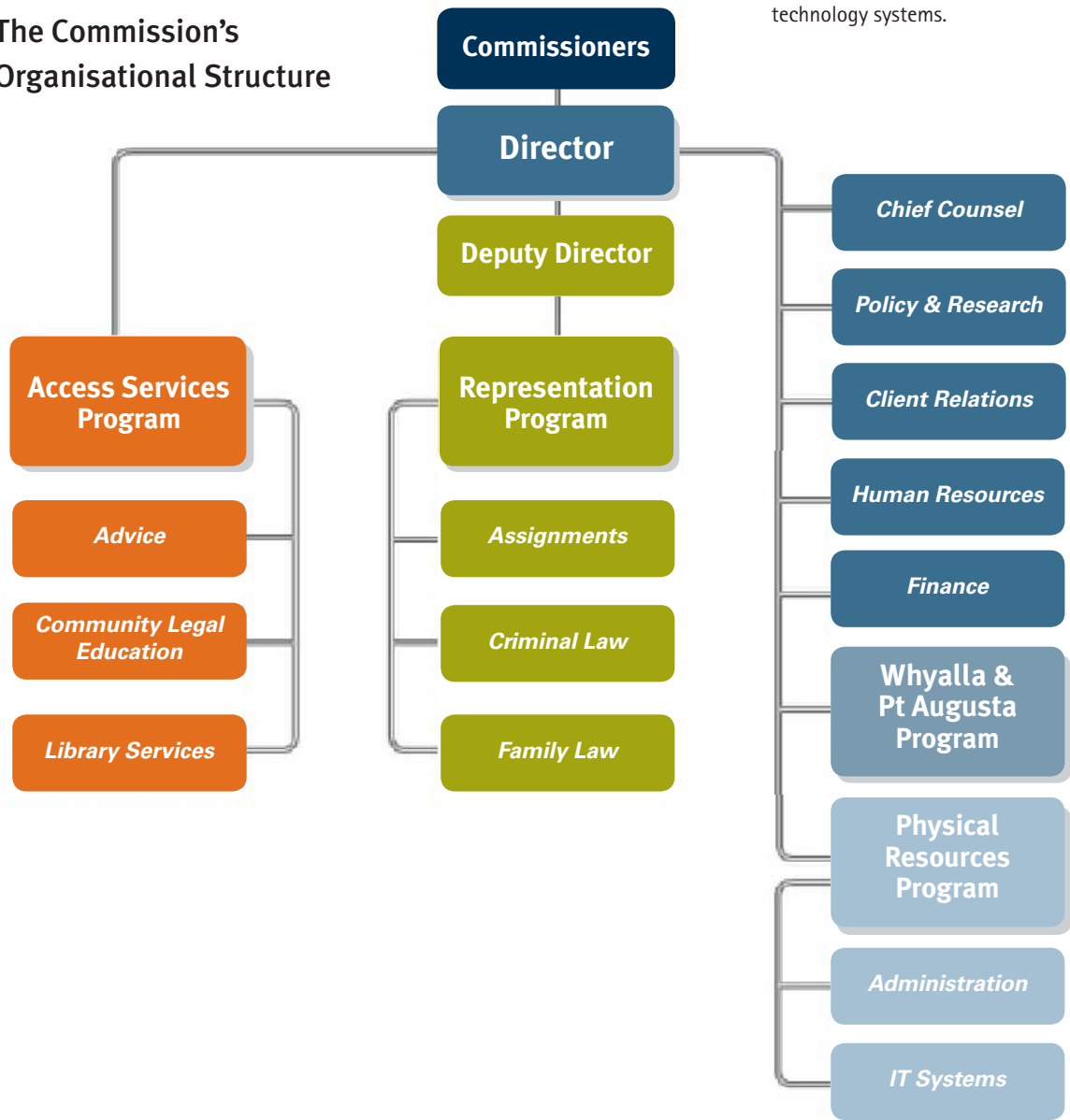
The Representation Program consists of the Grants of Legal Aid and Assignments Division (the division that grants funding to pursue a particular matter), the Criminal Law Practice Division and the Family Law Practice Division.

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

The Commission's services to the public are supported by the work of a Chief Counsel, Policy and Research staff and a Client Relations Coordinator. In order to ensure the smooth and ongoing operation of the Commission a Human Resources section and a Finance section report directly to the Director.

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

## The Commission's Organisational Structure



# Finance 2012-13

014

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



*Chinh Dinh-Pham, Manager Finance.*

## **Commonwealth funding**

The National Partnership Agreement on Legal Assistance Services was entered into between the Commonwealth of Australia and States and Territories, effective from 1 July 2010. Pursuant to that Agreement, the Commonwealth Government committed funding to South Australia for the next four financial years, ending on 30 June 2014. The Commonwealth Government provided funding of \$15 695 000 in 2012-13.

## **State funding**

The State Government funds State criminal law and child protection (in need of care) matters and reimburses the Commission for expenditure in excess of the Commission's funding caps for approved State criminal expensive cases. The State Government provided funding of \$19 454 000 in 2012-13. In addition, the State Government reimbursed \$136 000 for expensive cases which was not included in the Commission's budget. State expensive criminal cases are subject to a Case Management Plan approved by the Attorney-General.

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

The Commission generates income from investments, client contributions, the recovery of costs, education courses and the sale of legal kits. The Commission also actively pursues other funding, including State and Commonwealth funding, where the projects to be delivered provide a service to the community and are related to, and enhance, services. This financial year revenue from the LPA fell by \$881 000 and interest revenue also decreased by \$157 000. This reflects reduced activity in legal practitioners trust accounts and lower interest rates.

The Commission completed the 2012-13 financial year with a consolidated comprehensive result of \$543 000 surplus and a consolidated cash reserve balance at 30 June 2013 of \$18 390 000. The Commission allocates the cash into State and Commonwealth portions. Part of the cash is specifically reserved for future liabilities and the uncommitted portion is held for future operating expenditure as presented at *Table 5*.

The detailed 2012-13 financial reports are presented at *Tables 1 to 5* and forecasts for 2013-14 and 2014-15 are shown at *Table 6*.



## Finance 2012-13

Table 1

### Income and expenditure—Commonwealth and State by output allocation as at 30 June 2013

		2012-13 Total Actual	2012-13 Commonwealth Actual	2012-13 State Actual
<b>Income</b>	Statutory Interest	1 076 440	—	1 076 440
	Interest on Solicitor's Trust Account	1 672 250	—	1 672 250
	Interest on Investments	845 700	299 850	545 850
	Costs Recovered and Contributions	483 110	140 910	342 200
	Government Grants - Commonwealth	15 695 000	15 695 000	—
	Government Grants - State	19 454 000	—	19 454 000
	Commonwealth IAAAS Funding	86 510	86 510	—
	Statutory Charges	845 400	500 180	345 220
	State Expensive Criminal Cases	135 600	—	135 600
	Other Income	633 760	146 630	487 130
	<b>Total Income</b>	<b>40 927 770</b>	<b>16 869 080</b>	<b>24 058 690</b>
<b>Expenses</b>	<b>Assignments</b>	2 403 860	849 860	1 554 000
	<b>Private Practitioner Representation</b>			
	Criminal Law Services	10 126 980	199 410	9 927 570
	Family Law Services	5 291 310	4 698 600	592 710
	Family Dispute Resolution	962 360	962 360	—
	Civil Law Services	250 750	21 330	229 420
	Civil Law - Veteran's Matters	20 240	20 240	—
	<b>In-House Representation</b>			
	Criminal Law Services	5 589 490	121 850	5 467 640
	Criminal Law Duty Lawyer Services	1 638 050	14 100	1 623 950
	Family Law Services	3 713 480	3 713 480	—
	Family Law Duty Solicitor Services	226 550	226 550	—
	Family Law Dispute Resolution	717 740	717 740	—
	Civil Law Services	290 850	72 710	218 140
	Child Support Services	1 201 970	1 201 970	—
	<b>Telephone &amp; Face to Face Advice</b>	5 399 310	3 195 520	2 203 790
	<b>Community Education Services</b>	1 037 180	585 470	451 710
	<b>Strategic Services</b>	1 378 540	689 270	689 270
	<b>State Expensive Criminal Cases</b>	135 600	—	135 600
	<b>Total Expenses</b>	<b>40 384 260</b>	<b>17 290 460</b>	<b>23 093 800</b>
	<b>Net Result</b>	<b>543 510</b>	<b>- 421 380</b>	<b>964 890</b>

Table 2

### Commonwealth Government funding as at 30 June 2013

Financial Year	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000
<b>Annual Funds</b>	12 701	12 981	14 054	14 946	15 434	15 695

Table 3

### State Government funding as at 30 June 2013

Financial Year	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000
<b>Annual Funds</b>	13 698	14 496	16 445	18 047	18 903	19 454

In addition the State Government separately funded the following:

Financial Year	2007-08 \$'000	2008-09 \$'000	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000
<b>State Expensive Criminal Cases</b>	472	289	373	532	1 618	136

Table 4

### Breakdown of total cash expenditure as at 30 June 2013

Output	2010-11	% Expenditure	2011-12	% Expenditure	2012-13	% Expenditure
In House Practices	11 340 000	29.66	11 460 000	28.86	12 665 000	31.20
External Practices	19 765 000	51.69	18 533 000	46.67	19 581 000	48.23
Expensive Cases	513 000	1.34	1 618 000	4.07	136 000	0.33
Access Services	5 145 000	13.46	5 662 000	14.26	6 455 000	15.90
Strategic Services	1 138 000	2.98	1 049 000	2.64	1 370 000	3.37
Capital Expenditure	333 000	0.87	1 389 000	3.50	392 000	0.97
<b>Total Cash Expenditure</b>	<b>38 234 000</b>	<b>100.00</b>	<b>39 711 000</b>	<b>100.00</b>	<b>40 599 000</b>	<b>100.00</b>

Table 5  
Cash reserves as at 30 June 2013

Comprised of:	Commonwealth \$	State \$	Total \$
Provision for Legal Commitment	1 958 000	3 402 000	5 360 000
Long Service Leave Reserve	1 390 000	1 390 000	2 780 000
Computing System Replacement (LAW) Reserve	400 000	400 000	800 000
ICT Strategic Plan Reserve	365 000	365 000	730 000
Office Accommodation Reserve	2 117 000	819 000	2 936 000
Additional Rent Reserve	2 194 000	2 449 000	4 643 000
<i>Uncommitted Funds at 30 June 2013</i>	494 000	647 000	1 141 000
<b>Total Cash Reserves 30 June 2013</b>	<b>8 918 000</b>	<b>9 472 000</b>	<b>18 390 000</b>

### Provision for legal commitment

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

### Long service leave reserve

The Commission has a long service leave staff entitlement of \$2 780 000 at 30 June 2013. Sufficient reserves are held to cover both State and Commonwealth long service leave liabilities.

### Asset replacement and additional rent reserve

The Commission allocated additional reserve for ICT Strategic Plan projects and carried forward unspent funds from Phase 1 of the computing system replacement LAW reserve for future requirements. In addition, the office accommodation reserve was increased to allow for upgrade of the Adelaide and Whyalla office accommodation. The Commission has created a new reserve in anticipation of future rent increases for the Adelaide office.

Table 6  
Cash budget forecast 2013-14 and 2014-15

	2013-14			2014-15		
	State \$'000	Commonwealth \$'000	Total \$'000	State \$'000	Commonwealth \$'000	Total \$'000
<b>Cash Reserves at 1 July</b>	9 472	8 918	18 390	7 851	7 090	14 941
<b>Income</b>	24 659	17 888	42 547	25 098	18 211	43 309
<b>Total Budgeted Income</b>	24 659	17 888	42 547	25 098	18 211	43 309
<b>Expenses</b>						
In-house Representation, Child Support and Family Dispute Resolution	9 791	5 813	15 604	10 036	5 958	15 994
Private Practitioner Representation	11 300	8 435	19 735	11 583	8 645	20 228
Information Services	170	165	335	174	169	343
Advice & Minor Assistance	1 891	2 957	4 848	1 938	3 031	4 970
Community Legal Education	657	493	1 150	673	505	1 179
Assignment Services	1 577	1 183	2 760	1 616	1 213	2 829
Directorate	894	670	1 564	916	687	1 603
<b>Total Budgeted Expenses</b>	26 280	19 716	45 996	26 937	20 209	47 146
<b>Net Cash Result</b>	-1 621	-1 828	-3 449	-1 839	-1 998	-3 837
<b>Cash Reserves 30 June</b>	7 851	7 090	14 941	6 012	5 092	11 104

**Notes to Table 6:** The above table is based on a 'no activity change' outcome in the years 2013-14 and 2014-15.

Table 7  
Accounts paid 2012-13

	Number of accounts paid	% of Accounts paid (by number)	Value in \$A of accounts paid	% of Accounts paid (by value)
Paid by due date	36 057	98.6%	\$21 129 913	98.7%
Paid within 30 days of the due date	473	1.3%	\$262 292	1.2%
Paid more than 30 days from the due date	34	0.1%	\$21 191	0.1%
<b>Total</b>	<b>36 564</b>	<b>100%</b>	<b>\$21 413 396</b>	<b>100%</b>

# Auditor-General's Letter 2013

Our Ref: A13/111



Government of South Australia  
Auditor-General's Department

4 September 2013

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

## **Audit of the Legal Services Commission of South Australia for the year ended 30 June 2013**

The audit of the Legal Services Commission of South Australia (LSC) for the year ended 30 June 2013 has been completed.

The audit covered the principal areas of the financial operations of the LSC and included the review of internal controls and financial transactions. The audit is directed to meeting statutory audit responsibilities under the *Public Finance and Audit Act 1987* and the requirements of Australian Accounting Standards.

Two important outcomes result from the annual audit process:

- The issue of the Independent Auditor's Report (IAR) on the integrity of the LSC's financial statements.
- The issue during the year or at the time of financial report preparation and audit or close thereto, of audit management letters advising of system, process and control matters and recommendations for improvement.

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

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

In addition, during the year audit management letters were forwarded to the LSC, detailing findings and recommendations from the audits of areas reviewed. The findings and recommendations relate to weaknesses noted in financial systems and processes and associated internal controls, and improvements needed in these areas. Responses to the letters and matters raised were received and will be followed up in the 2013-14 annual audit.

## Auditor-General's Letter 2013

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

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

Yours sincerely



S O'Neill  
**AUDITOR-GENERAL**

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## INDEPENDENT AUDITOR'S REPORT



Government of South Australia  
Auditor-General's Department

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### To the Chairman Legal Services Commission of South Australia

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 25 of the *Legal Services Commission Act 1977*, I have audited the accompanying financial report of the Legal Services Commission of South Australia for the financial year ended 30 June 2013. The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2013
- a Statement of Financial Position as at 30 June 2013
- a Statement of Changes in Equity for the year ended 30 June 2013
- a Statement of Cash Flows for the year ended 30 June 2013
- notes, comprising a summary of significant accounting policies and other explanatory information
- a Certificate from the Chairman, the Director and the Finance Manager.

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

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

### Auditor's Responsibility

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

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

### Opinion

In my opinion, the financial report gives a true and fair view of the financial position of the Legal Services Commission of South Australia as at 30 June 2013, its financial performance and its cash flows for the year then ended in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and Australian Accounting Standards.

S O'Neill  
AUDITOR-GENERAL  
4 September 2013



# Statement of Comprehensive Income 30 June 2013

Legal Services Commission of South Australia

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2013

	Note	2013 \$'000	2012 \$'000
<b>Expenses</b>			
Employee benefit expenses	4	16 904	16 749
Private Practitioner services	2.14	17 543	16 502
Private Practitioner services - State Expensive Case matters	5	136	1 618
Supplies and services	6	4 945	4 489
Depreciation and amortisation expense	7	710	317
Other expenses	8	<u>268</u>	<u>95</u>
<b>Total expenses</b>		<b>40 506</b>	<b>39 770</b>
<b>Income</b>			
<i>Legal Practitioners Act</i> revenue	10	2 749	3 630
Statutory charges		966	975
Interest revenue		846	1 003
Costs recovered and contributions	11	483	429
Other income	12	<u>633</u>	<u>784</u>
<b>Total income</b>		<b>5 677</b>	<b>6 821</b>
<b>Net cost of providing services</b>		<b>34 829</b>	<b>32 949</b>
<b>Revenues from Governments</b>			
Commonwealth Government:			
Funding agreement	13	15 695	15 434
Immigration Advice and Application Assistance Scheme income	13	87	163
State Government:			
Funding	14	19 454	18 903
Expensive cases - Other matters	14	<u>136</u>	<u>1 618</u>
<b>Total revenues from Governments</b>		<b>35 372</b>	<b>36 118</b>
<b>Net Result</b>		<b>543</b>	<b>3 169</b>
<b>Total Comprehensive Result</b>		<b>543</b>	<b>3 169</b>

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

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



# Statement of Financial Position 30 June 2013

Legal Services Commission of South Australia

## STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2013

	Note	2013 \$'000	2012 \$'000
<b>Current assets</b>			
Cash and cash equivalents	15	18 390	18 252
Receivables	16	<u>1 760</u>	<u>1 900</u>
<b>Total current assets</b>		<u>20 150</u>	<u>20 152</u>
<b>Non-current assets</b>			
Property, plant and equipment	17.1	1 141	968
Intangible assets	17.2	900	1 391
Statutory charge debtors	18	<u>5 834</u>	<u>5 460</u>
<b>Total non-current assets</b>		<u>7 875</u>	<u>7 819</u>
<b>Total assets</b>		<u>28 025</u>	<u>27 971</u>
<b>Current liabilities</b>			
Legal payables		1 096	1 475
Payables	19	416	401
Employee benefits	20	<u>1 342</u>	<u>1 300</u>
<b>Total current liabilities</b>		<u>2 854</u>	<u>3 176</u>
<b>Non-current liabilities</b>			
Payables	19	201	219
Employee benefits	20	<u>3 011</u>	<u>3 160</u>
<b>Total non-current liabilities</b>		<u>3 212</u>	<u>3 379</u>
<b>Total liabilities</b>		<u>6 066</u>	<u>6 555</u>
<b>Net assets</b>		<u>21 959</u>	<u>21 416</u>
<b>Equity</b>			
Revaluation surplus		79	79
Commonwealth Expensive Case reserve		-	100
Retained earnings		<u>21 880</u>	<u>21 237</u>
<b>Total equity</b>		<u>21 959</u>	<u>21 416</u>

Total equity is attributable to the SA Government as owner

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

# Statement of Changes in Equity 30 June 2013

Legal Services Commission of South Australia

## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2013

	Note	Revaluation Surplus	Other Reserves	Retained Earnings	Total
		\$'000	\$'000	\$'000	\$'000
Balance at 30 June 2011		79	100	18 068	18 247
Net result 2011-12		-	-	3 032	3 032
Error correction	2.16	-	-	137	137
<b>Restated total comprehensive result for 2011-12</b>		-	-	<b>3 169</b>	<b>3 169</b>
Balance at 30 June 2012		79	100	21 237	21 416
Net result for 2012-13		-	-	543	543
<b>Total comprehensive result for 2012-13</b>		-	-	<b>543</b>	<b>543</b>
Transfer of reserves		-	(100)	100	-
<b>Balance at 30 June 2013</b>		<b>79</b>	<b>-</b>	<b>21 880</b>	<b>21 959</b>

Total equity is attributable to the SA Government as owner

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

Auditor's remuneration	9
Unrecognised contractual commitments	22
Remuneration of Commission members	23
Contingent assets and liabilities	24
Financial instruments/Financial risk management	25
Events after the reporting period	26



# Statement of Cash Flows 30 June 2013

Legal Services Commission of South Australia

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2013

	Note	2013 Inflows (Outflows) \$'000	2012 Inflows (Outflows) \$'000
<b>Cash flows from operating activities</b>			
Cash outflows			
Employee benefit payments		(17 008)	(15 962)
Supplies and services		(5 754)	(5 118)
Private Practitioner services		(19 438)	(18 272)
Private Practitioner services - State Expensive Case matters		<u>(136)</u>	<u>(1 618)</u>
<b>Cash used in operations</b>		<b><u>(42 336)</u></b>	<b><u>(40 970)</u></b>
Cash inflows			
<i>Legal Practitioners Act</i> receipts		2 941	3 652
Costs recovered and contributions		412	385
Statutory charge receipts		538	680
Interest received		858	1 010
GST recovered from the ATO		1 953	2 204
Other receipts		<u>794</u>	<u>887</u>
<b>Cash generated by operations</b>		<b><u>7 496</u></b>	<b><u>8 818</u></b>
Cash flows from Governments			
Commonwealth Government:			
Funding agreement		15 695	15 434
Immigration Advice and Application Assistance Scheme income		87	163
State Government:			
Funding		19 454	18 903
Expensive Cases – Other matters		<u>134</u>	<u>1 792</u>
<b>Total cash flows from Governments</b>		<b><u>35 370</u></b>	<b><u>36 292</u></b>
<b>Net cash provided by operating activities</b>	21	<b><u>530</u></b>	<b><u>4 140</u></b>
<b>Cash flows from investing activities</b>			
Cash outflows			
Purchase of property, plant and equipment and intangible assets		<u>(392)</u>	(1 148)
<b>Net cash used in investing activities</b>		<b><u>(392)</u></b>	<b><u>(1 148)</u></b>
<b>Net increase in cash and cash equivalents</b>		<b>138</b>	<b>2 992</b>
<b>Cash and cash equivalents at the beginning of the period</b>		<b><u>18 252</u></b>	<b><u>15 260</u></b>
<b>Cash and cash equivalents at the end of the period</b>	15, 21	<b><u>18 390</u></b>	<b><u>18 252</u></b>

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

# Note Index 30 June 2013

Legal Services Commission of South Australia

## NOTE INDEX

Note 1	Objectives of the Legal Services Commission of South Australia
Note 2	Summary of Significant Accounting Policies
Note 3	New and revised accounting standards and policies
<b>Expense Notes</b>	
Note 4	Employee benefit expenses
Note 5	Private Practitioner services – State Expensive Case matters
Note 6	Supplies and services
Note 7	Depreciation and amortisation expense
Note 8	Other expenses
Note 9	Auditor's remuneration
<b>Revenue Notes</b>	
Note 10	<i>Legal Practitioners Act</i> revenue
Note 11	Costs recovered and contributions
Note 12	Other income
<b>Revenues from Governments</b>	
Note 13	Commonwealth Government
Note 14	State Government
<b>Asset Notes</b>	
Note 15	Cash and cash equivalents
Note 16	Receivables
Note 17	Property, plant and equipment
Note 18	Statutory charge debtors
<b>Liability Notes</b>	
Note 19	Payables
Note 20	Employee benefits
<b>Other Notes</b>	
Note 21	Cash flow reconciliation
Note 22	Unrecognised contractual commitments
Note 23	Remuneration of Commission members
Note 24	Contingent assets and liabilities
Note 25	Financial instruments/Financial risk management
Note 26	Events after the reporting period

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

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

### 2. Summary of Significant Accounting Policies

#### 2.1 Statement of Compliance

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

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

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

Australian Accounting Standards and interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Commission for the reporting period ended 30 June 2013. Refer Note 3.

