

Annual Report

Legal Services Commission

2021-22

Providing South Australians with accessible information, advice and representation services to meet their legal needs.



lsc.sa.gov.au

44th Annual Report 2021-22

Legal Services Commission

www.lsc.sa.gov.au

159 Gawler Place, Adelaide South Australia 5000

Telephone: 08 8111 5555

PO Box 1718, Adelaide South Australia 5001

ISSN: 0810-1302

ABN: 90 731 571 498

© September, 2022

Contents

Introduction	01
Chairperson's letter to the Attorney-General	01
Overview – Who we are & what we do	03
Our Year	08
Highlights 2021-22	09
Director's Report	11
Snapshot of Services	14
Our Clients	16
Client Services	25
Prevention and Early Intervention Services	27
Court Based Services	36
Family Dispute Resolution Services	42
Legal Representation	45
Specifically Funded Programs	57
Our Performance	66
Snapshot of Financial Performance	67
Reporting	68
Partnerships	76
Management of Our Organisation	78
Corporate Governance	79
Staff	82
Support Services	89
Queries and Complaints	90
Legislative Compliance	91
Our Finances	93
Financial Statements	94
Appendix	125
State Expensive Criminal Cases Funding Agreement	126

Chairperson's Letter

Chairperson's letter to the Attorney-General 2021-22

Hon Kyam Maher MLC
Attorney-General for South Australia
Attorney-General's Department
10 Franklin Street
ADELAIDE SA, 5000

Dear Attorney,

I am pleased to present the Annual Report of the Legal Services Commission for the financial year ending 30 June 2022, pursuant to section 33 of the *Legal Services Commission Act 1977*. In compliance with its mandate, the Commission continues to provide high quality, efficient and economic legal assistance services.

This is my first report as Chairperson of the Commission as I was appointed on 1 January 2022. I acknowledge my predecessor, Mr. Jason Karas, who was Chairperson for the first half of this financial year, and I thank him for his valuable contribution to the governance and sound management of the Commission throughout his term.

The Legal Services Commission welcomes the continued funding support of State and Commonwealth governments. This year the State government has committed to providing annual funding in advance, which greatly assists the Commission's forward planning.

Maintaining an appropriate level of core funding from both State and Commonwealth governments remains a priority for the Commission. This year the Commission's payments to private practitioners for professional services exceeded budgeted levels due to the increased activity associated with complex criminal cases. In addition, exceptionally low interest rates continued to have a materially negative impact on the level of interest distributions received from the Law Society of South Australia pursuant to the *Legal Practitioners Act 1981*. This reduction has had a material impact on the funding available for State jurisdiction matters and will have ongoing consequences for our ability to deliver services, particularly as court activity and demand for legal assistance increases.

This year we commenced the process of developing a Reconciliation Action Plan. Our Reconciliation Action Plan aims to build on our long history of working with Indigenous clients and stakeholders in all areas of our service delivery.

I acknowledge the excellent work of the Director and all staff throughout the year in continuing to deliver exceptional services to the people of South Australia, frequently in difficult circumstances. I also congratulate the staff of the Women's Domestic Violence Court Assistance Service who were awarded the prestigious Law Society Justice Award for their work in assisting victims of domestic violence with applications for intervention orders and tenancy orders.

I thank those 585 members of the legal profession who constitute our practitioner panels and provide legal assistance through grants of aid for representation. They have continued to provide high quality services to clients in challenging circumstances.

I would like to express my gratitude to my fellow Commissioners for their generous welcome and their commitment to the management of the Legal Services Commission. During the year, Commissioner Lucinda Byers resigned to take up the position of Chief Legal Officer for the Commission. She was replaced by Ms Stephanie Halliday. I thank Lucinda for her service over three years.

I thank you Attorney for your support and interest in the Commission's activities and I acknowledge the ongoing contribution of the Commonwealth Attorney-General to the legal assistance sector.

A handwritten signature in blue ink, appearing to read 'Peter Slattery', with a stylized, cursive script.

Peter Slattery

Chairperson

Overview

Who we are and what we do

The Legal Services Commission is passionate about ensuring justice is available and accessible for all South Australians.

The Legal Services Commission is an independent statutory authority established by the Legal Services Commission Act 1977 (the Act) to provide legal assistance and educational programs to individuals and the community within South Australia. It has the powers, functions and duties prescribed or imposed on it by the Act.

Legal assistance and education services are provided across a wide range of legal problem types including crime, family, child protection, family violence, child support, social security and consumer protection.