#### 2.2 Basis of Preparation

The preparation of the financial statements requires:

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

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

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

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



The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2013 and the comparative information presented.

## 2.3 Reporting Entity

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

## 2.4 Comparative Figures

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

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

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

## 2.5 Rounding

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

## 2.6 Taxation

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

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

- where the GST incurred by the Commission as a purchaser of goods or services is not recoverable from the ATO, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable;
- receivables and payables, which are stated with the amount of GST included.

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

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

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

## 2.7 Events after the Reporting Period

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

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

## 2.8 Income

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

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

The notes accompanying the financial statements disclose income where the counterparty/transaction is with an entity within the SA Government as at the reporting date, classified according to their nature.

The following are specific recognition criteria:

#### *Government Funding*

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

#### *Government Funding Expensive Cases*

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

#### *Other Income*

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

## **2.9 Expenses**

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

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

The notes accompanying the financial statements disclose expenses where the counterparty/transaction is with an entity within the SA Government as at the reporting date, classified according to their nature.

The following are specific recognition criteria:

#### *Employee benefit expenses*

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

#### *Superannuation*

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

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

(a) The Commission paid an amount to Comsuper towards the accruing government liability in respect of currently employed contributors to the Commonwealth Superannuation Fund. Payments amounted to \$60 000 (2012 - \$62 000).

(b) The Commission contributed to various superannuation schemes towards the accruing State government liability for superannuation in respect of all employees. Payments amounted to \$1 449 000 (2012 - \$1 403 000).

#### *Depreciation and Amortisation*

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

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

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

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

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

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

## 2.10 Current and Non-Current Classification

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

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

## 2.11 Assets

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

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

The notes accompanying the financial statements disclose financial assets where the counterparty/ transaction is with an entity within the SA Government as at the reporting date, classified according to their nature.

### *Cash and Cash Equivalents*

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

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

### *Receivables*

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

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

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



## *Non-current assets*

### *Library*

The *John Gray Memorial Library* asset is a legal reference collection containing general and specialised items that are available for general use by both Commission lawyers and private practitioners undertaking legal aid matters. The most recent valuation was carried out during 2006-07 (internal valuation).

### Acquisition and recognition

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

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

### Revaluation of non-current assets

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

Any revaluation increment is credited to the asset revaluation surplus, except to the extent that it reverses a revaluation decrease of the same asset class previously recognised as an expense, in which case the increase is recognised as income. Any revaluation decrease is debited directly to the asset revaluation surplus to the extent of the credit balance existing in revaluations reserve for that asset class.

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

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

### Impairment

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

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

### *Intangible assets*

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

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

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

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

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

## **2.12 Liabilities**

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

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

The notes accompanying the financial statements disclose financial liabilities where the counterparty/ transaction is with an entity within the SA Government as at the reporting date, classified according to their nature.

## *Payables*

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

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

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

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

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

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

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

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

## *Leases*

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

## *Employee Benefits*

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

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

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

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

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

### Long Service Leave

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

The estimated liability for long service leave is based on actuarial assumptions over expected future salary and wage levels, experience of employee departures and periods of service. These assumptions are based on employee data over SA Government entities. Expected future payments



# Notes to and Forming Part of the Financial Statements 30 June 2013

are discounted using market yields at the end of the reporting period on government bonds with durations that match, as closely as possible, the estimated future cash outflows.

The unconditional portion of the long service leave provision is classified as current as the Commission does not have an unconditional right to defer settlement of the liability for at least twelve months after reporting date. The unconditional portion of long service leave relates to an unconditional legal entitlement to payment arising after ten years of service.

## *Workers Compensation*

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

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

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

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

## **2.14 Private Practitioner Services**

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

## **2.15 Trust Funds**

Pursuant to the *Legal Practitioner's Act 1981* the Commission holds funds in trust on behalf of clients. As at 30 June 2013 the total funds held were \$41 000 (2012 - \$84 000). These funds are not controlled by the Commission and are not recognised in the financial statements.

## **2.16 Correction of Prior Period Errors**

Corrections for prior period errors were made for other income of \$28 000 (reimbursements from the Commonwealth for the provision of the Indigenous Cadetship Support Programs) and long service leave employee benefits expenses of \$109 000. The total effect of these comparative changes was to restate the prior net result upwards by \$137 000 from \$3 032 000 to \$3 169 000. These errors have been corrected by restating each of the affected financial statement line items for the prior year.

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

The Commission did not voluntarily change any of its accounting policies during 2012-13. Australian Accounting Standards and interpretations that have been recently issued or amended but are not yet effective have not been adopted by the Commission for the period ending 30 June 2013. The Commission has assessed the impact of the new and amended standards and interpretations and considers there will be no impact on the accounting policies or the financial statements of the Commission.

## **4. Employee benefit expenses**

	2013 \$'000	2012 \$'000
Salaries and wages	14 649	13 805
Long service leave	20	869
Annual leave	84	35
Employment on-costs - superannuation	1 514	1 507
Employment on-costs - payroll tax	334	340
Skills and experience retention leave	94	-
Commission members' remuneration	89	101
Workers compensation	120	92
<b>Total employee benefits expenses</b>	<b>16 904</b>	<b>16 749</b>

# Notes to and Forming Part of the Financial Statements 30 June 2013

034

## Remuneration of employees

	Number of Employees	
	2013 No	2012 No
The number of employees whose remuneration received or receivable falls within the following bands:		
\$138 000 to \$147 999	3	4
\$148 000 to \$157 999	1	1
\$158 000 to \$167 999	-	2
\$168 000 to \$177 999	2	1
\$178 000 to \$187 999	1	-
\$188 000 to \$197 999	-	1
\$198 000 to \$207 999	1	-
\$208 000 to \$217 999	-	1
\$228 000 to \$237 999	-	1
\$238 000 to \$247 999	1	-
\$258 000 to \$267 999	1	-
\$268 000 to \$277 999	<u>1</u>	<u>1</u>
<b>Total number of employees</b>	<b><u>11</u></b>	<b><u>12</u></b>

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 \$2 089 000 (2012 - \$2 124 000).

## 5. State Expensive Case matters

	2013 \$'000	2012 \$'000
State Expensive Cases reimbursed	<u>136</u>	<u>1 618</u>
<b>Total State Expensive Cases reimbursed</b>	<b><u>136</u></b>	<b><u>1 618</u></b>

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

## 6. Supplies and services

	2013 \$'000	2012 \$'000
Accommodation	1 909	1 632
Computing and communications	1 389	1 166
Office supplies and consumables	289	318
Interpreter fees	241	278
Periodicals and subscriptions	227	221
Travel	219	287
Media and advertising	49	49
Consultancy fees	37	10
Other	<u>585</u>	<u>528</u>
<b>Total supplies and services</b>	<b><u>4 945</u></b>	<b><u>4 489</u></b>

# Notes to and Forming Part of the Financial Statements 30 June 2013

035

## Supplies and services provided by entities within SA Government

Accommodation	203	205
Computing and communications	169	238
Travel	45	85
Office supplies and consumables	9	15
Other	157	206
<b>Total supplies and services SA Government entities</b>	<b>583</b>	<b>749</b>

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

	Number	2013 \$'000	Number	2012 \$'000
Below \$10,000	4	8	2	10
Between \$10 000 and \$50 000	2	29	-	-
<b>Total paid/payable to the consultants engaged</b>	<b>6</b>	<b>37</b>	<b>2</b>	<b>10</b>

## 7. Depreciation and amortisation expense

	2013 \$'000	2012 \$'000
Depreciation		
Plant and equipment	159	163
<b>Total depreciation</b>	<b>159</b>	<b>163</b>
Amortisation		
Leasehold improvements	60	71
Intangible assets	491	83
<b>Total amortisation</b>	<b>551</b>	<b>154</b>
<b>Total depreciation and amortisation expense</b>	<b>710</b>	<b>317</b>

## 8. Other expenses

	2013 \$'000	2012 \$'000
Statutory charge bad debts and allowance for doubtful debts	201	60
Other bad debts and allowance for doubtful debts	67	35
<b>Total other expenses</b>	<b>268</b>	<b>95</b>

## 9. Auditor's remuneration

	2013 \$'000	2012 \$'000
Audit fees paid/payable to the Auditor-General's Department relating to the audit of financial statements	76	57
<b>Total Auditor's remuneration</b>	<b>76</b>	<b>57</b>

### Other services

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

# Notes to and Forming Part of the Financial Statements 30 June 2013

036

## 10. Legal Practitioners Act revenue

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

	2013 \$'000	2012 \$'000
Amounts related to the:		
Statutory Interest account	1 077	1 343
Interest on Legal Practitioners Trust account	1 672	2 223
Legal Practitioners Guarantee Fund	-	64
<b>Total Legal Practitioners Act revenue</b>	<b>2 749</b>	<b>3 630</b>

## 11. Costs recovered and contributions

	2013 \$'000	2012 \$'000
Costs recovered	159	169
Contributions*	324	260
<b>Total costs recovered and contributions</b>	<b>483</b>	<b>429</b>

\*In addition, contributions of \$750 000 (2012 - \$524 000) in relation to referred cases were paid or are payable directly to private practitioners by clients.

## 12. Other income

	2013 \$'000	2012 \$'000
Other income from entities external to the SA Government	260	618
Other income from entities within the SA Government	373	166
<b>Total other income</b>	<b>633</b>	<b>784</b>

## 13. Commonwealth Government

A National Partnership Agreement on Legal Assistance Services between the Commonwealth of Australia and States and Territories is effective from 1 July 2010 to 30 June 2014. Pursuant to that Agreement, the Commonwealth Government contributed funding of \$15 695 000 (2012 - \$15 434 000) to South Australia for the year ended 30 June 2013.

The Commission is also party to a separate agreement with the Commonwealth of Australia to provide services under the Immigration Advice and Application Assistance Scheme (IAAAS). The agreement contributed funding of \$87 000 (2012 - \$163 000).

## 14. State Government

In 2012-13 the State Government contributed funding of \$19 454 000 (2012 - \$18 903 000).

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

The State Government provided \$136 000 (2012 - \$1 618 000) for approved expensive cases that exceeded the Commission cap.



# Notes to and Forming Part of the Financial Statements 30 June 2013

## 15. Cash and cash equivalents

	2013 \$'000	2012 \$'000
Short-term deposits with SAFA	18 300	18 042
Cash at bank and on hand	<u>90</u>	<u>210</u>
<b>Total cash and cash equivalents</b>	<b><u>18 390</u></b>	<b><u>18 252</u></b>

### Short-term deposits

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

### Cash at bank and on hand

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

## 16. Receivables

	2013 \$'000	2012 \$'000
<i>Legal Practitioners Act</i> debtors	703	895
GST input tax recoverable	465	288
Client debtors and other debtors	352	338
Allowance for doubtful debts	(40)	-
Prepayments	<u>280</u>	<u>379</u>
<b>Total Receivables</b>	<b><u>1 760</u></b>	<b><u>1 900</u></b>

## 17.1 Property, plant and equipment

	2013 \$'000	2012 \$'000
Leasehold improvements at fair value	870	870
Less: Accumulated depreciation	<u>760</u>	<u>700</u>
Total Leasehold improvements at fair value	<u>110</u>	<u>170</u>
Plant and Equipment at fair value	2 068	2 061
Less: Accumulated depreciation	<u>1 713</u>	<u>1 554</u>
Total Plant and Equipment at fair value	<u>355</u>	<u>507</u>
Library at fair value	<u>291</u>	<u>291</u>
Total Library at fair value	<u>291</u>	<u>291</u>
Work in progress	<u>385</u>	-
Total Work in progress	<u>385</u>	-
<b>Total property, plant and equipment</b>	<b><u>1 141</u></b>	<b><u>968</u></b>

## 17.2 Intangible assets

	2013 \$'000	2012 \$'000
Computer software	1 557	1 557
Less: Accumulated amortisation	<u>657</u>	<u>166</u>
<b>Total intangible assets</b>	<b><u>900</u></b>	<b><u>1 391</u></b>

# Notes to and Forming Part of the Financial Statements 30 June 2013

038

## 17.3 Reconciliation of non-current assets

	Leasehold Improvements	Plant and Equipment	Library	Work in Progress	Property Plant & Equipment Total	Computer Software	Intangible Assets Total
<b>2013</b>	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at 1 July	170	507	291	-	968	1 391	1 391
Additions	-	7	-	385	392	-	-
Depreciation/amortisation expense	(60)	(159)	-	-	(219)	(491)	(491)
<b>Carrying amount at 30 June</b>	<b>110</b>	<b>355</b>	<b>291</b>	<b>385</b>	<b>1 141</b>	<b>900</b>	<b>900</b>

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

## 18. 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.

	2013 \$'000	2012 \$'000
Statutory charge debtors	5 914	5 460
Allowance for doubtful debts	(80)	-
<b>Total Statutory charge debtors</b>	<b>5 834</b>	<b>5 460</b>

## 19. Payables

	2013 \$'000	2012 \$'000
<b>Current</b>		
Creditors	70	45
Accrued expenses	186	214
Employment on-costs	160	142
<b>Total current payables</b>	<b>416</b>	<b>401</b>
<b>Non-current</b>		
Employment on-costs	201	219
<b>Total non-current payables</b>	<b>201</b>	<b>219</b>
<b>Total payables</b>	<b>617</b>	<b>620</b>

<b>Payables to SA Government entities</b>		
Creditors	43	-
Accrued expenses	81	75
<b>Total payables to SA Government entities</b>	<b>124</b>	<b>75</b>

As a result of an actuarial assessment performed by the Department of Treasury and Finance, the percentage of the proportion of long service leave taken as leave has remained at the 2012 rate of 40% and the average factor for the calculation of employer superannuation cost on-cost has changed from 2012 rate of 10.3% to 10.2%. These rates are used in the employment on-cost calculation.

The net financial effect of the change in the current financial year is a decrease in the employment on-cost of \$6 000 and employee benefit expense of \$6 000.

# Notes to and Forming Part of the Financial Statements 30 June 2013

## 20. Employee benefits

	2013 \$'000	2012 \$'000
Current		
Annual leave	962	878
Long service leave	286	422
Skills and experience retention leave	94	-
Total current employee benefits	<u>1 342</u>	<u>1 300</u>
Non-current		
Long service leave	3 011	3 160
Total non-current employee benefits	<u>3 011</u>	<u>3 160</u>
<b>Total employee benefits</b>	<u><b>4 353</b></u>	<u><b>4 460</b></u>

AASB 119 contains the calculation methodology for long service leave liability. This year, an actuarial assessment performed by the Department of Treasury and Finance was used to calculate the liability rather than using a short hand measurement technique for liability calculation.

AASB 119 requires the use of the yield on long term Commonwealth Government bonds as the discount rate in the measurement of the long service leave liability. The yield on long term Commonwealth Government bonds has increased from 3.0% (2012) to 3.75% (2013).

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

The net financial effect of the changes in the methodology and actuarial assumptions in the current financial year is a decrease in the long service leave liability of \$225 000 and employee benefit expense of \$225 000. The impact on future periods is impracticable to estimate as the benchmark is calculated using a number of assumptions - a key assumption is the long-term discount rate.

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

## 21. Cash flow reconciliation

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

	2013 \$'000	2012 \$'000
Short-term deposits with SAFA	18 300	18 042
Cash at bank and on hand	<u>90</u>	<u>210</u>
<b>Cash and cash equivalents as disclosed in the Statement of Financial Position</b>	<u><b>18 390</b></u>	<u><b>18 252</b></u>
<b>Balance as per the Statement of Cash Flows</b>	<u><b>18 390</b></u>	<u><b>18 252</b></u>

# Notes to and Forming Part of the Financial Statements 30 June 2013

040

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

	2013 \$'000	2012 \$'000
Net cash provided by (used in) operating activities	530	4 140
Less revenues from Government	(35 372)	(36 118)
<b>Non cash items:</b>		
Depreciation and amortisation	(710)	(317)
Allowance for bad and doubtful debts	(120)	-
<b>Movement in assets and liabilities:</b>		
Increase in Statutory Charge debtors	454	351
(Decrease) in receivables	(100)	(192)
Decrease/(increase) in employee benefits	107	(613)
Decrease/(increase) in legal payables	379	(373)
Decrease in payables	3	173
<b>Net cost of providing services</b>	<b>(34 829)</b>	<b>(32 949)</b>

## 22. Unrecognised contractual commitments

	2013 \$'000	2012 \$'000
<b>(a) Legal expense commitments</b>		
Later than one year but not later than five years	5 360	4 321
<b>Total legal expense commitments</b>	<b>5 360</b>	<b>4 321</b>

As at 30 June 2013, the Commission has a future commitment of \$5 360 000 (2012 - \$4 321 000) on legal cases referred to private practitioners which are still to be finalised. The Commonwealth and State components are as follows:

	Commonwealth		State	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
Legal expense commitments	1 958	1 767	3 402	2 554

The Commission reviewed outstanding legal commitments and determined that commitments less the underutilisation factor of 22.45% Commonwealth and 29.92% State (2012 - 24.38% and 32.22%) would be recognised on all outstanding amounts raised since January 2012 (ie the previous 18 months).

Commitments raised prior to this date have not been recognised. If any file prior to this date is reactivated, new commitments will be raised. In the normal course of business, further commitments may be required on recognised legal cases. It is not possible to quantify that amount.

	2013 \$'000	2012 \$'000
<b>(b) Operating Lease commitments</b>		
Not later than one year	2 356	354
Later than one year but not later than five years	9 442	508
Greater than five years	26 814	-
<b>Total operating lease commitments</b>	<b>38 612</b>	<b>862</b>

At the reporting date the Commission held the above obligations under non-cancellable operating leases. The operating leases held by the Commission are predominantly property leases with penalty clauses equal to the amount of the residual payments remaining for the lease term. Lease payments are payable one month in advance. There are no existing contingent rental provisions.



# Notes to and Forming Part of the Financial Statements 30 June 2013

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.

	2013 \$'000	2012 \$'000
<b>(c) Remuneration commitments</b>		
Not later than one year	2 233	2 096
Later than one year but not later than five years	<u>2 273</u>	<u>1 489</u>
<b>Total remuneration commitments</b>	<b><u>4 506</u></b>	<b><u>3 585</u></b>

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

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

## 23. Remuneration of Commission members

Members of the Commission during the 2013 financial year were:

Ms Dymphna Eszenyi	Chairman	
Ms Gabrielle Canny *	Ex Officio	Appointed 2 August 2012
Mr Alan Herald		Appointed 6 December 2012
Mr John Keen		Appointed 10 September 2012
Ms Jayne Basheer		Appointed 4 October 2012
Mr Michael Dawson		
Mr Andrew English *		
Ms Tracee Micallef		
Ms Maurine Pyke, QC.		
Mr Hugh Gilmore *	Ex Officio	Retired 31 July 2012
Mr David Meyer		Retired 9 September 2012
Mr Michael Burgess		Retired 19 November 2012
Mr David Mazzone *		Resigned 3 April 2013

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

	Number of Members	
	2013	2012
\$NIL	4	2
\$1 - \$10 000	4	2
\$10 001 - \$20 000	4	6
\$20 001 - \$30 000	<u>1</u>	<u>1</u>
<b>Total</b>	<b><u>13</u></b>	<b><u>11</u></b>

Remuneration of members reflects all costs of performing Commission member duties including sitting fees, superannuation contributions, fringe benefit tax and any other salary sacrifice arrangements. The total remuneration received or receivable by members was \$97 000 (2012 - \$110 000) including \$8 000 (2012 - \$9 000) 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 did not receive any remuneration for Commission duties during the financial year.

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

**24. Contingent assets and liabilities**

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

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

*Table 25.1 Categorisation of Financial Instruments*

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

Category of financial asset and financial liabilities	Statement of Financial Position line item	Note	Carrying Amount	
			2013 \$'000	2012 \$'000
Financial Assets				
Cash and cash equivalents	Cash and cash equivalents	15	18 390	18 252
Receivables	Receivables <sup>(1) (2)</sup>	16	127	176
	Total financial assets		<u>18 517</u>	<u>18 428</u>
Financial Liabilities				
Financial liabilities at cost	Payables <sup>(1)</sup>	19	240	260
	Total financial liabilities		<u>240</u>	<u>260</u>

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

<sup>(2)</sup> Receivable amounts disclosed here exclude prepayments. Prepayments are presented in Note 16 as trade and other receivables 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.

**Fair Value**

The Commission does not recognise any financial assets or financial liabilities at fair value (refer to Note 2).

**Credit Risk**

Credit risk arises when there is the possibility of the Commission's debtors defaulting on their contractual obligations resulting in financial loss to the Commission. The Commission measures credit risk on a fair value basis and monitors risk on a regular basis. The carrying amount of financial assets as detailed in table 25.1 represents the Commission's maximum exposure to credit risk. No collateral is held as security and no credit enhancements relate to financial assets held by the Commission.

The Commission has minimal concentration of credit risk. The Commission has policies and procedures in place to ensure that transactions occur with customers with appropriate credit history. The Commission does not engage in high risk hedging for its financial assets.

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



# Notes to and Forming Part of the Financial Statements 30 June 2013

**Table 25.2 Ageing Analysis of Financial Assets**

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

	Past due by <30 days \$'000	Past due by 30 – 60 days \$'000	Past due by >60 days \$'000	Total \$'000
<b>2013</b>				
<b>Not Impaired</b>				
Receivables <sup>(1)</sup>	72	8	47	127
<b>2012</b>				
<b>Not Impaired</b>				
Receivables <sup>(1)</sup>	70	-	106	176

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

## **Maturity Analysis of Financial Assets and Financial Liabilities**

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

## **Liquidity Risk**

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

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

## **Market Risk**

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

## **Sensitivity Disclosure Analysis**

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

## **26. Events after the reporting period**

Expenditure for the fit-out of 30 Flinders Street Building and the ICT Client Service Delivery Model project has been approved by the Commission. These projects will be completed in the 2013-14 financial year.

# Certification of the Financial Report 30 June 2013

044

Legal Services Commission of South Australia

## CERTIFICATION OF THE FINANCIAL STATEMENTS

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

- complies with relevant Treasurer's instructions issued under section 41 of the *Public Finance and Audit Act 1987*, and relevant Australian accounting standards;
- are in accordance with the accounts and records of the Legal Services Commission of SA; and
- presents a true and fair view of the financial position of the Legal Services Commission of SA as at 30 June 2013 and the results of its operation and cash flows for the financial year.

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



Chinh Dinh-Pham  
FINANCE MANAGER  
28 August 2013



Gabrielle Canny  
DIRECTOR  
28 August 2013



Dymphna Eszenyi  
CHAIRMAN  
28 August 2013

# Human Resources 2012-13

*Operational matters centering on providing a safe working environment and the consolidation of the personal development review program have been the focus in this past year.*

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



*Glen Wadrop, Manager Human Resources.*

## **Personal Development Review Program**

The personal development review program has been operating for two years and managers have conducted personal development reviews for 81% of staff. This figure is affected by a constant separation / recruitment figure of 10% per annum. The program provides opportunities for both staff and managers to discuss work related opportunities and issues, at the same time offering a learning and developmental focus.

## **Learning and development activities**

This financial year saw an increase of 14% on expenditure on learning and development activities for staff. A significant proportion of this amount relates to in-house professional training and mandatory continuing professional development requirements for legal staff.

As part of its education mandate, the Commission continues to provide work experience for secondary students and for legal students undertaking practical legal training placements prior to graduation.

## **Work health and safety**

The new *Work Health and Safety Act 2012* became operational in South Australia on 1 January 2013. This Act places greater emphasis on the employers' duty of care to an employee. As a consequence, existing policies, operational requirements and reporting processes were changed. All Commissioners, senior managers and WHS employee workplace representatives received formal training in the changed legislative and operational requirements. Senior managers delivered customised information sessions to all staff.

## Human Resources 2012-13

046

The Commission continues to be concerned about the safety of all staff and clients. In the planned move to new head office accommodation in September 2013, design requirements have allowed for secure client interview rooms to be provided in areas discrete from staff offices and work points. During the 2012-13 financial year a review was undertaken into the adequacy and provision of trained first aid officers and WHS employee representatives.

### Enterprise bargaining

The Commission is a signatory to the South Australian Government's Enterprise Bargaining Agreement and forms part of the State Government working group that undertakes the review of public sector employment conditions and salary levels. Extensive negotiations in these matters concluded in October 2012 with the approval of a revised Agreement that provided for an increase in staff salaries of +3%.

### Employee numbers, status and gender

Number of employees	Total
Persons	215
Full-time equivalent	194.05

Gender	% Persons	% FTE's
Male	24.65	26.44
Female	75.35	73.56

Number of persons during 2012-13 financial year	Total
Separated from the agency during the last 12 months	18
Recruited to agency	20
On leave without pay at 30 June 2013	6

### Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0 - \$53 199	6	52	58
\$53 200 - \$67 699	12	57	69
\$67 700 - \$86 599	13	29	42
\$86 600 - \$109 299	13	18	31
\$109 300+	9	6	15
<b>Total</b>	<b>53</b>	<b>162</b>	<b>215</b>

### Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	36.3	9	6	0	51.3
Female	120.05	16.7	5	1	142.75
<b>Total</b>	<b>156.35</b>	<b>25.7</b>	<b>11</b>	<b>1</b>	<b>194.05</b>

PERSONS	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	38	9	6	0	53
Female	137	19	5	1	162
<b>Total</b>	<b>175</b>	<b>28</b>	<b>11</b>	<b>1</b>	<b>215</b>

## Human Resources 2012-13

### Executives by gender, classification and status

Classification	Ongoing		Tenured		Untenured		Other		Male		Female		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	0	0	4	1	0	0	4	50%	1	12.5%	5
Executive B	0	0	0	0	0	1	0	0	0	0%	1	12.5%	1
Executive C	0	0	0	0		1	0	0	0	0%	1	12.5%	1
Executive D	0	0	0	0	1	0	0	0	1	12%	0	0%	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>62%</b>	<b>3</b>	<b>38%</b>	<b>8</b>

### Aboriginal and/or Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$53 199	0	58	0 %
\$53 200 - \$67 699	1	69	1.45 %
\$67 700 - \$86 599	3	42	7.14 %
\$86 600 - \$109 299	0	31	0 %
\$109 300+	0	15	0 %
<b>Total</b>	<b>4</b>	<b>215</b>	<b>1.86 %</b>

### Average days leave per full time equivalent employee

Leave Type	2009-10	2010-11	2011-12	2012-13
Sick Leave	7.37	7.97	6.65	6.94
Family carer's leave	0.68	0.75	0.87	0.71
Miscellaneous special leave	3.27	1.05	1.14	0.96

### Personal development review program

% Reviewed	Total
Within last 12 months	24
Prior to last 12 months	57
Not reviewed	19

### Leadership and management training expenditure

Training and Development	Total Cost	% of Total Salary Exp
Total training and development expenditure	\$165 408	1.1%
Total leadership and management development	\$15 571	0.10%

## Human Resources 2012-13

048

### Cultural and linguistic diversity

Employees	Male	Female	Total	% of Agency
Number of employees born overseas	10	30	40	18.6%
Number of employees who speak language(s) other than English at home	10	12	22	10.2%

### Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	0	0	0%
20 - 24	4	8	12	5.58%
25 - 29	10	10	20	9.30%
30 - 34	4	19	23	10.70%
35 - 39	1	17	18	8.37%
40 - 44	2	17	19	8.84%
45 - 49	6	20	26	12.09%
50 - 54	11	26	37	17.21%
55 - 59	8	30	38	17.67%
60 - 64	5	10	15	6.98%
65+	2	5	7	3.26%
<b>Total</b>	<b>53</b>	<b>162</b>	<b>215</b>	<b>100%</b>

### Total number of employees with disabilities

*according to  
Commonwealth  
DDA definition*

Employees	Number
Male	1
Female	1
<b>Total</b>	<b>2</b>
% of Agency	0.9%

### Types of disability *where specified*

Disability	Male	Female	Total	% Agency
Requiring workplace adaptation	0	1	1	0.5%
Physical	0	1	1	0.5%
Intellectual	0	0	0	0%
Sensory	1	1	2	0.9%
Psychological/ Psychiatric	0	0	0	0.0%

### Voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	0	0	0
Flexitime	22	107	129
Compressed weeks	0	4	4
Part-time	5	54	59
Job share	0	0	0
Working from home	0	0	0



## Human Resources 2012-13

### Work health and safety management

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

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

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

For workers compensation purposes the Commission has been assessed as a low risk employer and accordingly pays a low workers compensation premium. For 2012-13, the premium cost was 0.8% of total salary remuneration. This amounted to \$120 000 for the 2012-13 financial year.

049

Table 2: Agency gross workers compensation expenditure 2012-13 (compared with 2011-12)	2012-13 \$m	2011-12 \$m	Variation \$m + (-)	% Change \$m + (-)
• Income maintenance	0.05	Nil	+0.05	+0.03
• Lump Sum Settlements Redemptions - s 42	Nil	Nil	Nil	Nil
• Lump Sum Settlements Permanent Disability - s 43	Nil	Nil	Nil	Nil
• Medical/Hospital costs combined	Nil	Nil	Nil	Nil
• Other	Nil	Nil		
• Total Claims Expenditure	0.05	Nil	+0.05	+0.03

Table 3: Meeting Safety Performance Targets	Base: 2009-10 Numbers or %	Performance: 12 months to end of June 2013*			Final Target** Numbers or %
		Actual	Notional quarterly target**	Variation	
1. Workplace Fatalities	Nil	Nil	Nil	Nil	Nil
2. New Workplace Injury Claims	Nil	2	Nil	+2	+2
3. New Workplace Injury Claims Frequency Rate	Nil	Nil	N/A	N/A	N/A
4. Lost Time Injury Frequency Rate***					
5. New Psychological Injury Claims Frequency Rate	Nil	1	N/A	+1	
6. Rehabilitation and return to work					
6a. Early Assessment within 2 days****	N/A	N/A	N/A	N/A	N/A
6b. Early Intervention within 5 days****	N/A	N/A	N/A	N/A	N/A
6c. LTI have 10 business days or less lost time	Nil	2	Nil	+2	90%
7. Claims determination					
7a. New claims not yet determined assessed for provisional liability in 7 days	Nil	Nil	Nil	Nil	100%
7b. Claims determined in 10 business days	Nil	+2	Nil	+2	75%
7c. Claims still to be determined after 3 months	Nil	Nil	Nil	Nil	3%
8. Income maintenance payments for recent injuries			N/A		
2010-11 Injuries at 24 months development	Nil	Nil	Nil	+1	
2011-12 Injuries at 12 months development	Nil	\$5000	Nil	+\$5000	

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

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

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

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

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

# Clients of the Commission 2012-13

050

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



2012 legal education presentation held by Community Legal Education Officer, Alice Hall.

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

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

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

In the 2012-13 financial year a total of 122 534 services (excluding education sessions) were provided to clients. These services included—

- 64 506 telephone advice sessions;
- 27 687 advice appointments;
- 14 990 duty solicitor assistance services;
- 15 351 grants of aid for legal representation.

In addition, the Commission provides education services to many South Australians. In the 2012-13 financial year staff of the Commission—

- conducted 406 legal education and professional development sessions for 11 139 participants;
- distributed 102 105 publications; and
- maintained the Law Handbook Online website which attracted 1 439 963 page views from members of the public.

The Commission seeks to reach clients in regional and remote areas as well as those in metropolitan Adelaide, with offices at Elizabeth, Holden Hill, Mount Barker, Noarlunga, Port Adelaide, Port Augusta and Whyalla in addition to the head office in Adelaide. From the Port Augusta and Whyalla offices staff make regular visits to remote areas, including the Anangu Pitjantjatjara Yankunytjatjara (APY) lands.

## Clients of the Commission 2012-13

The Commission seeks to reach clients who may have difficulty accessing its services by running legal information and education sessions with the elderly, youth, people with disabilities, Aboriginal and Torres Strait Islander people, people from culturally and

linguistically diverse backgrounds and new migrants. Strategies to improve services and access to Commission buildings for people with disabilities are regularly reviewed and interpreters and a telephone typewriter service are available to clients where required.

The following tables provide a breakdown of the clients who have accessed services at the Commission this financial year. All tables show the number of services provided and include clients who have used the service more than once during the reporting period.

051

### Grants of aid, advice appointments and duty lawyer services by client profile 2012-13

	Grants of Aid	Advice Appointments	Duty Lawyer Services	Total
Aboriginal and/or Torres Strait Islander clients	1 220	421	1 172	2 813
Culturally and linguistically diverse clients	1 218	8 980	1 543	11 741
Clients with a disability	3 340	1 246	2 156	6 742
Clients under 18	1 595	903	1 174	3 672
Clients 66+	102	1 955	240	2 297
Other	7 876	14 182	8 705	30 763
<b>Total</b>	<b>15 351</b>	<b>27 687</b>	<b>14 990</b>	<b>58 028</b>

“ Dear Sir/Madam,

*Through this message I would like to express my gratitude to your Organisation and the wonderful support system offered free of cost, to victims of circumstances like my Family and myself. Having faced domestic violence, unpaid wages, unfair dismissal from work and financial exploitation, we had lost all faith in humanity. We as a Family were shattered, scared and in a foreign land did not know whom to approach. That's when we approached your Organisation. We were counselled and guided at each step and while we are still not out of the mess, we now have gained the self respect and confidence to face the issues on hand. In particular I would like to acknowledge ... who provided exceptional and professional counselling, without which I would have lost all hope in humanity. While we still have many mountains to cross I would like to thank you once again for the wonderful support offered by your Organisation during the crisis we are facing.*

Yours sincerely ”

## Clients of the Commission 2012-13

### Legal aid, advice and duty lawyer services by age bracket, gender and law type 2012-13

	Criminal Law			Family Law				Civil Law			Total
	Female	Male	Total	Female	Male	Other*	Total	Female	Male	Total	
Age 0-11											
Grants of aid	4	41	45	157	216	212	585	1	1	2	632
Advice services	1	2	3	0	6	0	6	13	7	20	29
Duty lawyer	4	43	47	0	0	0	0	0	0	0	47
Age 12-17											
Grants of aid	213	685	898	40	21	3	64	0	1	1	963
Advice services	22	103	125	40	11	0	51	117	581	698	874
Duty lawyer	258	857	1 115	8	0	0	8	0	4	4	1 127
Age 18-20											
Grants of aid	235	1 120	1 355	154	36	0	190	0	2	2	1 547
Advice services	71	239	310	216	56	0	272	208	303	511	1 093
Duty lawyer	216	1 233	1 449	34	7	0	41	2	6	8	1 498
Age 21-30											
Grants of aid	740	3 183	3 923	737	330	1	1 068	1	1	2	4 993
Advice services	292	806	1 098	1 630	727	0	2 357	1 371	1 069	2 440	5 895
Duty lawyer	724	3 233	3 957	281	166	0	447	4	26	30	4 434
Age 31-40											
Grants of aid	633	2 579	3 212	564	351	2	917	0	0	0	4 129
Advice services	275	576	851	2 250	1 336	0	3 586	1 371	1 300	2 671	7 108
Duty lawyer	681	2 502	3 183	382	342	0	724	8	37	45	3 952
Age 41-50											
Grants of aid	364	1 422	1 786	202	206	2	410	1	3	4	2 200
Advice services	258	481	739	1 701	1 201	0	2 902	1 379	1 559	2 938	6 579
Duty lawyer	415	1 552	1 967	241	308	0	549	4	28	32	2 548
Age 51-65											
Grants of aid	128	526	654	68	55	0	123	1	5	6	783
Advice services	218	371	589	586	414	0	1 000	1 231	1 217	2 448	4 037
Duty lawyer	133	585	718	109	125	0	234	8	11	19	971
Age 66+											
Grants of aid	12	76	88	6	4	0	10	2	2	4	102
Advice services	58	133	191	86	86	0	172	829	763	1 592	1 955
Duty lawyer	26	150	176	26	34	0	60	0	4	4	240
Unknown											
Grants of aid	1	1	2	0	0	0	0	0	0	0	2
Advice services	12	22	34	16	6	0	22	42	19	61	117
Duty lawyer	33	130	163	4	2	0	6	3	1	4	173
Total	6 027	22 651	28 678	9 538	6 046	220	15 804	6 596	6 950	13 546	58 028

\*Joint application by male and female

### Telephone advice services by gender and law type 2012-13

	Female	Male	Unknown	Total
Family	11 811	5 524	9	17 344
Criminal	5 003	6 365	81	11 449
Civil	20 808	14 888	17	35 713
<b>Total</b>	<b>37 622</b>	<b>26 777</b>	<b>107</b>	<b>64 506</b>

# Client Relations 2012-13

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

The Client Relations Coordinator—

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

Each client is responded to in a timely manner and every complaint is resolved as efficiently and equitably as possible.

The majority of the matters handled by the Client Relations Coordinator in the 2012–13 financial year were in relation to Commission decisions to refuse applications for legal aid funding and enquiries relating to entitlement to legal aid and the assessment of that entitlement.

In particular, the Client Relations Coordinator assisted clients in the following ways:

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

Complaints about the service provided by the Commission, and Commission processes, have dropped from 81 in 2011–12 to 68 in 2012–13 and represented only 6.9% of all complaints and enquiries received in this financial year. In view of the vast number of client contacts occurring per year in representation and advice services, this number is very low and reflects a high level of satisfaction with the services provided by the Commission.

## Client Relations 2012-13

### Client Relations Contacts 1 July 2012 - 30 June 2013

Basis of contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all Contacts
Refusal of aid	12	7	1	247	138	9	0	414	42.20%
Entitlement to legal aid	4	5	2	210	55	19	2	297	30.28%
Child Representation	0	0	0	8	0	0	0	8	0.82%
Commission service	0	19	1	15	8	20	5	68	6.93%
Statutory charge	0	0	0	8	0	0	0	8	0.82%
Private practitioner service	0	0	0	12	6	2	0	20	2.04%
Discrimination	0	0	0	0	0	0	0	0	0.00%
Conditions of aid (other than statutory charge)	0	0	0	9	2	0	0	11	1.12%
Cap	0	0	0	34	0	0	0	34	3.47%
Complaint to MP, Ombudsman etc.	0	0	0	1	0	1	0	2	0.20%
Other	0	7	6	15	38	13	40	119	12.13%
<b>Total</b>	<b>16</b>	<b>38</b>	<b>10</b>	<b>559</b>	<b>247</b>	<b>64</b>	<b>47</b>	<b>981</b>	<b>100%</b>



# Freedom of Information 2012-13

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

Arrangements can be made to inspect documents available under the *Freedom of Information Act 1991* (the Act) at 159 Gawler Place, Adelaide between 9.00 am and 5.00 pm on working days. Copies may be purchased at a fee of 50 cents per page, which may be waived in appropriate cases.

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

In the 2012-13 financial year 12 applications for information were processed under the Act. Of the 12 applications, full release of the requested material was provided in nine of the requests, two of the requests were refused on the basis that the records requested were not in existence and one request was partially fulfilled as the Commission did not hold all the information pertaining to the application.

# Policy and Research 2012-13

056

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

- preparing funding submissions;
- ensuring compliance with State and Commonwealth Government reporting requirements;
- providing high quality research and policy advice in response to government proposals for policy and legislative change that may affect the Commission and its clients;
- preparing responses to reviews, inquiries, royal commissions, investigations and reports that impact, or have the potential to impact, on the Commission and its clients;
- analysing and assessing matters on the national legal aid agenda as proposed by the Commonwealth Government;
- representing the Commission on national and local working parties;
- assisting in arriving at informed decisions influencing the future direction of the Commission, including strategic planning;
- engaging in long term project delivery;
- ensuring statutory and contractual obligations are met;
- responding to media;

- providing a secretariat for the Commission's board;
- producing the Annual Report;
- organising and co-ordinating large scale events such as conferences.

During the 2012-13 financial year staff of the policy and research section were involved in a number of large projects, including a change management role as part of the Commission's move to new accommodation in September 2013. This role involved working closely with staff in identifying major issues and needs associated with the move, drafting the Commission's submission to the Public Works Committee of Parliament, liaising with management, staff, external stakeholders and contractors and establishing the Relocation Staff Sub-Committee to facilitate the flow of information about the relocation process to staff.

Staff co-ordinated the Commission's response to internal and external surveys and reports distributed by ACIL Allen Consulting as part of the Review of the National Partnership Agreement on Legal Assistance Services as well as the six monthly reports required under the current National Partnership Agreement, reporting against benchmarks established by the Agreement with the Commonwealth.

Staff provided an analysis of the Review of the Provision and Procurement

of Legal Aid Services in the South Australian Criminal Courts conducted by the State Government. Analysis of both proposed and proclaimed legislation affecting guilty pleas and sentencing laws, courts efficiency reforms, fines enforcement and recovery, arrest procedures and bail, anti discrimination laws, evidence, regulation of the legal profession, strata titles laws and spent convictions was also undertaken. Policy staff organised, attended and responded to the Commission's half day Strategic Planning Session. A new survey of the Commission's clients was negotiated and one staff member qualified as a Freedom of Information Officer.

During the financial year, policy staff represented the Commission in the following forums:

- SACOSS Policy Council
- Law Society Justice Access Committee
- Law Society Bulletin Committee
- Courts Community Reference Group
- Subcommittees of the Board of the Legal Services Commission
- National Legal Aid Officers working groups.