Free community legal education, legal information, legal advice and duty lawyer services are available to anyone within the State.

Those most in need may be eligible to receive legal representation in courts and tribunals or lawyer assisted family dispute resolution. Applications for legal representation are assessed against means and merit tests and funding guidelines to determine eligibility and client contribution.

In addition to the provision of legal education and legal assistance, the organisation works with State and Commonwealth governments in relation to proposed legal policy and legislative change.

The Legal Services Commission is the largest legal assistance organisation in South Australia with 236 staff, 128 of whom are legal practitioners. Community legal education and legal information and advice are provided by inhouse legal practitioners. Legal representation and duty lawyer services are provided by both inhouse lawyers and 509 external lawyers who have been accepted onto our General Panel of legal practitioners.

Five Commissioners, four appointed by the Governor on the nomination of the Attorney-General, and the Director, determine the strategic priorities and set the direction of the organisation.

Delivering more than 146,000 legal assistance services this financial year, the organisation plays a vital role in the justice system through a central office in Adelaide, five suburban and regional offices in Elizabeth, Noarlunga, Port Adelaide, Port Augusta and Whyalla and outreach clinics at Murray Bridge and Mt Barker. Legal information and advice can also be accessed from a free call legal helpline on **1300 366 424** and through the online legal services of Legal Chat, 24Legal, the Law Handbook and amica, all available at www.lsc.sa.gov.au.

The functions of the Legal Services Commission are set out in section 10(1) of the Act.

10—Functions of Commission

1. The Commission will—

- (b) provide, or arrange for the provision of, legal assistance in accordance with this Act; and
- (c) determine the criteria under which the legal assistance is to be granted; and
- (d) conduct research with a view to ascertaining the needs of the community for legal assistance, and the most effective means of meeting those needs; and
- (e) establish such offices and other facilities as the Commission considers necessary or desirable; and
- (f) initiate and carry out educational programmes 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; and
- (g) inform the public by advertisement or other means of the services provided by the Commission, and the conditions upon which those services are provided; and
- (h) co-operate and make reciprocal arrangements with persons administering schemes of legal assistance in other States and Territories of the Commonwealth or elsewhere; and
- (hb) where it is practicable and appropriate to do so, make use of the services of interpreters, marriage guidance counsellors and social workers for the benefit of assisted persons; and

- (i) encourage and permit law students to participate, so far as the Commission considers practicable and proper to do so, on a voluntary basis and under professional supervision, in the provision of legal assistance by the Commission; and
- (j) make grants to any person or body of persons carrying out work that will in the opinion of the Commission advance the objects of this Act; and
- (k) perform such other functions as the Attorney-General may direct.

Under section 11 of the Act, in performing its functions the Legal Services Commission must—

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

Our Strategic Plan 2021-2024 contains four strategic goals–

1. Be connected with, and responsive to, clients and community
2. Increase access to services while reducing the cost of justice
3. Develop partnerships to create better solutions
4. Be a model legal aid service.

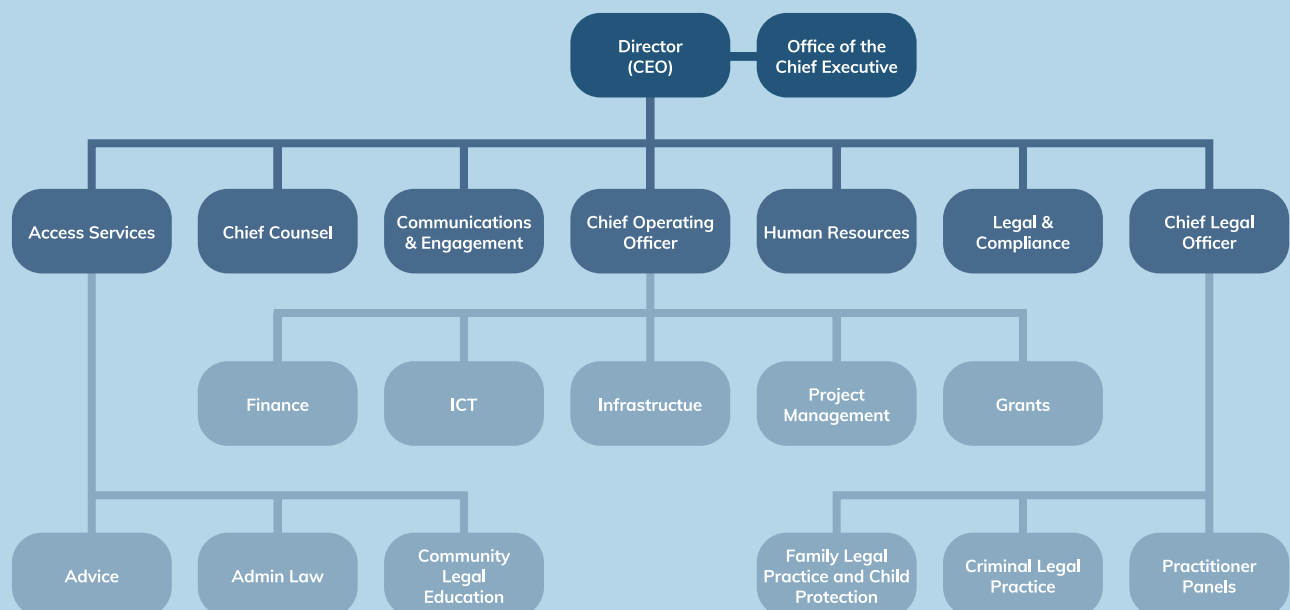
The plan adopts the public sector values of–