**35th Annual Report 2012-13**

Legal Services Commission of South Australia

# **Access Services Program**

057

# Access Services Program 2012-13

058

*The Legal Services Commission provides free resources to enable each member of the South Australian public to gain easy access to information and advice about his or her legal rights.*



*Christopher Boundy, Manager Access Services Program.*

The Access Services Program delivers free legal education, information and advice to all South Australians. Legal queries from individuals are responded to by qualified lawyers and experienced para legal staff either through the Commission's telephone advice hot line or through interviews by appointment. General legal education sessions are run for the community by the Commission's community legal education staff.

## **Legal information and advice**

Between 1 July 2012 and 30 June 2013 Commission staff responded to legal questions from more than 92 000 individuals. Nearly 65 000 of these questions came from calls to the Legal Help Line. This free advice service is accessed through 1300 366 424 for the cost of a local call (excluding mobile phones) and is the first point of contact for many Commission clients. Calls are answered from 9am to 4.30pm each business day and callers receive immediate legal information and advice or are referred to an appropriate specialist agency.

For the consideration of more complex matters, more than 27 500 booked advice appointments were provided by Commission staff, most of which were conducted face to face. An increasing number of booked appointments were provided by telephone so as not to disadvantage regional or remote clients or those with mobility issues. Personal appointments are available at each of the Commission's offices and at the regular outreach service provided at Murray Bridge.

Advice staff provide general legal advice, as well as more specialist advice in areas such as migration law, domestic violence and Centrelink matters. Advisers regularly visit metropolitan prisons to provide information and advice to inmates on family law and child support matters.

## Access Services Program 2012-13

### Specialist services

#### Migration

Advice and assistance is provided in certain migration matters. Each application for assistance is assessed on its merits to ensure appropriate allocation of Commission resources. Migration lawyers at the Commission are mainly involved in assisting clients with onshore protection visa applications but also assist with such matters as permanent spouse visa applications for disadvantaged clients.

Through a regular process of tender and contract, the Commonwealth government provides the framework and financial support for the Legal Services Commission to provide migration advice and assistance to eligible visa applicants who are living in the community. This is known as the Immigration Advice and Application Assistance Scheme (IAAAS). In response to increased demand, the initial funding of \$40 000 under IAAAS in 2009-10 has increased to \$120 000 in 2012-13. Many of the beneficiaries of this specially funded legal service have been the victims of domestic violence and are in need of urgent advice and assistance.

#### Administrative Appeals Tribunal

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

#### Domestic Violence

Domestic violence is experienced by people in many sectors of the community. Experienced legal and para legal advisers provide expert assistance and referral support for victims who find themselves in such circumstances.

#### Family law and child support advice in prisons

Commission staff attend for interviews at the Adelaide Remand Centre, Yatala Labour Prison, the Adelaide Women's Prison and the Mobilong Detention Centre. A booked telephone advice service is available for prisoners located in rural and regional prisons. Many prisoners need specialist advice about a particular family situation as a result of incarceration, and appreciate the advice received from Commission staff.

#### Public Service Association Legal Services Scheme

The legal advisory service provided by the Commission to members of the Public Service Association (PSA) has been in operation for more than 20 years. This advisory service has a dedicated telephone advice line, and covers all financial members of the PSA, including members of the Community and Public Sector Union/State Public Services Federation (SA Branch) which is the principal trade union representing the workers who provide community services to South Australians.



## Access Services Program 2012-13

### Community Legal Education

Community legal education is an important component of the Commission's work and is specifically referred to in the *Legal Services Commission Act 1977*, requiring the Commission and its staff–

*...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."*

Additionally, the National Partnership Agreement between the Commonwealth and State and Territory governments has, as one of its desired outcomes, the targeted delivery of preventative legal services such as community legal education and information and appropriate referrals.

In 2012-13 Commission legal information and education sessions involved more than 11 000 participants. Sessions are designed to provide legal and civic education to groups of people who are identified as being at risk of experiencing social exclusion. Priority groups are new migrants, young people, people with a disability, older persons, Aboriginal people, prisoners, and people living with chronic health issues. In order to access marginalised groups such as these, sessions are also provided to community sector workers.



CLE session delivered by community liaison officer, John Mugabushaka.

Information and education sessions are held on a variety of subjects including juvenile justice, wills, child support and family law. During the last financial year a number of these sessions were presented in conjunction with TAFE SA and broadcast via videoconferencing facilities to metropolitan, rural and remote sites around South Australia. Registration is available on-line through the Commission's website.

An extensive number of legal education resources have been developed with other agencies and are freely available from the Commission including–

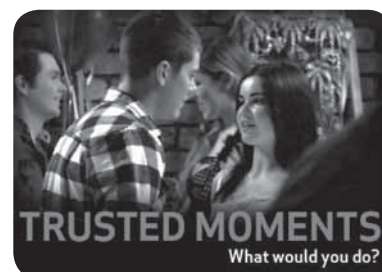
- a DVD entitled *What's the Law?* to assist new migrants to learn about Australian law; and
- a *Workers' Rights* booklet and 16 fact sheets about workplace entitlements to assist employees understand their rights and obligations and to provide information about common work related problems.



The cover art of 'What's the law?' DVD resource.



'Trusted Moments' website.



'Trusted Moments' promotional postcard.

## Access Services Program 2012-13

### Youth education

After the success of the theatre workshop performances of *Expect Respect*, promoting respectful relationships amongst young people, the Commission made a short film entitled *Trusted Moments* to underscore this important message.

*Trusted Moments* was officially launched at the Nova Cinema in Adelaide in November 2012 by the Minister for Youth and Social Inclusion, Hon Ian Hunter MLC. In attendance were 120 invited guests including teachers, school counsellors, youth workers, legal practitioners, members of youth support services, and representatives from government and youth advocacy agencies. The film received widespread acclaim and support, and has been promoted by the Department of Education and Child Development as a resource for sexual health and relationships education. It is also being promoted through the National Youth Connections network.

SHine SA is using *Trusted Moments* in its Year 10 Focus Schools 2013 curriculum (reaching 90% of government schools). Acknowledgment and thanks are due to the management and staff of SHine SA for the assistance provided to the Commission during the film's production.



Chief Justice French presents the Diversity and the Law Award 2013 to Alice Hall, MILE Education Officer.

Available in DVD format, the film has proven an excellent calling card for the Commission's Youth Legal Education Officer who has built educational sessions around the showing of *Trusted Moments* resulting in some impressive attendance numbers (3488 students involved in 124 sessions).

### Migrant education

The Commission assists new migrants in South Australia by delivering educational programs to improve understanding of Australian law and methods of accessing legal assistance.

Community legal education staff delivered educational sessions to over 2800 new migrants in the past financial year and undertook

extensive consultation with migrant community groups to ensure the sessions met the needs of each community. Much of the educational work focused on the needs of the Bhutanese Community, the African Women's Federation, the Muslim Women's Association, Afghan women, the Overseas Chinese Association and the Burundian community. Partnerships were also developed with specialist training service providers such as English Language Services (TAFE), LM Training Specialists, the Multicultural Communities Council, Centrelink Multicultural Forums, Australian Refugee Association, the Migrant Resource Centre and Lutheran Community Care.

This financial year the Commission was the recipient of a National Migration and Settlement Award for its work in raising awareness of legal rights and responsibilities amongst asylum

## Access Services Program 2012-13

062

seekers, refugees and migrants. The 2013 *Diversity and the Law Award* was presented at a ceremony in the Great Hall of Parliament House by the Chief Justice of the High Court of Australia, Justice Robert French AC.

### Aboriginal education

The Commission is part of an enterprising program teaching legal studies at TAFE to young Aboriginal people in Port Augusta. The scheme provides support for Aboriginal young people to study and gain work experience as an introduction to careers in law. Another part of the program includes tutoring and mentoring in the TAFE course *Justice and Policing Studies Aboriginal Pathways Project (Paralegal Certificate IV)*. This course is also aimed at encouraging Aboriginal young people to consider careers in the legal sector.

A further educational program targeted at Aboriginal people is the ACE (Aboriginal Community Education) Law and Advice program. This program is overseen by a lawyer/educator working from the Commission's regional offices at Whyalla and Port Augusta. It involves community liaison meetings for Aboriginal people, with the involvement of 279 participants in the past financial year, and legal education sessions attended by 840 Aboriginal young people.



(L-R) Legal Education Officer, Alice Hall; Chief Justice Robert French; Manager of Access Services, Christopher Boundy at the Awards ceremony, Canberra.



2012 cyber bullying forum: Teacher, Claire Adams; Legal Services Commission of South Australia legal advice and community legal education officer Michelle Morgan and Cummins Area School principal Teleah Wilson. Photo courtesy of Port Lincoln Times.

### Law for Community Workers course

The Law for Community Workers course consists of weekly two hour lectures in two accredited subjects in the TAFE SA certificate IV in Justice Studies. The course was originally developed in 1989 for Aboriginal Legal Rights Movement field officers and the Commission's paralegal staff, and

since 1996 has been video-conferenced across South Australia to expand the student base and to allow rural and remote students to attend. Staff from both original organisations still attend to enhance their knowledge along with a wide range of community workers (an average of 40 enrolments) across the State annually. Each year six scholarships are provided to students from new and emerging communities.

## Access Services Program 2012-13



Legal training Officer, Liz Ahern  
presenting Law for Community Workers  
certificate to Lama Mohd Al Hamouri.

063

CLE Sessions by attendees	2011-12		2012-13	
	Attendees	Info Sessions	Attendees	Info Sessions
Criminal law	987	38	2781	33
Civil law	1430	52	2046	47
Family law	1032	57	2131	56
General law	7623	310	4181	270
<b>Total</b>	<b>11072</b>	<b>457</b>	<b>11 139</b>	<b>406</b>
By State	6228		6348	
By Commonwealth	4844		4791	

Publications distributed	2011-12	2012-13
Family law	17 665	16 949
Civil law	8810	9 598
Criminal law	79 750	75 558
<b>Total</b>	<b>106 225</b>	<b>102 105</b>
By State	40 710	39 821
By Commonwealth	65 515	62 284



## Access Services Program 2012-13

064

### Web services

With the public accessing more information and resources online the Commission's web services have been instrumental in enabling access to the publications, services and resources provided by the Commission as part of its charter to ensure access to justice to all South Australians.

The Commission website, [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au), continues to provide information about the Commission's services and promote the value of legal help and assistance to the community. The 2012-13 financial year has seen the Commission successfully improve its web accessibility through the production of an array of mobile websites that optimise the viewing experience of Commission content for phone and tablet devices.



*Commission's mobile enabled website, launched November 2012.*

### Mobile website innovation

In November 2012 the Deputy Premier, Hon John Rau MP, launched the Commission's mobile website. The Commission now has dedicated mobile websites for the Commission site, the Law Handbook and the Duty Solicitor Handbook, all of which were created in-house.

Such has been the strong demand for information from the public using mobile phones and tablet devices that there has been an increase in visits to the Commission site of almost 300% in the last 12 months.



*Scan the QR code to view the Trusted Moments trailer.*

### Strong Commission site growth

In addition to the strong uplift in mobile web traffic to Commission sites, the main desktop Commission site experienced user growth of 24.2% over the 2012-13 financial year, with an average of 16 776 visits each month.

### Duty Solicitor Handbook

An addition to the Commission site has been the Duty Solicitor Handbook launched in July 2012. This new online resource is a practical guide to help duty solicitors in the course of their daily work. The site content is accessible for both desktop computers and mobile devices and has had an average of 3 300 visits per month since its launch.

### Law Handbook Online

A valuable educative resource provided by the Commission is The Law Handbook Online [www.lawhandbook.sa.gov.au](http://www.lawhandbook.sa.gov.au). This publication is widely acknowledged as the premier resource for free legal information in South Australia and continues to be updated regularly. In the past financial year the website experienced an overall increase in mobile device visits, and in particular increased visits using mobile tablet devices. Nearly 6 500 visits per month were recorded from mobile devices to the Law Handbook Online – an increase of 26.5% on the Handbook's year prior mobile traffic.



## Access Services Program 2012-13

### LegalAidSA Android app

Since its launch in November 2012 this free app, available for Android phones, has been downloaded over 200 times across Australia. This app follows the successful launch of the LegalAidSA iPhone app in November 2011.

### Online innovations

The Commission has recently introduced webinar sessions to extend the audience reach of the Commission's free community education sessions. Each training or education session can now have its audience capacity lifted to incorporate up to 100 online guests who can receive and interact with the live presentations. These webcasts have been very well received and have generated excellent positive feedback from metropolitan and regional community workers regarding the quality and delivery of the seminars.

### Mobile website projects

Earlier this year the Commission was involved with a South Australian Government working group to create greater awareness of the *Safe Communities Healthy Neighbourhoods* strategy. For the joint Law Week public promotion the Commission produced a mobile website that brought together and showcased the various State government mobile web content created to assist the public in emergency situations.



*The Commission launched its android version of the LegalAidSA phone app in November 2012.*

### Twitter

The Commission is continuing to be a leader in utilising social media networks to inform the public of the legal education resources, services and event opportunities that it provides. Since November 2011 the LegalAidSA Twitter account has been a daily voice on the internet and, by 30 June 2013, had secured its 1 000<sup>th</sup> subscriber.



*The Commission's LegalAidSA 1,000th Twitter subscriber.*

### Facebook

The Commission's Facebook site continues to provide an effective and engaging means of delivering information and child support services to clients across South Australia. The site recorded 275 108 content clicks during the past 12 months and provides a cost effective and direct means for the Commission to connect with its geographically diverse client base online.

The Child Support Unit's Facebook page is integral to the provision of child support information and services and supports the Unit's call-back service. As of 30 June 2013 the ChildSupportUnitSA Facebook community had 1 200 subscribers.

During the financial year the following comment was posted to the Child Support Unit on its Facebook site:

“Just wanted to say thank you so much for helping me with my change of assessment application. It is finally done as kids dad would not respond to CSA they had to contact his employers, ATO etc. It has now been changed to a fair amount and that is all I have ever wanted. Thank you ☺

I have recommended you to several people who I know you have also helped. You offer a great service to help for a confusing system!

”

## Access Services Program 2012-13

066

### YouTube

The Commission's YouTube Channel, established in October 2011, has proven to be another solid online resource for South Australians to watch legal education video content. Over the last financial year the site has had 1 987 video views with over 2 600 minutes of footage viewed in total. 56% of these views were from desktop computers and 36% were viewed on mobile devices.

### Library

The library at the Legal Services Commission is highly valued. As well as providing access to cases and other legal resources for the legal staff at the Commission, it offers research support to private legal practitioners who are undertaking legal aid cases.

The Librarian and a Library Assistant provide the Commission's legal practitioners with training in how to conduct legal research and use the ever expanding on-line facilities.

### Website page views

	2011-12	2012-13
Law Handbook online	1 859 228	1 439 963
LSC site	452 260	637 454
<b>Total</b>	<b>2 311 488</b>	<b>2 077 417</b>
State Law	1 434 628	1 211 504
Commonwealth Law	876 860	865 913
Criminal Law	611 614	534 579
Civil Law	1 266 290	1 114 202
Family Law	433 584	428 636

**35th Annual Report 2012-13**

Legal Services Commission of South Australia

# Representation Program

067

# Representation Program 2012-13

o68

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

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



*Karen Lehmann, Deputy Director,  
Manager Representation Program*

The Deputy Director, and the Managers of both the Grants of Legal Aid and Assignments Division and the Criminal Law Practice Division, were new appointments in the 2012–13 financial year. The Commission provides funding for legal representation by private practitioners and by the Commission's in-house legal practitioners. Funding in criminal law matters is provided predominantly by the State Government for litigation involving State legislation. Funding for cases in the Family Courts, and other matters that fall within the jurisdiction of the Commonwealth, is a Commonwealth funding responsibility.

The Grants of Legal Aid and Assignments Division has the responsibility of ensuring that funds provided by the State and Commonwealth Governments for grants of legal aid are expended in accordance with the *Legal Services Commission Act 1977*. If a client is unable to afford the cost of a private practitioner, and it is determined that a matter has merit and falls within the Commission's guidelines, a client may be granted legal aid. It is then determined whether the matter will be handled in-house, or assigned to a private practitioner. A private practitioner may be allocated a grant of legal aid if that practitioner has been nominated by a client as the client's solicitor of choice and the Commission determines that the choice is appropriate. If a client does not nominate a private practitioner, the client will be represented by an experienced lawyer with speciality knowledge of the area concerned, if not on the staff of the Commission then a lawyer in private practice.

The Legal Services Commission has a legislative responsibility to ensure legal assistance is provided to persons throughout the State in the most efficient and economical manner. To achieve this, the Commission must ensure that each legal aid matter

## Representation Program 2012-13

is assigned to a suitably qualified practitioner. Consequently, in September 2012 the Commission introduced a policy that requires Commission staff, when allocating a criminal law case, to take into account the nature of the matter and whether a practitioner has a restricted or unrestricted practising certificate.

The Criminal Law Practice Division of the Commission comprises 38 legal practitioners who provide representation in all criminal law jurisdictions including, with some help from the private profession, nearly 13 000 duty lawyer attendances in the last financial year.

The Family Law Practice Division has 22 legal practitioners who undertake duty lawyer services and represent clients in the Family Court and Federal Circuit Court. Practitioners also provide advice and assistance in child support cases. An area of the Family Law Practice Division that has been growing steadily since its inception in 2004 is the Family Dispute Resolution (FDR) program. In 2012-13, 1142 new FDR files were opened and 723 conferences were conducted.

Duty lawyer services are available to all members of the public at the Magistrates Courts, the Family Law

Courts and the Youth Court to assist people with free legal advice and minor initial representation (remand, bail and simple guilty pleas in the criminal law jurisdiction and adjournments and interim applications in the family law jurisdictions). The courts have repeatedly voiced their appreciation and support for this program. The assistance of a duty lawyer is an early intervention strategy and often reduces the hearing time for a matter and helps cases to settle more quickly.

In the 2012-13 financial year private legal practitioners performed 67% of legal aid grants in criminal law matters, 66% of legal aid grants in family law matters and 71% of legal aid grants in civil law matters. The Commission and the South Australian community are extremely well served by the generous co-operation of these 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.

During this financial year it became a focus for the Commission to ensure that the Commission's policies, procedures and funding constraints are clearly understood by external

legal practitioners undertaking legal aid assignments. The Commission held information sessions that were well attended by members of the profession. The Commission is continuing to liaise with interstate legal aid commissions the South Australia Bar Association, the Law Society of South Australia and the South Australian Attorney-General's Department to improve its systems for granting legal aid and securing continuing adequate funding for its programs.



# Chief Counsel 2012-13

070

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



*Greg Mead SC, Chief Counsel*

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

Most obviously, Chief Counsel undertakes work at the highest level in trials and appeals. Over the last financial year this has involved appearances in the Court of Criminal Appeal on numerous occasions in respect of appeals against either sentence or conviction or both.

During the last financial year Chief Counsel was briefed by Commission lawyers and external practitioners in Supreme and District court trials, pleas and appeals. In one case of rape, an acquittal was achieved in a re-trial following the overturning by the Court of Criminal Appeal of a directed acquittal in the initial trial. Other appearances included an application

for special leave to appeal to the High Court, which was unsuccessful, and the representation of a number of life sentence prisoners before the Parole Board.

Less obviously, Chief Counsel is called upon by the Director and other Commission staff for advice about complex management or ethical issues. The advice of Chief Counsel is sought by the Manager of the Grants of Legal Aid and Assignments Division in relation to the merits of possible appeals to the Court of Criminal Appeal or to the High Court. Chief Counsel successfully represented the Commission in an appeal from a decision of the Equal Opportunity Commission.

In addition, Chief Counsel provides mentoring advice to legal staff and sits on selection panels in relation to senior staff appointments.

### Justice Award — Barry Jennings, QC, 2012 recipient



*The 2012 Law Society Justice Awards presented to Barry Jennings, QC. The Commission group at the Justice Awards presentation.*

The Justice Award is awarded each year by the Law Society of South Australia at its annual dinner. It recognises the contribution that legal practitioners make to promoting access to justice in South Australia, particularly for socially and economically disadvantaged people. It is presented to an individual practitioner or practitioners whose commitment to promoting access to justice in South Australia has been demonstrated in a range of activities over an extended period, or in a single activity of significance.

In August 2012 the Justice Award was presented to Barry Jennings, QC. Barry has had an association with the Commission over many years, having been Chief Counsel for four years in the 1980s. Following his retirement as a District Court Judge of the Youth Court in 2006 Barry decided he still wanted to use his extensive legal experience to help others and so returned to the Commission to work in a voluntary capacity. In announcing Barry as the winner, the 2011 recipient, Josh Simons, said Barry's work "embodies the very essence of what the Justice Award seeks to recognise and celebrate".

In his acceptance speech, Barry thanked all of those at the Legal Services Commission who played a part in giving him the opportunity to return in a voluntary capacity and commented on the happy memories he has of his years in the organisation.

# Grants of Legal Aid and Assignments Division 2012-13

072

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

*In November 2012 the Manager of the Grants of Legal Aid and Assignments Division, Karen Lehmann, was appointed Deputy Director of the Commission. Sue Brebner, a long term employee of the Commission, was appointed Manager in her place.*



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

## Application for legal aid

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

## Who is eligible to receive legal aid?

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

In determining eligibility for legal aid, the following matters are considered:

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

## Means Test

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

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

## Merit Test

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

## Guidelines Test

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

- criminal matters where there is no real risk of imprisonment; or
- family property settlements unless there are special circumstances; or

# Grants of Legal Aid and Assignments Division 2012-13

- civil matters such as defamation, commercial contracts and conveyancing.

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

## Applications for aid processed 2012-13

Of the 18 897 applications received by the Commission to process in the 2012-13 financial year, 9001 (47.5%) were lodged by private legal practitioners on behalf of existing clients. These applications are known as 'claimed' applications because the client has nominated a solicitor of their choice. If approved, applications in which a private practitioner is nominated are, in most cases, referred back to that practitioner.

Applications in which no legal practitioner is nominated, ie 'unclaimed' applications are, if approved, generally assigned to a legal practitioner employed by the Legal Services Commission.

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

Of the 15 351 approved applications for the reporting year, 10 300 (67%) of legal aid grants were assigned to private practitioners and 4348 (33%) to the in-house practice.

## Expensive criminal cases

In the 2012-13 financial year three criminal trials were funded by the Commission under the Expensive Criminal Cases Funding Agreement. In two of these cases the defendants faced charges of murder. One of the three matters involved a single accused and the other two cases involved co-accused.

*Appendix 3* contains the Expensive Criminal Cases Funding Agreement.

## Contributions

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

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

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

## Statutory charges

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

*Appendix 4* provides details of the statutory charges taken for the 2012-13 financial year.

## Fee scale payments

The Commission increased its fee scales for payments to private practitioners and for disbursements across the board effective from 3 September 2012.

These fee scales are set by Commission resolution after consultation with the Law Society of South Australia.

## Grants of Legal Aid and Assignments Division 2012-13

### National relationships

The Manager of the Grants of Legal Aid and Assignments Division is a member of the National Legal Aid Grants National Statistics Working Group (GNSWG). This working group is comprised of representatives from each Australian Legal Aid Commission. The GNSWG has a sound working relationship with other national groups including the Data Collection Working Group and the Family Law Working Group and reports to National Legal Aid. The working group agendas include such matters as National Partnership Agreement benchmarks, Commonwealth Funding Guidelines, the National Legal Aid Strategic Plan, consistent data collection and the National Legal Aid Statistics website.

### Applications for aid received by source 2012-13

Source		
Child support unit	326	1.72%
Community law centres	13	0.07%
Direct from client	6 570	34.67%
Duty lawyer	1 879	9.92%
Family Court	44	0.23%
Federal Circuit Court	326	1.72%
Interview	137	0.72%
Other agency	70	0.37%
Prison	577	3.05%
Private practitioner	9 001	47.50%
Unknown	5	0.03%
<b>Total</b>	<b>18 948</b>	<b>100.00%</b>

### Applications for legal aid received and processed 2012-13

Application status	Family		Criminal		Civil		Total	
Awaiting final assessment	29	0.63%	52	0.37%	3	1.41%	84	0.44%
Assigned	2 215	48.40%	8 070	57.20%	15	7.04%	10 300	54.51%
In-house	1 152	25.18%	3 893	27.59%	6	2.82%	5 051	26.73%
Refused	1 120	24.48%	1 901	13.48%	186	87.32%	3 207	16.97%
Withdrawn	60	1.31%	192	1.36%	3	1.41%	255	1.35%
<b>Total</b>	<b>4 576</b>	<b>100.00%</b>	<b>14 108</b>	<b>100.00%</b>	<b>213</b>	<b>100.00%</b>	<b>18 897</b>	<b>100.00%</b>

51 applications for aid received in June 2013 were not processed by 30 June 2013



## Grants of Legal Aid and Assignments Division 2012-13

### Applications for legal aid refused by reason 2012-13

Reason Refused	Family		Criminal		Civil		Total	
Guidelines	236	21.07%	877	46.14%	162	87.10%	1 275	39.75%
Guidelines and means	121	10.80%	291	15.31%	13	6.99%	425	13.25%
Means	637	56.87%	683	35.93%	7	3.76%	1 327	41.38%
Means and merit	7	0.63%	1	0.05%	0	0.00%	8	0.25%
Means, merit and guidelines	6	0.54%	0	0.00%	0	0.00%	6	0.19%
Merit	40	3.57%	47	2.47%	4	2.15%	91	2.84%
Merit and guidelines	39	3.48%	1	0.05%	0	0.00%	40	1.25%
No jurisdiction	34	3.04%	1	0.05%	0	0.00%	35	1.09%
<b>Total</b>	<b>1 120</b>	<b>100.00%</b>	<b>1 901</b>	<b>100.00%</b>	<b>186</b>	<b>100.00%</b>	<b>3 207</b>	<b>100.00%</b>

075

### Child protection applications 2012-13

Source	Assigned	In-house	Refused / Withdrawn	Awaiting Assessment	Total
Adult	299	0	60	6	365
Child	39	228	1	0	268
<b>Total</b>	<b>338</b>	<b>228</b>	<b>61</b>	<b>6</b>	<b>633</b>

## Grants of Legal Aid and Assignments Division 2012-13

### Applications granted by primary matter group 2012-13

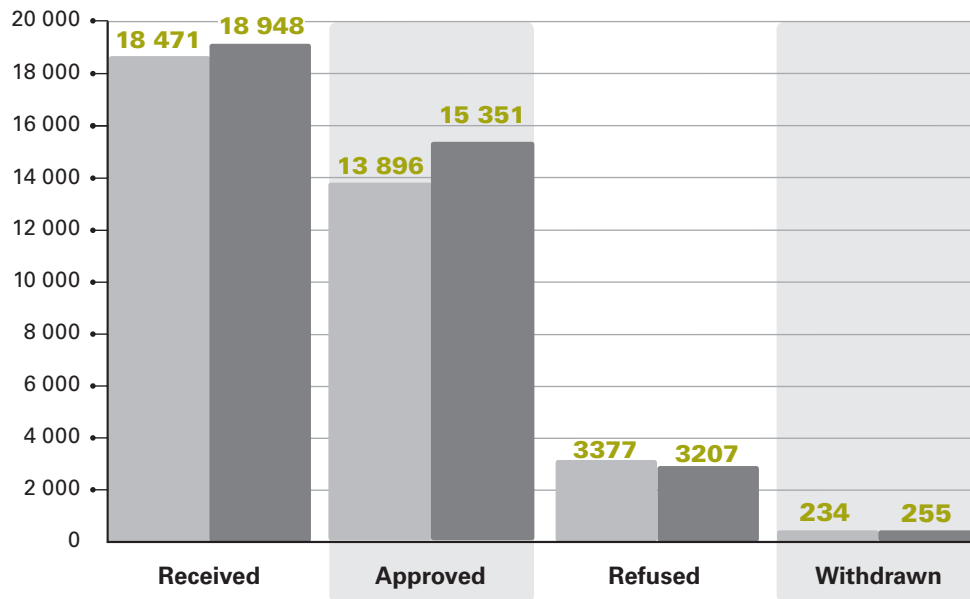
		Inhouse	Assigned	Total	% of approved matters
<b>Family</b>	*Child protection application	39%	61%	580	3.78%
	Child support	95%	5%	265	1.73%
	Children	11%	89%	1 618	10.54%
	Contempt	6%	94%	47	0.31%
	Dissolution	61%	39%	18	0.12%
	Family dispute resolution	50%	50%	439	2.86%
	Independent children's lawyer	63%	37%	363	2.36%
	Injunctions (family)	0%	100%	1	0.01%
	Maintenance	100%	0%	15	0.10%
	Property settlement	62%	38%	21	0.14%
	<b>Total family law</b>	<b>34%</b>	<b>66%</b>	<b>3 367</b>	<b>21.95%</b>
<b>Criminal</b>	Assaults (excluding sexual assaults)	38%	62%	2 963	19.30%
	Drugs Commonwealth offences	27%	73%	22	0.14%
	Drugs dealing and trafficking	21%	79%	510	3.32%
	Drugs manufacture	25%	75%	153	1.00%
	Drugs possess/use	35%	65%	52	0.34%
	Environmental	50%	50%	4	0.03%
	Extortion	29%	71%	14	0.09%
	Fraud, misappropriation and deception	42%	58%	278	1.81%
	Handling, receiving and unlawful possession of stolen goods	21%	79%	212	1.38%
	Homicide	31%	69%	177	1.15%
	Motor vehicle driving offences	34%	66%	1 144	7.45%
	Motor vehicle other and related offences	34%	66%	315	2.05%
	Offences against good order	35%	65%	148	0.97%
	Offences against govt security	100%	0%	2	0.01%
	Offences against justice procedure	27%	73%	2 459	16.02%
	Offences against person	27%	73%	105	0.68%
	Offensive behaviour offences	53%	47%	76	0.50%
	Other criminal law matters/offences	39%	61%	23	0.15%
	Property damage (criminal)	42%	58%	275	1.79%
	Prostitution and related offences	50%	50%	2	0.01%
	Rape and sexual offences	37%	63%	450	2.93%
	Robbery	29%	71%	253	1.65%
	Serious criminal trespass	32%	68%	1 163	7.58%
	Theft and other dishonest offences	30%	70%	886	5.77%
	Unlawful possession of other weapons	26%	74%	277	1.80%
	<b>Total criminal law</b>	<b>33%</b>	<b>67%</b>	<b>11 963</b>	<b>77.92%</b>
<b>Civil</b>	*Administrative law	13%	87%	16	0.10%
	Immigration	100%	0%	3	0.02%
	Miscellaneous (civil)	50%	50%	2	0.01%
	<b>Total civil law</b>	<b>29%</b>	<b>71%</b>	<b>21</b>	<b>0.13%</b>
	<b>Total applications granted</b>	<b>33%</b>	<b>67%</b>	<b>15 351</b>	<b>100.00%</b>

\*Previously, child protection applications were categorised under civil administrative law

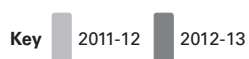
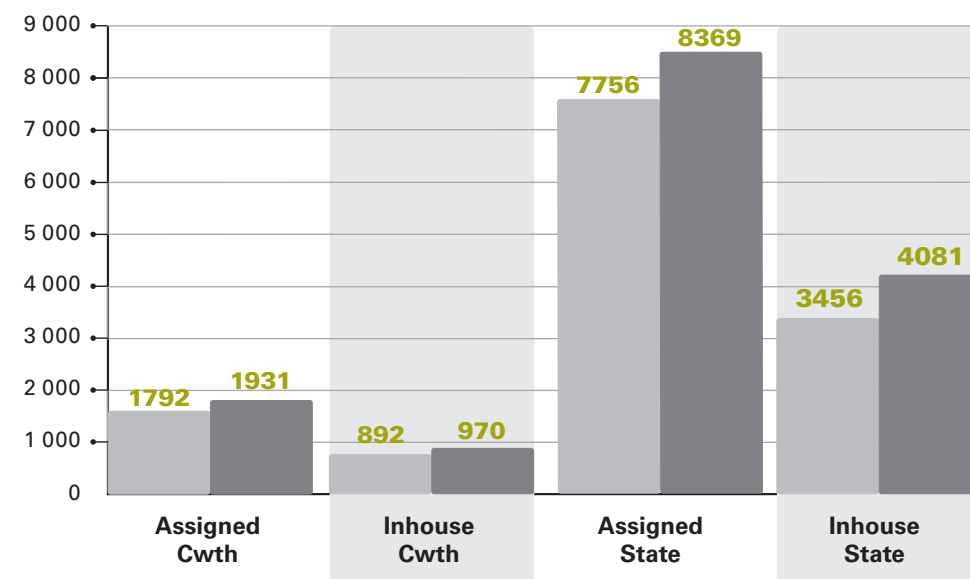
## Grants of Legal Aid and Assignments Division 2012-13

### Applications for legal aid received to 30 June 2013

The Commission received **18 948** applications for aid this financial year (an increase of **477** on 2011-12) and approved **15 351** (an increase of **1455** on 2011-12).



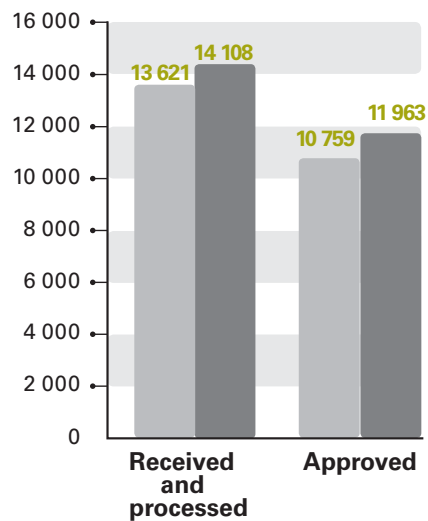
### Assigned/in-house by State/Commonwealth 2012-13



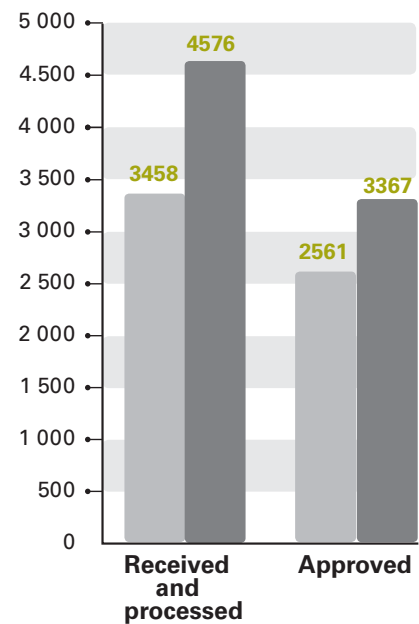
## Grants of Legal Aid and Assignments Division 2012-13

### Applications received, processed and approved by law type 2011-12 and 2012-13

#### Criminal Law

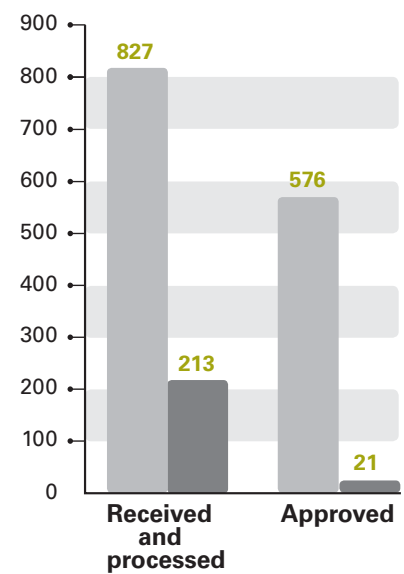


#### Family Law



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

#### Civil Law



# Criminal Law Practice Division 2012-13

*The Legal Services Commission's Criminal Law Practice Division is the largest criminal law practice in the State. It has a proud tradition of providing quality representation to clients who have received a grant of legal aid.*



Andrew English, Manager  
Criminal Law Practice Division

In 2012-13 the Commission's criminal lawyers represented clients in all the State criminal courts, including in many complex and high profile sentencing matters and trials heard in the District and Supreme Courts and appeals against conviction and sentence before the Court of Criminal Appeal. The in-house practice also provides comprehensive representation services to clients who have matters before all metropolitan and many country Magistrates Courts.

In addition to legally aided representation, the in-house practice provides a free duty lawyer service in the Magistrates and Youth Courts in the Adelaide metropolitan area and some country locations including the APY Lands, a free after hours custody advice service, a free prison advisory service and a means tested, specialist youth legal service.

## Appointment of a dedicated prison's lawyer

In November 2012 the Commission sought to improve the prison's duty solicitor service by appointing an experienced criminal lawyer to the position of prison's lawyer.

The prison's lawyer regularly visits all correctional institutions (metropolitan and country) and has become a familiar focus for prisoners seeking assistance on a range of difficult issues including ill treatment at the hands of other prisoners, complaints of bullying by correctional officers and appeal advice. The prison's lawyer has also become a source of expert knowledge in relation to prisons and Parole Board legislation, procedures and protocols.

## Appointments to the Bench

In the 2012-13 financial year the in-house criminal practice has been greatly honoured by the appointment of Luke Davis, a senior criminal solicitor, to the Magistracy. Mr Davis provided the Commission with many years of dedicated service and was a key member of the Criminal Law Practice Division. His appointment follows on from the appointment of the then Criminal Law Practice Division Manager, Paul Muscat SC, as a Judge of the District Court of South Australia in June 2012.

## Criminal law Practice Division 2012-13

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2013 World Elder Abuse Day: (L-R) Pauline Barnett, Adam Kimber, SC, Greg Mead, SC, Andrew English, Trish Johnson, Gabrielle Canny, Ian Press, Paul Greenwood

### Specialist representation

In addition to general representation, the in-house practice provides specialist criminal defence services to vulnerable members of the community who have an intellectual disability or a serious mental health illness.

Commission lawyers regularly represent clients before the Mental Health Diversion Court and in 2012-13 provided representation to many clients charged with serious major indictable offences (including murder) who were unfit to plead or had mental impairment defences arising from psychiatric conditions such as schizophrenia and chronic psychosis. Many of these clients are incapable of providing coherent instructions because of their mental health problems and in-house practitioners are required to

work closely with forensic psychiatrists and psychologists to prepare matters for court.

The in-house practice enjoys an excellent working relationship with professionals who work within the forensic mental health system in South Australia. In September 2012 Commission lawyers were invited to speak at the Annual Conference of the Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL). The ANZAPPL conference covered a wide range of topics including the impact of incarceration on the mental health of children and current research establishing links between violent video games and adolescent violence. Dr Luke Broomhall, a leading forensic child psychologist, provided a case study of a 14 year old youth who pleaded guilty to the seemingly senseless murder of an elderly woman.

In-house criminal lawyers represented the youth and had called Dr Broomhall to give evidence to explain the youth's conduct during sentencing proceedings in the Supreme Court.

### Working with other stakeholders in the criminal justice system

In-house practitioners play a key role in liaising with other justice agencies to bring about improvements in the justice system.

The Commission continues to be part of the Court Re-design Project established by the Chief Magistrate in April 2011 to improve effectiveness and efficiency in the Magistrates Court. The other participants include the police, the Office of the Director of Public Prosecutions, the Courts Administration Authority and the Victims of Crime Office.



## Criminal law Practice Division 2012-13

In June 2013 a World Elder Abuse Day Conference was convened by the South Australian Aged Rights Advocacy Service (ARAS). The keynote speaker was Deputy District Attorney from San Diego, USA, Paul Greenwood. Mr Greenwood is head of the Elder Abuse Prosecution Unit and has been involved in the prosecution of over 400 cases of elder and dependent adult abuse. After the conference he met with the Director, Chief Counsel and senior staff from the Criminal Law Practice Division and Access Services Program, along with the South Australian Director of Public Prosecutions and his senior staff to discuss strategies for combating elder abuse in this State.

In the 2012-13 financial year in-house practitioners played an active role on committees and working groups making recommendations to government relating to sentencing practices, defendants with disabilities and technological innovations such as the introduction of audio visual links between courts and prison institutions. In-house practitioners also participate in the work of the Criminal Law Committee of the Law Society of South Australia.

### Drug Court

The Drug Court of South Australia was established to provide assistance to people whose crimes are related to drug addiction and who wish to make a genuine attempt at rehabilitation. The Commission has two dedicated in-house Drug Court lawyers who provide representation to clients in this jurisdiction. Success by clients in rehabilitation programs ordered by the court often lead to non custodial sentences, future abstention from drug use and better outcomes for the community.

### Representation of Aboriginal people

The Commission has a strong commitment to representing Aboriginal clients caught up in the criminal justice system. It is recognised that Aboriginal clients are often among the most disadvantaged people in the community and are heavily over represented in the prison system. The in-house practice works cooperatively with the Aboriginal Legal Rights Movement (Inc) to provide representation and duty solicitor services to Aboriginal clients on the APY lands and in city and most country areas. In May 2013 in-house practitioners represented an Aboriginal woman before the Court of Criminal Appeal who had been convicted after jury trial of the offences of aggravated

serious criminal trespass and aggravated assault. The ground of appeal was that the client had suffered a miscarriage of justice as a result of juror misconduct. It was discovered after trial that a juror had been prejudiced against the client and had maliciously told other jurors that she was a person of bad character. The Appeal was upheld and a retrial ordered.

## Criminal law Practice Division 2012-13

### Criminal law duty lawyer services by court location and work type 2012-13

Court	Advice	Mention	Plea	Contested Bail Application	Hearing	Other	Total
Adelaide	1 546	1 135	209	706	6	155	3 757
Amata	1	26	21	1	0	0	49
Berri*	34	116	31	60	1	3	245
Christies Beach	299	114	64	439	1	21	938
Coober Pedy	21	59	40	9	0	8	137
Elizabeth	2 435	72	1	104	4	26	2 642
Ernabella	2	21	23	1	3	1	51
Fregon	1	9	8	1	6	2	27
Holden Hill	1 004	94	13	177	7	12	1 307
Indulkana	2	33	26	0	7	1	69
Leigh Creek	0	0	2	0	0	0	2
Marla	0	3	2	0	1	0	6
Millicent*	7	2	14	0	0	0	23
Mimilli	2	11	13	1	1	1	29
Mount Barker	40	91	33	13	0	6	183
Mount Gambier*	32	47	52	3	1	3	138
Murray Bridge*	29	43	6	0	0	0	78
Noarlunga	22	0	0	0	0	0	22
Pipalyatjarra	2	5	1	0	0	0	8
Port Adelaide	495	314	121	591	0	93	1 614
Port Augusta	130	385	133	205	25	45	923
Waikerie*	6	25	3	2	0	0	36
Whyalla	94	296	86	128	10	23	637
<b>Total</b>	<b>6 204</b>	<b>2 901</b>	<b>902</b>	<b>2 441</b>	<b>73</b>	<b>400</b>	<b>12 921</b>

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

### Criminal law duty lawyer services by court type and work type 2012-13

Court	Advice	Mention	Plea	Contested Bail Application	Hearing	Other	Total
Youth Court	179	534	66	99	3	32	913
Magistrates Court	6 025	2 367	836	2 342	70	368	12 008

# Family Law Practice Division 2012-13

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



Graham Russell, Manager  
Family Law Practice Division

## Changes to the family law system

As in previous years, in the 2012-13 financial year there were a number of important changes to the family law system. In April the Federal Magistrates Court was renamed the Federal Circuit Court and the Federal Magistrates became known as Judges. The overwhelming majority of all applications are now filed in that court, while the Family Court hears the most complex cases including those cases where allegations of sexual abuse or serious physical abuse have been made. These cases are heard by the Family Court under its Magellan Case Management System.