- **Service:** We proudly serve the community
- **Professionalism:** We strive for excellence
- **Trust:** We have confidence in the ability of others
- **Respect:** We value every individual and celebrate diversity
- **Collaboration and Engagement:** We create solutions together
- **Honesty and Integrity:** We act truthfully, consistently and fairly
- **Courage and Tenacity:** We actively pursue the best possible outcomes
- **Sustainability:** We work to get the best results for current and future generations of South Australians.

Organisational Structure

Legal assistance is provided through two programs—the Access Services Program and the Representation Program. These service delivery programs are supported by inhouse services. The Access Services Program provides prevention and early intervention services to clients and the community. The Representation Program consists of inhouse criminal law, family law, child protection and civil law legal practices. The Grants division determines applications for legal representation and assigns granted matters to either an inhouse or external legal practitioner. Services under these programs are provided to rural and remote clients through offices at Whyalla and Port Augusta.

Organisational Chart



Legal Services Commission offices

Legal Services Commission offices are open to the public
and located at–

Adelaide

159 Gawler Place, Adelaide SA 5000

T: 08 8111 5555

Elizabeth

Windsor Building, Elizabeth Shopping Centre,

Elizabeth SA 5112

T: 08 8111 5400

Noarlunga

Noarlunga House, Centro Colonnades Shopping Centre,

Noarlunga Centre SA 5168

T: 08 8111 5340

Port Adelaide

263 St Vincent Street, Port Adelaide SA 5015

T: 08 8111 5460

Port Augusta

34 Flinders Street, Port Augusta SA 5700

T: 08 8686 2200

Whyalla

17A Forsyth Street, Whyalla SA 5600

T: 08 8620 8500

Our Year

Annual Report 2021-22

Legal Services Commission

- **Highlights 2021-22**
- **Director's Report**
- **Snapshot of Services**

Highlights 2021-22

Some of our Achievements

1

Appointment of a new Chairperson of the Legal Services Commission – Peter Slattery, respected Adelaide lawyer and co-founder of the National law firm Johnson Winter & Slattery.

2

Delivery of more than 146,000 legal assistance services.

3

New, updated premises at Port Adelaide and Whyalla to provide contemporary services to clients and secure interview rooms.

4

Extension of existing premises at Elizabeth and Noarlunga to include secure interview rooms.

5

A client survey indicating high levels of satisfaction with our service.

6

The commencement of the Disability Information and Legal Assistance Unit (DiLA) to provide specialist and accessible legal advice and information services to people with disability and their supporters.

7

Women's Domestic Violence Court Assistance Service
– winner of the 2021 South Australian Law Society's
Justice Award.

8

Continued delivery of all client services through
COVID-19 and lockdowns.

9

Secured funding for the provision of the following
additional services:

- Safe and Well Kids – a service to support children experiencing family violence
- the development of a new health justice partnership at the Women's and Children's Hospital for women experiencing family violence
- the provision of legal assistance and social work services to clients with mental health conditions
- representation of defendants in Commonwealth child sexual abuse matters
- a legal assistance service for attendees before the Royal Commission into Defence and Veteran Suicide
- provision of visa legal assistance to recent evacuees from Afghanistan.