Significant activity occurred during the financial year to increase collaboration between the family law and child protection sectors, and in particular to increase the flow of information between the two sectors. In February

a pilot project began in the Adelaide registry requiring a party to file a *Notice as to Risk* with every application or response in parenting matters, setting out the concerns of that party for the safety of the child in those proceedings. This Notice has been developed as a result of consultation between Families SA, the courts and the Commission and national implementation will be considered after feedback on the new process.

During the financial year the ground floor reception area of the Family Law Courts building was re-modelled. A purpose built file viewing area was created adjacent to the front desk of the Registry and the Commission's telephone hot line was moved into a room in this new area creating a room with all the Commission's family law advice materials and a dedicated telephone link to the Commission's legal help line – a cooperative venture between the Commission and the Court that has been in operation since June 2004. Clients identified as needing legal advice by staff of the Court are referred to the hot line where they can immediately speak to one of the Commission's legal advisors. It is also used by the duty lawyers in situations of conflict or unavailability.

## Family Law Practice Division 2012-13

084

### Community education

Members of the Family Law Practice Division have continued to be active in providing family law training and community education and information sessions both within the Commission and to external organisations such as the *Women's Information Service* and *Grandparents for Grandchildren*.

During the financial year independent children's lawyers presented at the TAFE Interagency Practice in Child Protection Course to staff of SAPOL and Families SA about their role and the inter-relationship of the role with these agencies and the Courts. They have also assisted in the provision of Commission programs such as the regular Free Legal Information Seminars and the Commission's Law for Community Workers Course. Both programs are held at TAFE and lectures are transmitted to country areas by video-link.

### South Australian Family Law Pathways Network

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

During the year the Pathways Network held two major conference events. The first, in August, featured Megan

Hunter, co-founder of the High Conflict Institute in the USA. She provided two full day and two half day workshops in Adelaide, Port Augusta and Mount Gambier on *Understanding and Managing High Conflict Personalities in a Family Law Setting*.

The second event, in May, was a two day conference entitled *Faces of Family Law*. Most of the Commission's family lawyers attended together with all of the Family Dispute Resolution Unit intake officers and Family Dispute Resolution chairpersons. The keynote speakers included Professor Patrick Parkinson on relocation and Dr Janet Johnston on family violence while other sessions focused on mental health, child support and Aboriginal people engaged in the family law system. The conference was opened by Judge Mead and there were a number of other speakers from local agencies, including the Commission.

In December, the Pathways Network established an information and referral service at the Family Law Courts (the Pathways Kiosk). The Kiosk is operated by the Pathway's Project Officer, who is a family lawyer, and is open three mornings each week. Referrals to family relationship centres, children's contact centres, family law programs and various Commission services are made through the Kiosk.

### Family law casework

The Mandatory Continuing Professional Development scheme requires a legal practitioner to complete a minimum of 10 units of CPD activity each year in order to maintain a practising certificate. In 2012-13 members of the Family Law Practice Division attended a number of external training programs and the Commission organised a number of training sessions which were also open to Family Dispute Resolution Chairpersons and community legal centre staff. These sessions included a presentation by the Court's Business Development Manager on e-filing and the use of the Commonwealth Courts portal, and presentations on child support, the use of family law film resources and various sessions on LAW Office and other internal processes. All of the Commission's family lawyers complied with the requirements of the CPD scheme.

### Independent children's lawyers

In the most difficult of children's cases heard in the Family Law Courts, the Courts may order that the child's interests be represented by an independent children's lawyer (ICL) appointed by the Legal Services Commission. In 2012-13 the Commission made 363 ICL appointments. This compared with 333 appointments for the previous financial

## Family Law Practice Division 2012-13

year. The Commission has continued to honour all ICL orders made by the courts.

During the year the Commission initiated training forums for all in-house and private practitioners undertaking the work of an ICL. The first was a "fireside chat" with Judges Cole and Kelly from the Adelaide registry, and the second was a presentation by Pam Hemphill, Principal, Child Dispute Services and Judge Cole on a national survey conducted by the Family Law Courts which highlighted national practices by ICLs.

In January a new regime of court filing fees was introduced. This was welcomed as it results in all parties in receipt of a grant of legal aid being exempt from paying filing and other designated court fees (including a \$50 fee for filing a subpoena). Unfortunately, and surprisingly, the exemption did not

apply to ICLs. One of the principal roles for ICLs is to independently gather information relevant to the child's welfare and in particular information that a party may be disinclined to produce. Following submissions from National Legal Aid and other bodies this decision has been reversed and the exemption will be extended to ICLs in the next financial year.

### Family law duty lawyer

The Commission has two duty lawyers present at the Family Law Courts each sitting day to assist unrepresented parties. These lawyers provide a range of services, including–

- providing sufficient information to a client to allow the client to manage his or her court appearance;
- assisting a client in applying for legal aid; or

- referring a client to a private family law practitioner or other community service, as appropriate.

In the 2012-13 financial year 2069 unrepresented clients were assisted by family law duty lawyers, an increase of over a third in the past four years.

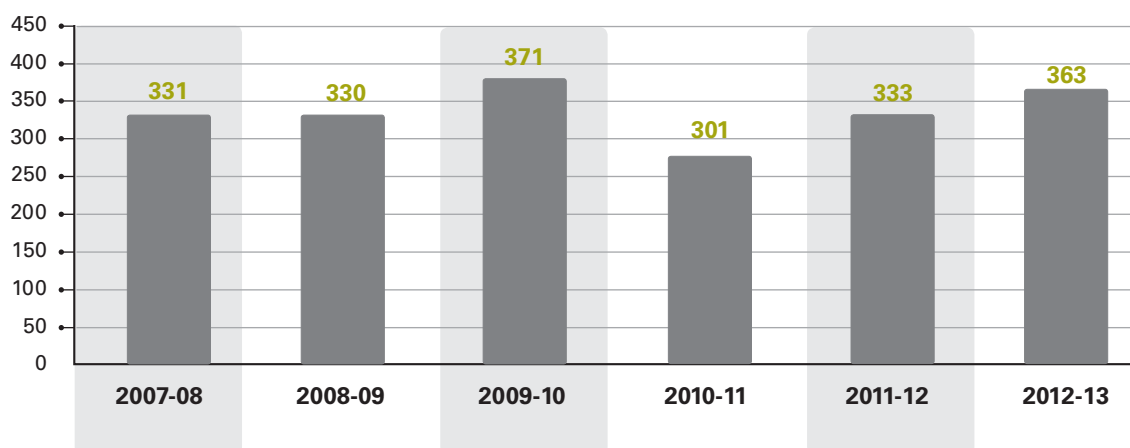
### Liaison

The Family Law Practice Division has continued its regular liaison with other sections of the Commission. It also continues to liaise with external organisations, in particular –

- the Aboriginal Legal Rights Movement where a family lawyer is outposted to the Adelaide office to represent clients who identify as Aboriginal with family law matters; and
- family relationship centres where a member of the Commission's family law practice has particular responsibility for liaison.

085

### Number of ICL appointments 2007-13



## Family Law Practice Division 2012-13

### Family law duty lawyer services by court type and work type 2012-13

Work Type	Family Court	Federal Circuit Court	No Court nominated	Total
Legal aid application	2	14	26	42
Advice	74	1 098	582	1 754
Consent order explanation	1	2	3	6
Adjourned/mention	1	46	1	48
Negotiations /draft terms	1	18	0	19
Minor legal assistance	5	93	16	114
Urgent hearing	0	35	1	36
Referral	2	21	9	32
Other	0	13	5	18
<b>Total</b>	<b>86</b>	<b>1 340</b>	<b>643</b>	<b>2 069</b>

As part of the liaison program with the Adelaide Family Relationship Centre the Commission, in September, hosted a visit from 10 staff of the Centre. The staff undertook a tour of the Advice Section and the Family Dispute Resolution Unit. Commission staff from the Family Law and Advice sections of the Commission gave a presentation prior to a general inclusive discussion about referral practices and the policies and practices of the two organisations.

The Family Law Practice Division has entered into partnership with the Adelaide University Law School to provide specialist family law training

to law students as part of the Clinical Legal Education (CLE) elective. The training is over a 13 week period and students attend at the Commission's head office for a total period of 13 days. The placement is structured around the passage of a client through the family law system with the student spending time with–

- the Advice Section, observing legal advice sessions;
- the Community Legal Education Section;
- the Child Support Unit;
- the Family Dispute Resolution Unit, where the student is involved in

one of the Commission's lawyer assisted family dispute resolution conferencing sessions; and

- duty lawyers and independent children's lawyers, as part of the court process.

In addition, the student attends a number of sessions at the Adelaide Family Relationship Centre to gain an insight into the mediation services provided at the centre. The student observes a child focused information session, an intake assessment and, if appropriate, a mediation. The program has been very successful and well received.



### Child Support Unit

In 2012-13 the Child Support Unit maintained its specialist advice service offered to all South Australians through the child support help line and free appointment service. Clients are able to obtain free advice about a range of child support and maintenance issues. Casework mainly involves matters relating to parentage and adult child maintenance, although representation has also been provided in a number of spouse maintenance matters, overseas maintenance matters and appeals to the Social Security Appeals Tribunal relating to child support decisions.

One of the challenges of working in the area has been the changing relationship the Child Support Unit has with the Department of Human Services. The Child Support Agency and Centrelink have been integrated into the Department of Human Services, together with Medicare and the Families Assistance Office. Interacting with a large Commonwealth department responsible for administering the legislation requires innovation in maintaining and strengthening the working relationship between the two organisations.

One area of successful collaboration has been in the assistance provided to prisoners. DHS-Child Support recognises the difficulties experienced by many prisoners who have a child

support assessment. Incorrect child support debts can accrue during periods of incarceration causing frustration and anxiety as well as adversely affecting the benefits received by the other parent who is caring for the children. With the assistance of the Commission's family law prison advisors, efforts have been made to identify and assist prisoners who have child support responsibilities.

The Child Support Unit Facebook page has continued its success with a steady number of about 25 clients per month reporting that they heard of the service through the internet or Facebook. There has also been an increase by clients in the use of the private message (email) facility as a means of clients initiating contact with the Unit, as well as an increase in the traffic between the Child Support Unit Facebook site and the Commission's website and Law Handbook.

### Family Dispute Resolution Unit

The Legal Services Commission conducts a Family Dispute Resolution (FDR) program through a lawyer assisted service in children and parenting matters. The program fits between the mediation offered by community based organisations, such as the family relationship centres, and litigation in the Family Law Courts.

The dispute resolution model offered by this program particularly assists clients who have complex issues and require the support and advice of legal representation during, and as part of, the negotiation process.

Staff of the FDR unit continue to work closely with the Federal Circuit Court to assist clients where litigation has commenced. If it is deemed appropriate, a matter may be referred back to the Commission for family dispute resolution in an effort to assist parties to achieve a negotiated finalisation of the dispute. There is a well defined referral pathway between the Court and the FDR unit.

Independent Children's Lawyers (ICLs) regularly participate in FDR conferences. Family Assessment Reports are useful in providing a framework for these discussions.

The FDR program is serviced by a Chairperson Panel of experienced family law practitioners with dispute resolution training. The Panel attends continuing professional development training offered both by the Commission and through the SA Family Law Pathways Network. The Chairperson Panel remained stable over the 2012-13 financial year.

The FDR unit conducted 723 conferences for the financial year, with 1142 new FDR files opened during the

## Family Law Practice Division 2012-13

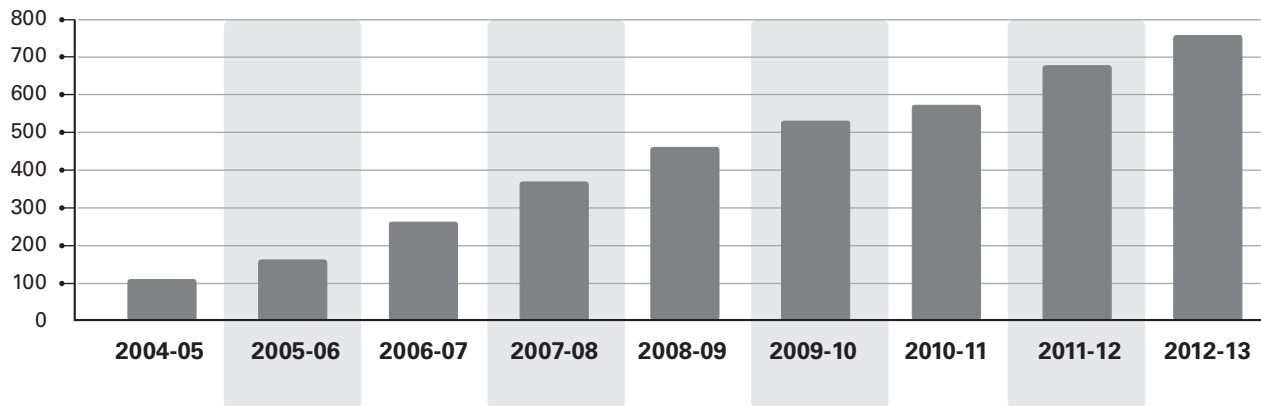
same period. The workload of the unit continues to increase at a steady rate. It is expected that this will continue, with improved conferencing facilities available after the move of the Commission's head office in September 2013.

The FDR program continues to utilise the services of the Commission's in-house psychologist who assists with the child inclusive work undertaken in the program. Conferences for regional clients are offered through

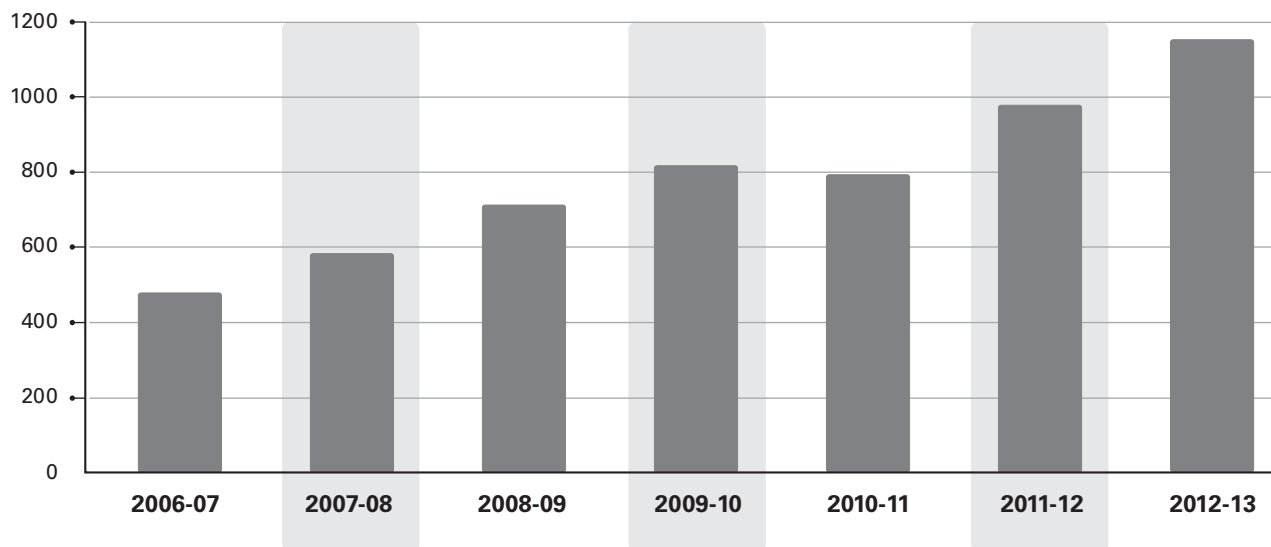
the Commission's regional offices, and also at Mount Gambier.

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### Growth in the FDR Program since 2004-05—conferences held



### FDR files opened since 2006-07



**35th Annual Report 2012-13**

Legal Services Commission of South Australia

# Whyalla & Pt Augusta Program

089

# Whyalla & Pt Augusta Program 2012-13

090

*The Legal Services Commission maintains offices in the northern South Australian towns of Whyalla and Port Augusta. These offices provide a valuable service to residents of Whyalla, Port Augusta and some of the most remote places in the north of South Australia such as Coober Pedy and the communities of the APY Lands. Commission solicitors are relied upon by these regional and remote communities to provide quality legal advice and representation and are highly regarded by the magistrates in whose courts they regularly appear.*



*Tim Weiss, Manager Whyalla and Port Augusta Program.*

## Staff

A senior criminal lawyer is employed in each of the Whyalla and Port Augusta offices of the Legal Services Commission. A senior family lawyer is based in Whyalla and visits Port Augusta one day each week. Two duty lawyers provide representation in the Magistrates and Youth Court and give face to face and telephone legal advice.

A relatively new addition to the northern legal team is the position of community legal education officer/adviser based between Whyalla and Port Augusta but with an outreach to the surrounding rural areas of the Iron Triangle and Eyre Peninsula.

A hard working team of four administrative staff, who keep everyone on track, ably assists the lawyers.

Four years after moving to new premises in Whyalla the office is undergoing renovation. When complete, the office will include four secure interview rooms as well as an improved waiting room for clients.

Lawyers employed by the Commission in these regional offices represent people who are often marginalised because of their location and personal circumstances. An exceptional service is provided to the indigenous population, residing predominately within Port Augusta and Whyalla and on the Anangu Pitjanjatjara Yankunytjatjara (APY) lands in the far north of the state.

## Criminal Practice

The Commission's criminal lawyers appear regularly for clients in the Magistrates Court in both Port Augusta and Whyalla and for clients appearing in the District Court in Port Augusta.

The court complex in Port Augusta is busy, with the Magistrates Court sitting most weeks of the year, the Youth Court Judge sitting for approximately one week in every six and the Northern District Criminal Court sitting for approximately one month in every two. The Magistrate sits in Whyalla for approximately three weeks in every month.

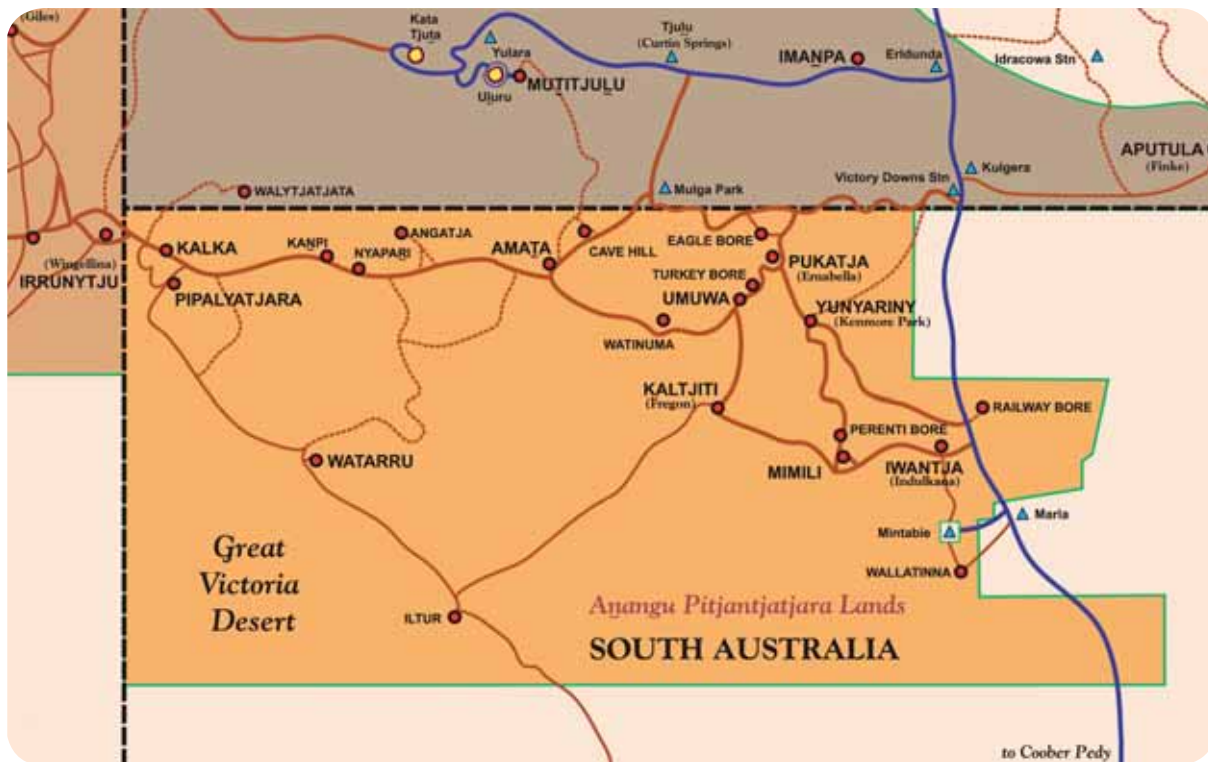
Duty lawyers assist clients in each of the courts, with the number of clients assisted increasing over the last three years (as is evidenced by the table below).

## Duty Solicitor

	2011	2012	2013
<b>Far North*</b>	159	294	377
<b>Pt Augusta</b>	535	663	923
<b>Whyalla</b>	557	451	637
<b>Total</b>	<b>1251</b>	<b>1408</b>	<b>1937</b>

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

## Whyalla & Pt Augusta Program 2012-13



Above: Anangu Pitjantjatjara Lands.  
Left: Road into Ernabella.

The number of Magistrates Court circuits to the far north of the state has been reduced from 16 in the 2012-13 financial year to an expected 12 in the coming financial year, although the final circuit listing is still to be determined. During 2012-13, the circuits comprised 8 court weeks in Coober Pedy and 8 court weeks in various communities of the

APY lands, including the communities of Iwantja (Indulkana), Mimili (Everard Park), Kaltjiti (Fregon), Pukatja (Ernabella), Amata, and Pipalyatjara.

The APY lands cover more than 103 000 square kilometres of arid land in the northwest of South Australia, running up to the border of South Australia with Western Australia and

the Northern Territory. The communities have a fluctuating population with 200-300 people living in the larger communities.

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



## Whyalla & Pt Augusta Program 2012-13



*At Surveyor General's corner: SA/NT/WA.*



*Sunrise near Ernabella.*



*Camels near Pipalyatjara.*

The roads, while improving, are often very rough, corrugated, dusty, muddy or even flooded and travel between communities can take a considerable time. Commission lawyers undergo four wheel drive training before travelling to the APY circuits and only travel in a four wheel drive vehicle equipped for remote area driving.

For many clients living on the APY lands English is a second language and an interpreter is required when obtaining instructions and for the court appearance. Care must be taken when taking instructions and giving advice to ensure that proper regard is also had to matters of cultural importance.

The work of the lawyers is enriched by the experience they have travelling to the Lands, a truly beautiful part of the country, and assisting traditional Aboriginal people with their encounters with the judicial system.



## Whyalla & Pt Augusta Program 2012-13

### Family Practice

The family law advice service continues to grow with an increase in referrals from the regional Family Relationship Centre (FRC) based in Port Augusta, particularly in the second half of the financial year.

The referrals from the FRC also assist in increasing the family law practice for Federal Circuit Court files and lawyer assisted family law conferencing through the Commission when family dispute resolution through the FRC is deemed unsuitable.

Two trials were held in the second half of the 2013 financial year, one of which was adjourned part heard to early 2014 and the other concluded with a positive outcome for a Port Augusta client. A further four trials are currently listed, two of which are for Port Augusta clients. There has also been a number of successful orders for recovery of children although the unilateral removal by one party of children continues to be an ongoing issue.

Community awareness of the family law practice is evident with an increasing number of clients coming to our offices seeking advice.

At present there is one full time family lawyer spending four days each week in Whyalla and one day in Port Augusta. With continuing growth of the practice,

particularly in Port Augusta, it may be necessary to examine the need for additional resources to enable the needs of the community to be adequately met.

### Community Legal Education Officer/Adviser

This position, comprising 0.5 FTE community legal education officer and 0.5 FTE adviser is based out of the Whyalla and Port Augusta offices. This new appointment has enabled an increase in the number of advice clients that can be assisted and has also enabled the duty solicitors to increase their number of criminal files by reducing the demand on them to provide advice.

In the 2012-13 financial year community legal education sessions were held in Port Augusta, Whyalla and in a number of other smaller regional towns, including Port Lincoln, Wudinna and Kadina. Highlights of the program included a trip to a number of area schools along the Eyre Peninsula, delivering programs on 'Cyberbullying', 'Expect Respect' and 'Trusted Moments'. These programs raised awareness of the importance of experiencing and enjoying relationships with peers based upon consensual and respectful behaviour. Sessions were held with students, teachers and parents exploring the prevalence of social media and some of the legal consequences of

093

### Advice sessions *including prison advice*

	2010-11	2011-12	2012-13
<b>Pt Augusta</b>	526	635	699
<b>Whyalla</b>	658	734	907

### Number of participants in legal information sessions

	2011-12	2012-13
<b>Pt Augusta</b>	312	225
<b>Whyalla</b>	53	339
<b>CLE Outreach</b>	N/A	714
<b>Total CLE participants in North</b>	<b>402</b>	<b>1278</b>

## Whyalla & Pt Augusta Program 2012-13

094

using social media inappropriately. Some important feedback came from parents who were concerned that there were not enough resources available for parents who were not computer literate and who felt that often their children were leaving them behind as far as technology was concerned.

Particular interest has been expressed from health and community workers in learning more about Powers of Attorney and Guardianship. With an aging population, the need for these tools increases and these sessions were popular with staff at the Port Augusta Hospital and non-government organisations that employ social workers and carers who advocate for clients.

A further growing area of demand within the region is for information on wills and more specifically wills for Aboriginal clients. These sessions have identified a number of issues for community members including executors and beneficiaries who are deceased, people who have divorced or remarried and even the number of people in Port Augusta who did not know that their will had been relocated after their lawyer had retired and closed his practice! These sessions have lead to a number of independent legal advice sessions and have avoided a great deal of distress and legal action as a consequence.

Overall it has been an exciting and successful year for community legal education. The program has proven to be a great way of introducing the Legal Services Commission to the wider community and acquainting them with the number of different services on offer.

**35th Annual Report 2012-13**

Legal Services Commission of South Australia

# Physical Resources Program

095

# Physical Resources Program 2012-13

096

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



*Neil Traeger, Manager Physical Resources Program.*

## Infrastructure

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

During the reporting period the leases for the Elizabeth and Whyalla offices were renewed and the process of renewing the Port Augusta lease was continued.

Other than the commencement of work at the Whyalla office, no substantial work was undertaken in the offices during the reporting period. The only significant incident for the 2012-13 reporting year in any of the offices was a mini tornado-like storm that caused major issues to the security system of the Whyalla office in early December 2012.

## Adelaide Office

For a number of years the Commission has been working towards finding new accommodation for its Adelaide head office. In December 2012 Cabinet approved a proposal to move the Commission's head office to the building located at 159 Gawler Place in Adelaide.

This approval was the result of a lengthy process that not only included finding the right location and developing a detailed proposal that complies with Government guidelines, but also finding the necessary financial resources.

The fit out of the new premises has commenced and should result in a modern, light filled and centrally located office that will be a significant improvement on current head office accommodation. There is an estimated six months to finalise the many details of this large project and it is expected that the Commission will open its doors to clients in the new location from September 2013.

# Physical Resources Program 2012-13

## Records

The Records Unit provides strategic and operational records management support to the Commission, including to the Commission's regional and metropolitan offices, to ensure each staff member has timely access to the information necessary to perform his or her role. The Records Unit services include general records management advice, management of the switchboard, stationery procurement, incoming and outgoing mail processing, file storage, retrieval and archival services.

During the 2012-13 financial year—

- a budget bid for an Electronic Document and Records Management System (EDRMS) was submitted but not approved in the State Budget;
- a Report on the Commission's compliance with the State Records Management Standards was produced, clearly showing significant improvement since 2008;
- investigation into Radio Frequency Identification Device (RFID) Technology for the tracking of physical files was commenced;

- records staff enacted a '*prepare to move or refurbish*' plan which included shipping additional closed files into off-site storage to free up space and preparing training and communication materials to assist staff with managing records;
- records, in conjunction with IT, implemented a system for the scanning of applications received by regional offices, thereby reducing the time taken to process applications for legal aid and reduce the risk of lost or misplaced applications.

## Energy use/energy management

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

In the 2011-12 financial year, the Commission had an 11.62% increase (or 213 Gigajoules (Gj) increase) of energy used in its buildings.

The following factors have contributed to this increase:

- During 2004-05, as part of the energy audit, it was determined that the Commission had not been billed by the landlord, as specified in the lease, for electricity on an area first leased by the Commission in May 2003. In 2012-13 this resulted in an increase of 416 Gj (\$43 003).
- The Commission increased the size of its Adelaide Office by 263 square metres on 1 July 2004. The specific energy consumption for this area cannot be isolated. On a pro rata basis this extra space equates to 117 Gj (\$9681).
- 2006-07 was the first full year of operation of the Mount Barker Office which, in 2012-13 consumed 61 Gj (\$6090) of energy.
- 2007-08 was the first full year of operation of the Port Augusta Office which, in 2012-13 consumed 55 Gj (\$5609) of energy.
- In January 2009 the Whyalla Office moved from premises with an area of 263 m<sup>2</sup> to premises with an area of 646 m<sup>2</sup>. In July 2009, 333 m<sup>2</sup> was subleased, leaving an increased area of 50 m<sup>2</sup> that, on pro rata basis, consumes 9 Gj (\$931) of energy.

Without these factors the Commission's energy consumption for 2012-13 would have been 1388 Gj, an increase for the year of 173 Gj.

## Physical Resources Program 2012-13

098

Legal Services Commission	Energy Use (Gj)	Expenditure	Greenhouse Gas Emissions (Tonnes CO <sub>2</sub> )
2000-01	2 116	\$85 795	652
2008-09	1 850	\$107 813	432
2009-10	1 825	\$112 134	425
2010-11	1 818	\$119 849	424
2011-12	1 833	\$148 453	428
2012-13	2 046	\$175 564	478
Target 2013	1 587		489

### Energy management activities

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

- the Whyalla Office, a high energy use office, was moved in January 2009 to a more energy efficient location and 333 m<sup>2</sup> of the total leased area was subleased in July 2009;
- the following measures continue to be implemented in the Adelaide Office:
  - replacing lighting with more efficient lights, de-lamping in some areas and installing eco light systems;
  - air conditioning timing adjustments;
  - reprogramming boiling water systems so they don't run after hours; and
  - vigilance by staff in turning lights out when areas are vacant;
- the Commission runs motor vehicles with dual fuel (petrol and LPG) to save energy and associated running costs.



# Information and Communication Technology Section 2012-13

*The significant project for the 2012-13 financial year was the development of an ICT Strategic Plan for 2013-18. To oversee the development and then implementation of the plan, the ICT Steering Committee was revitalised with new membership and revised terms of reference.*



*Robert Zanin, Manager Information and Communication Technology.*

During the financial year the IT section worked on the following Strategic Plan projects:

- **ICT Organisation Realignment and Governance** – Enhancing capabilities and skills within the ICT section to support delivery of the ICT Strategic Plan and manage the ongoing ICT operational needs incorporating stronger stakeholder engagement. With the assistance of KPMG the staff of the IT section are evaluating current skills against the Skills Framework for the Information Age.
- **New Office Accommodation Transition (ICT Infrastructure)** – Implementing new ICT infrastructure and services for the relocated head office and improve network connections to all regional offices. With the assistance of KPMG, determining the best available infrastructure option for the new head office and the regional offices.
- **Law Diary System Replacement**— Implementing an easy to use appointment system that can be integrated with LAW Office and enables synchronisation with Microsoft Outlook. Determining the best approach to upgrade or replace the existing Law Diary System to include the interview room selection option and fixing deficiencies identified as a result of the review of the existing law diary system.
- **User Device Environment**— Improving the performance of the current desktop infrastructure. Determining the best approach to implement a desktop infrastructure that enables staff to access any business application from any work point, i.e desk, office, interview room, etc.
- **Desktop Software Upgrade**— Upgrading the current Desktop Software configuration to the latest versions of Microsoft Windows and Office as the current versions will no longer be supported by the vendor after April 2014. In conjunction with the User Device Environment project, the approach will be to upgrade all the desktop software to the latest version of Microsoft Windows and Office.



*Staff of the Legal Services Commission of South Australia, 94-98 Wakefield Street, Adelaide.*

**35th Annual Report 2012-13**

Legal Services Commission of South Australia

# Appendices

101

## Appendix 1

# Legal Services Commission Corporate Plan

### Our Vision

To provide quality legal assistance to people in South Australia.

### Our Goals

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

### We Believe

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

### Key Result Areas

#### 1. CLIENTS

##### 1.1 Improve Accessibility of Services

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

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

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

# Appendix 1

## Legal Services Commission

### Corporate Plan

#### 1.2 Improve Satisfaction with Services

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

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

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

## 2. STAFF

#### 2.1 Improve Human Resources

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

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

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

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

#### 2.2 Improve Security

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

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

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

## 3. SERVICES

#### 3.1 Improve Cost

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

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

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

#### 3.2 Improve Output Requirements

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

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

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

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

#### 3.3 Improve Service Standards

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

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

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

## 4. FINANCE

#### 4.1 Improve/Secure Adequate Funding

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

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

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

# Appendix 1

## Legal Services Commission

### Corporate Plan

104

#### 4.2 Improve Financial plans and Budgets

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

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

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

#### 5. COMMUNITY AND GOVERNMENT AWARENESS

##### 5.1 Government/Public Sector

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

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

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

#### 5.2 Community Sector

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

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

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

#### 6. LEADERSHIP

##### 6.1 Provide Inspirational Leadership

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

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

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

##### 6.2 Improve Change Management

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

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

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

#### 7. STRATEGY AND PLANNING PROCESS

##### 7.1 Improve Corporate Planning

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

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

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

##### 7.2 Maximise Technology Gains

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

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

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



## Appendix 2

# Compliance with South Australia's Strategic Plan and seven strategic priorities

South Australia's Strategic Plan is comprised of 100 targets. These targets are specific and measurable and enable us to measure our progress towards achieving the Plan's visions and goals.

The Commission's performance against relevant SA Strategic Plan targets, that are also reflected in the Commissions goals and values, are as follows:

### T 5

#### **Multiculturalism**

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

At the inaugural 2013 Australian Migration and Settlement Awards, the Commission won the *Diversity and the Law Award* for assisting new migrants to successfully settle in the community.

Since 2004 the Commission's Migrant Education (MILE) program has assisted thousands of new migrants, particularly of non-English speaking backgrounds, to achieve greater social mobility and self-reliance through improved awareness of their rights and obligations under Australian law, so as to ensure substantive equality and access to justice.

The Commission is committed to serving the needs of non-English speaking clients and will arrange and pay for interpreters to assist clients attending an appointment at any of its offices.

The Commission offers scholarships to non-English speaking and Aboriginal students to enroll in the TAFESA Law for Community Workers Course.

### T 6

#### **Aboriginal Wellbeing**

*Improve the overall wellbeing of Aboriginal South Australians*

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

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

The Commission pursues its memorandum of understanding with the Aboriginal Legal Rights Movement through regular cooperation and consultation on issues affecting indigenous clients.

### T 13

#### **Work-life Balance**

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

The Commission offers its staff flexible working arrangements with 188 (or 87% of staff employees) either using flexitime or working part time in 2012-13.

### T 17

#### **State-wide crime rates**

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

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

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

## Appendix 2

# Compliance with South Australia's Strategic Plan and seven strategic priorities

### **T 18**

#### **Violence against women**

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

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

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

### **T 19**

#### **Repeat offending**

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

Commission staff participate on a number of boards and committees aimed at reducing recidivist behaviour. These memberships are set out in *Appendix 5* of this report.

### **T 30**

#### **Boards and Committees**

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

The Legal Services Commission comprises five female Commissioners and four male Commissioners. The staff of the Commission comprises 162 females and 53 males.

Commission staff participate on a number of boards and committees, as indicated in *Appendix 5*.

### **T 31**

#### **Chairs of Boards and Committees**

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

The Chairman of the Commission is female.

### **T 32**

#### **Consumer and Client Satisfaction with Government Services**

The Commission is a client-orientated Agency that regularly seeks feedback from its clients through surveys and questionnaires and on-line. Positive feedback is often received through the mail.

### **T 33**

#### **Government Planning Decisions**

The Commission's move to new premises in September 2013 will contribute to the Government's goal of making the city of Adelaide an attractive place to work, socialise and live.

### **T 50**

#### **People with disabilities**

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

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

### **T 52**

#### **Women (executive levels)**

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

The Executive level of the Commission comprises three females and five males. The current Director and Deputy Director are women.

## Appendix 2

# Compliance with South Australia's Strategic Plan and seven strategic priorities

**T 53**

### **Aboriginal employees**

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

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

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

1.86% of staff identify as Aboriginal or Torres Strait Islander.

**T 61**

### **Energy efficiency—government buildings**

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

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

## Seven strategic priorities

*The work of the Legal Services Commission conforms to the State Government's seven strategic principles in the following ways:*

### **1. Creating a vibrant city**

The Commission has maintained a CBD head office since its establishment in the 1970s. The Commission is committed to having a presence in the city and consequently, later this year, will move from its current location in Wakefield Street to Gawler Place. With 120 city-based staff, and hundreds of clients every year, the continued presence of the Commission in the city adds to the vibrancy of the city.

### **2. Safe communities, healthy neighbourhoods**

The Commission is the major provider of community legal education in South Australia, offering early intervention and prevention programs to build safer communities. In the financial year 2012-13, the Commission provided 406 legal education services to 11 139 participants all around South Australia. A total of 102 105 publications were distributed and there were 1.4 million page views of online legal information tools. The Commission also runs targeted community education campaigns, and advertising

campaigns, focussing on particular vulnerable groups. The Commission works closely with non-government organisations, such as cultural and ethnic groups, in providing its education services.

The Commission provides advice and mediation to resolve neighbourhood disputes before they escalate. Commission staff actively encourage neighbours to meet one another and provide legal information to help resolve disputes. The Commission also provides family dispute resolution for eligible couples who are involved in custody disputes, thereby reducing tension in families and keeping children safe.

The Commission employs specialised staff to provide advice on family violence. These staff provide community education through their membership of family violence forums around the State.

The Commission provides duty lawyer services at both the criminal Magistrates Court and the Family Court to assist unrepresented persons. It also provides on-going legal advice and education services to rural

## Appendix 2

# Compliance with South Australia's Strategic Plan and seven strategic priorities

and remote South Australians, especially in the northern part of the State.

### **3. An affordable place to live**

The Commission provides legal representation to persons who meet the means test, thereby relieving the pressure on South Australian families and individuals to meet large, private legal costs. Free 'over the counter' legal advice is provided on a wide variety of consumer and private law matters. The provision of this free legal advice and assistance helps to make South Australia an affordable place to live.

### **4. Every chance for every child**

The Commission works with children and young people to assist them to understand the law and the legal system and to help them if they are charged with an offence. The following services are offered:

- legal advice and representation for children in the Youth and Family Courts;
- early intervention legal education initiatives for schools and youth services;
- specialised legal education programs for youth at risk, including Aboriginal young people and newly arrived young people;

- legal competence training for workers in children and youth services;
- legal advice on child protection and domestic violence matters;
- an independent children's lawyer service;
- legal advice on child support matters.

The Commission recognises that children and young people are one of the most vulnerable social groups, and that those who experience neglect, violence, crime and economic and social disadvantage are at greater risk of coming into contact with the justice system as victims or offenders.

### **5. Growing advanced manufacturing**

The Commission is not directly involved in advancing manufacturing, however, it does provide legal education and information in relation to child support to large numbers of newly arrived migrants by working co-operatively with providers of English language classes. Educating new migrants about basic legal rights and obligations assists them to settle quickly into employment, often in the manufacturing industry and into the South Australian community.

### **6. Realising the benefits of the mining boom for all South Australians**

The Commission has a strong presence in the northern region of the State, particularly at Port Augusta, Whyalla, and the APY lands, where staff work closely with a variety of community groups and have developed invaluable knowledge, networks and expertise. As mining communities grow in northern areas, the Commission is well-established to provide ongoing legal representation, advice and education in these areas.


### **7. Premium Food and Wine from Our Clean Environment**

The Commission does not have a role in the development of this priority.

## Appendix 3

# Expensive Criminal Cases Funding Agreement

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

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

## Appendix 3

# Expensive Criminal Cases Funding Agreement

Page 1 of 3

THIS DEED is made the SECOND day of DECEMBER 2004

BETWEEN:

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

AND

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

RECITALS:

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

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

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

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

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

Page 2 of 3

2. RECITALS

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

3. OPERATION OF AMENDMENTS

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

4. AMENDMENT TO CLAUSE 6

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

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

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

5. COSTS AND STAMP DUTY

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

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

CSO 55888 / 0820743 / Final

XPPIO / 1/12/04



## Appendix 3

# Expensive Criminal Cases Funding Agreement

Page 1 of 9

### EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

AGREEMENT dated 29th January 2002

#### BETWEEN:

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

#### AND

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

#### RECITALS:

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

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CSO 21337

15 November 2002

Page 3 of 3

### 6. CONFIRMATION OF PRINCIPAL AGREEMENT

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

EXECUTED by the parties unconditionally as a deed.

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

Witness  
[Print Name: Susan Deere ]

THE COMMON SEAL of THE LEGAL SERVICES COMMISSION

was hereunto affixed in the presence of:

CHAIRPERSON  
[Print Name: ]

Director  
[Print Name: Helen James Givrolle ]

Director/Secretary  
[Print Name: ]

CSO 55888 / 0820743 / Final

PXPHO / 11/2/04

## Appendix 3

# Expensive Criminal Cases Funding Agreement

### AGREED TERMS:

#### 1. DEFINITIONS

In this Agreement unless a contrary intention is evident:

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

#### 2. INTERPRETATION

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

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CSO 21537

15 November 2002

*M. J. A.*  
21/11/2002

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

#### 3. TERM

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

#### 4. AGREEMENT OPERATES AS A DEED

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

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

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

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CSO 21537

15 November 2002

*M. J. A.*  
21/11/2002

# Appendix 3

## Expensive Criminal Cases Funding Agreement

### 6. CASE MANAGEMENT PLANS

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

*M. J. A.*  
21/11/2002

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

*M. J. A.*  
21/11/2002

## Appendix 3

# Expensive Criminal Cases Funding Agreement

Page 6 of 9

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### 7. COMMISSION'S OBLIGATIONS

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

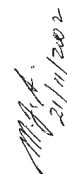
### 8. REIMBURSEMENT OF COSTS

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

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CSO 21537

15 November 2002



Page 7 of 9

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### 9. APPLICATION OF CONTRIBUTIONS

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

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

### 10. CONFIDENTIALITY

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

### 11. AUDIT

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

### 12. NO ASSIGNMENT

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

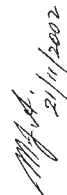
### 13. SURVIVAL

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

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CSO 21537

15 November 2002



## Appendix 3

# Expensive Criminal Cases Funding Agreement

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

### 14. COUNTERPARTS

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

### 15. ENTIRE AGREEMENT

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

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

### 16. PROPER LAW

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

### 17. JURISDICTION OF COURTS

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

### 18. MODIFICATION

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

### 19. SEVERANCE

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

*M.A.*  
21/11/2002

- 19.1 the provision must be read down for the purposes of the obligation of that provision in that jurisdiction, if possible, so as to be valid and enforceable; or
- 19.2 if the provision cannot be read down, it must be severed if it is capable of being severed without affecting the remaining provisions of this Agreement or affecting the validity or enforceability of that provision in any other jurisdiction and the parties must consult in good faith to determine whether any amendment or substituted provision is required.

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE

MICHAEL ATKINSON,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of:

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

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:

Chairperson  
[Print Name: *BRIAN WITHERS* ]



## Appendix 3

# Expensive Criminal Cases Funding Agreement

Page 1 of 2

### SCHEDULE 1

#### Contents of Defence Proposal

A defence proposal shall contain the following material:

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

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CSO 21537

15 November 2002

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Page 2 of 2

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

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

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CSO 21537

15 November 2002

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## Appendix 4

# Statutory Charge Report as at 30 June 2013

### 1. Summary

YEAR	AMOUNT SECURED GST EXCL.*	GST	AMOUNT RECOVERED	INTEREST LEVIED **	ADMIN FEE ***
1992-93	168 244	Nil	Nil	Nil —	Nil
1993-94	439 991	Nil	73 785	487 (Due 1/7/93)	Nil
1994-95	594 046	Nil	197 504	2 551 (Due 1/7/94)	Nil
1995-96	503 993	Nil	227 045	14 994 (Due 1/7/95)	Nil
1996-97	556 046	Nil	261 888	28 660 (Due 1/7/96)	Nil
1997-98	456 176	Nil	243 789	72 (Due 1/7/96)	Nil
1998-99	263 880	Nil	250 210	Nil	2 750
1999-00	360 977	Nil	253 335	Nil	23 420
2000-01	629 306	36 135	297 450	Nil	67 530
2001-02	688 879	67 059	609 803	Nil	75 250
2002-03	720 747	67 030	569 448	Nil	55 500
2003-04	1 046 674	101 604	885 825	Nil	51 700
2004-05	948 859	92 551	590 485	Nil	63 710
2005-06	758 695	71 762	726 033	Nil	48 970
2006-07	732 171	71 989	793 987	Nil	44 950
2007-08	1 002 285	96 587	764 477	Nil	56 100
2008-09	926 844	90 129	566 399	Nil	46 500
2009-10	938 593	91 889	593 891	Nil	41 660
2010-11	981 065	94 702	644 975	Nil	46 450
2011-12	915 429	88 175	591 926	Nil	35 400
2012-13	845 397	82 330	473 782	Nil	42 330
<b>TOTAL</b>	<b>14 478 297</b>	<b>\$1 051 937</b>	<b>\$9 616 857</b>	<b>\$46 609</b>	<b>\$702 220</b>

\*total amount  
secured during each  
financial year

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

\*\*\*the charging of  
an administration  
fee commenced  
on 1/10/98

## Appendix 4

# Statutory Charge Report as at 30 June 2013

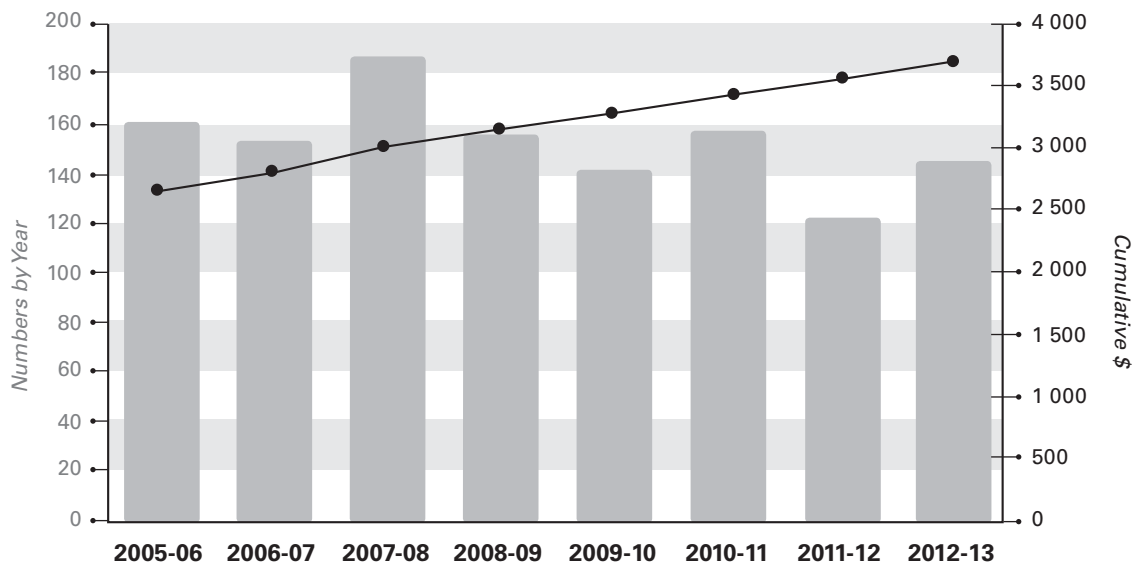
### 2. Cost secured analysis

a) As at 30 June 2013 the Commission had taken **3711** statutory charges securing a total of **\$14 478 297** (GST exclusive). In the reporting period, **144** charges were taken. *Refer to graphs (i) and (ii).*

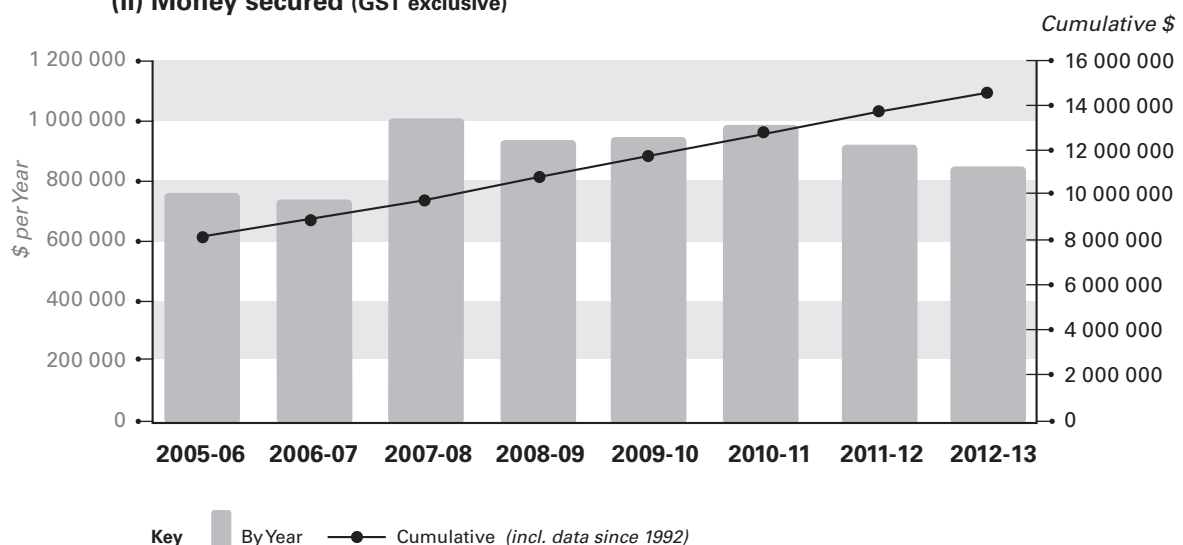
b) **944** of the **3711** charges, securing **\$5 914 199** (GST exclusive), remain outstanding. An average of **\$6265** (GST exclusive) is secured by each charge. *Refer to graph (iii).*

c) Of the total charges outstanding, **800** secure funds for legal proceedings which have finalised or are no longer funded by the Commission. The balance of **144** secure costs of ongoing matters, therefore the costs secured by these charges will increase.

(i) Number of charges taken



(ii) Money secured (GST exclusive)



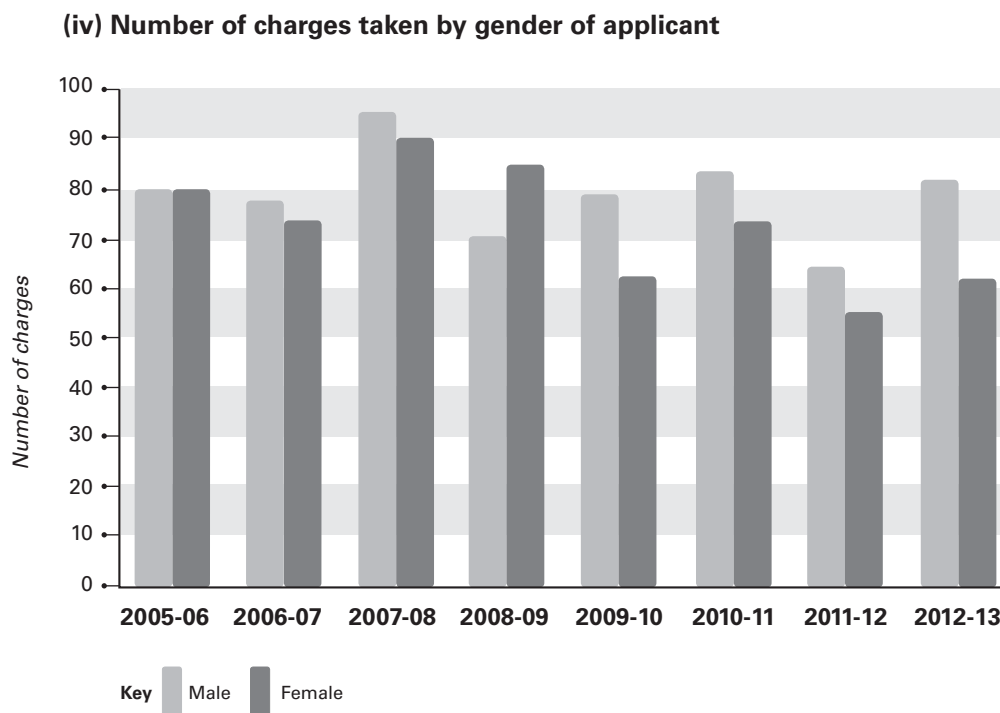
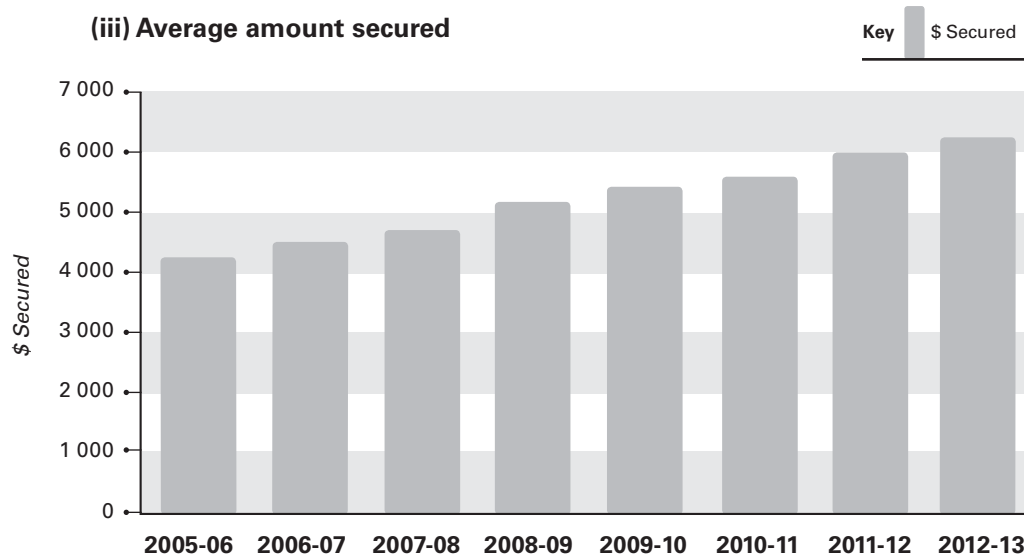
## Appendix 4

### Statutory Charge Report as at 30 June 2013

d) Of the charges taken in the 2012-13 financial year **82** were taken for aid granted to male applicants and **62** were taken for aid granted to female applicants. *Refer to graph (iv).*

e) In the reporting period **53** statutory charges were taken for criminal law matters, **91** for family law matters and 0 for civil matters. **91** of the charges were for proceedings under

Commonwealth law and **53** of the charges were for proceedings under State law.



# Appendix 4

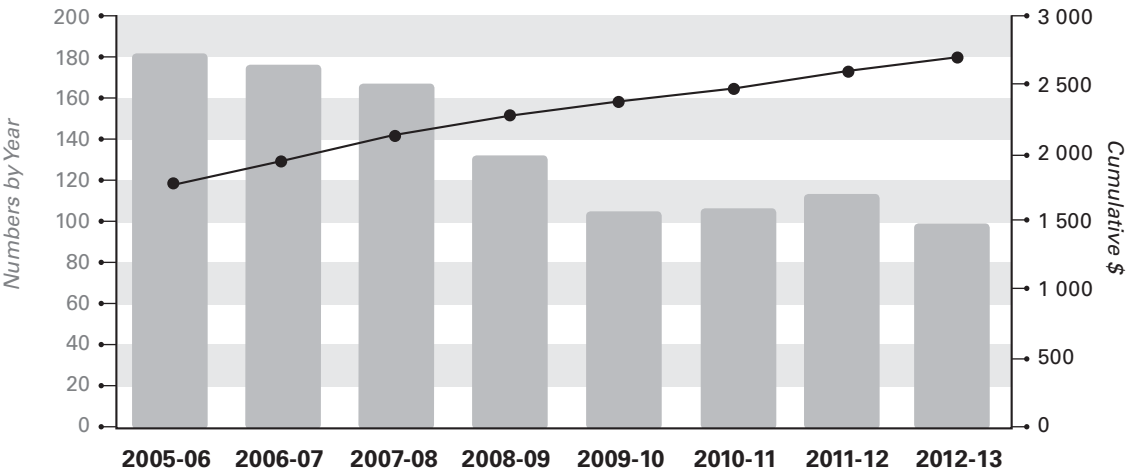
## Statutory Charge Report as at 30 June 2013

### 3. Money recovered analysis

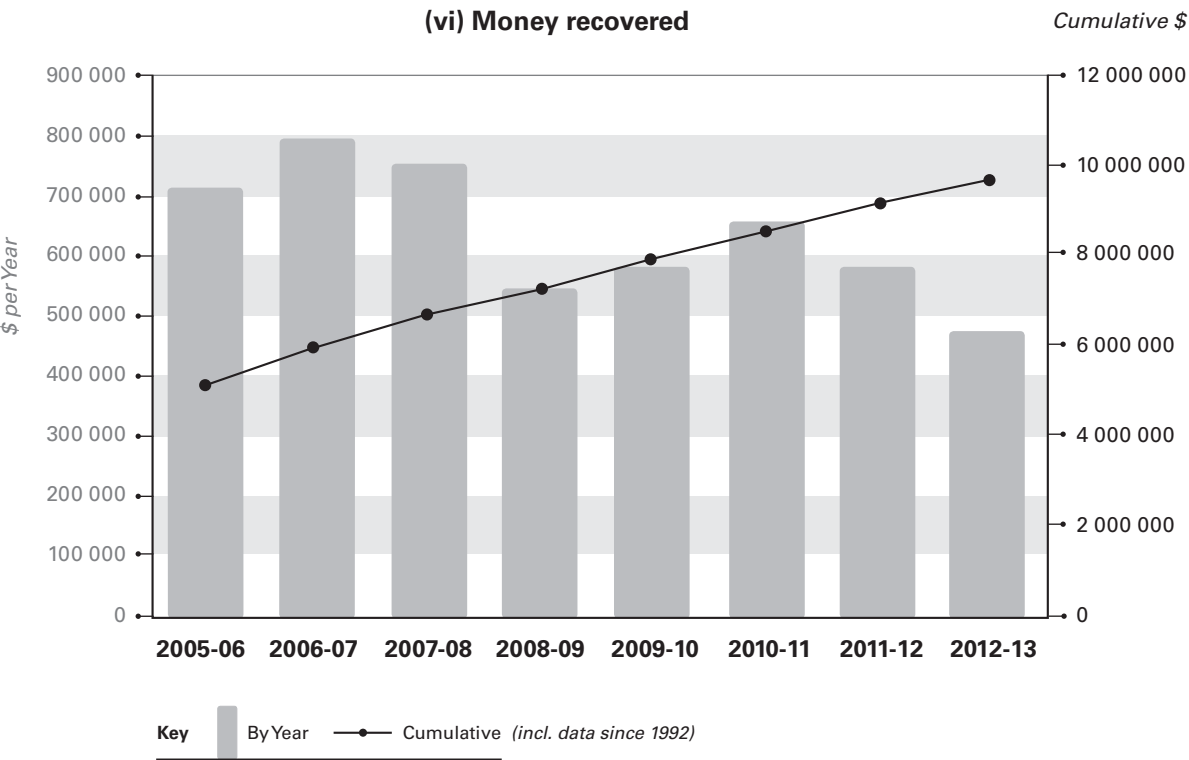
2696 of the 3711 charges taken have been removed. The Commission has received \$9 615 857 from payments. In the reporting period 99 charges were removed. Refer to graphs (v) and (vi) and table (vii).

The slow down in the real estate market and the tightening of banks lending guidelines have reduced the number of client's selling and mortgaging or refinancing real estate.

(v) Number of charges removed



(vi) Money recovered



## Appendix 4

# Statutory Charge Report as at 30 June 2013

In the reporting period the Commission recovered two large statutory charge contributions of \$30 771 and \$18 590.

In the reporting period the Commission had bad debts due to non recovery of charges of \$132 432 (GST exclusive). Of this amount, \$110 232 was not recovered due to a shortfall of sale proceeds following a sale by mortgagee.

If a charge contribution is paid within–

- six months  
the charge contribution is reduced by \$300;
- two years  
the charge contribution is reduced by \$150; and
- four years  
the charge contribution is reduced by \$100.

The total reduction of this type for the financial year totalled \$9 700 (GST inclusive).

### (vii) Charges removed by reason

Reason	Number of charges	
	2011-12	2012-13
Paid/Sale	45	29
Paid/Financed	18	16
Paid Voluntary	25	23
Paid/Mtgee/Sale	1	1
Property Settlement*	9	10
Finalised	0	0
Waived Mortgagee Sale/Shortfall	3	8
Part Payment/Balance Cancelled	1	0
Deceased Estate	5	2
Substitute	3	3
Waived Sale/Shortfall	2	3
Survivorship	0	0
Recovered Other	0	0
Waived on Appeal	0	0
Waived/No Equity	1	3
Waived	0	0
Waived/mtgee/sale	0	0
Correction	1	1

*\* We are not always aware that the reason we have received money is as a result of a property settlement and some may be recorded as Paid/Financed or Paid/Sale.*

## Appendix 5

# Community Involvement 2012-13

### Staff membership of community organisations

- Consumer Representative Assessor, Administrative and Disciplinary Division, District Court of South Australia
- Family Law Committee, Law Society of South Australia
- Criminal Law Committee, Law Society of South Australia
- Justice Access Committee, Law Society of South Australia
- Bulletin Committee, Law Society of South Australia
- Animal Law Committee of the Law Society of South Australia
- Professional Standards Committee, Law Society of South Australia
- Human Rights Committee, Law Society of South Australia
- Sentencing Advisory Council
- Editorial Committee, Alternative Law Journal
- Law Society of South Australia
- Courts Community Reference Group
- Courts Re-design Project
- JusticeNet SA
- SACOSS Policy Council
- SACOSS Law and Justice Strategy Group
- SACOSS Income Strategy Group
- Board of Management, Plaza Youth Incorporated, Whyalla
- Australian Law Librarians' Association
- Northern Community Legal Service
- South Australian Consumer Law Consultative Forum
- Heads of Churches Gambling Taskforce
- Child Support Agency's SA Stakeholders Engagement Group
- Disability Justice Plan Steering Group
- Advance Care Directives Steering Group
- AAT Workshop Group
- Audiovisual Link Improvement Committee
- Murray Bridge Community Services Forum (Chair)
- Murray Bridge Domestic Violence Action Group
- Low Income Support Providers Anti-Poverty Forum (Murray Bridge)
- Adelaide Hills Domestic Violence Action Group
- Adelaide Hills Community Services Forum
- Adelaide Hills Regional Managers Forum
- Non-English Speaking Background Domestic Violence Action Group
- Domestic Violence and Aboriginal Family Violence Gateway Service
- Port Augusta Family Violence Prevention Legal Service
- Alliance for the Prevention of Elder Abuse
- Advance Care Directives Implementation Working Group
- Firearms Review Committee
- Treatment Intervention Program Consultative Committee