10

Extension of funding for the following services:

- Women's Domestic Violence Court Assistance Service
- Family Violence and Cross-examination of Parties Scheme
- Lawyer Assisted Family Dispute Resolution Small Property Cases Pilot
- Domestic Violence Unit / Health Justice Partnership
- representation of defendants in the Drug Court Program in the Magistrates Court
- legal advice service for attendees before the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Director's Report 2021-22

The Legal Services Commission has experienced a year of significant growth and change, including welcoming new governments at both State and Commonwealth levels.

Our Chairperson Jason Karas stepped down on 31 December 2021 after two years of exceptional service. His energy, expertise and leadership greatly assisted our development. The South Australian government appointed respected commercial lawyer Peter Slattery as the new Chairperson, and he took up the role on 1 January 2022. His appointment ensures our Board continues to have a deep and broad range of the high-level skills required for a large law firm in the 21st century.

During the year, Commissioner Lucinda Byers was appointed to the inhouse role of Chief Legal Officer. I thank her for her service on the Board and welcome new Commissioner, Stephanie Halliday.

South Australia was subject to two short COVID-19 lockdowns over the course of the year. Staff were able to utilise the equipment provided and systems developed earlier in the pandemic to work flexibly, enabling them to continue the delivery of services to our clients with minimal disruption. A survey of staff in September 2021 revealed the very strong capacity of our workforce to respond to the challenges posed by the pandemic.

In 2021-22, we continued to face significantly reduced receipts from the legal profession, pursuant to the *Legal Practitioners Act 1981*, due to exceptionally low interest returns.

Highlights and Achievements

In the 2021-22 federal budget, handed down in May 2021, we received additional funding for a number of specific services, including support for people with mental health conditions to access the justice system, an extension of FASS funding for a further three years and to establish a new health justice partnership at the Women's and Children's hospital.

Two pilot programs in family law, the Legally Assisted Family Dispute Resolution Small Property Claims pilot and the Family Violence and Cross-examination of Parties scheme have been provided with extensions of funding from the Commonwealth government.

The new Federal Circuit and Family Court of Australia officially commenced operation on 1 September 2021 following the passing of legislation to amalgamate the Federal Circuit Court of Australia and the Family Court of Australia. The procedural changes brought by the new Court have had a significant impact on family law practice, increasing practitioner involvement early in a matter. This has been acknowledged by amendment to our cost scales. Extensive changes to our website, brochures, template letters and to our online dispute resolution tool, *amica*, were also required.

A new advisory service to assist South Australians to participate in the Royal Commission into Defence and Veteran Suicide has been established. This new service, that commenced in September 2021, provides independent legal advice to Defence Force personnel and veterans, as well as their families, carers, and supporters. This assistance enables them to share their story with the Royal Commission in an informed and safe way. With funding from the Commonwealth government, and in collaboration with National Legal Aid, we are delivering the South Australian component of the Defence and Veterans Legal Service.

In October 2021, the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs announced funding for a tailored settlement support package to help evacuees from Afghanistan successfully settle into their new lives in Australia. The funding will support evacuees to help them secure permanent visas.

In November 2021, we held our biennial Conference, with the theme of Law and the Person. For the first time, due to COVID-19 restrictions, our Conference was presented completely online. The successful Conference was well attended by our staff and external practitioners who enjoyed the presentations by local and interstate speakers.

In compliance with the National Legal Assistance Partnership (NLAP) Agreement on legal assistance services, we conducted a client satisfaction survey in November 2021. This survey showed that client satisfaction with our services was at high levels overall. More than 90% of our clients agreed that our staff were knowledgeable, competent, and professional, as well as good listeners who treated clients fairly.

In February 2022, we conducted further research to understand the level of South Australian community awareness about the services we offer. As an organisation we must continue to evolve the way we communicate, operate, and respond to the changing needs and expectations of our clients, practitioners, and the South Australian community. The research project comprised in-depth interviews to understand the journey clients took before receiving legal assistance. It also included an online survey designed to validate and quantify these activities with the broader South Australian community. The information obtained will help guide and shape our future marketing, communication, engagement and decision-making activities.

The first in person National Legal Aid Meeting since March 2020 was held in Adelaide on 22 and 23 June 2022. As the peak body representing Australia's eight legal aid commissions, National Legal Aid is deeply concerned about the cumulative impact of growing pressures on core funding for the legal assistance sector. This was the first meeting of National Legal Aid Directors since the federal election in May and was a productive and worthwhile collaboration. The meeting called for increased funding for legal assistance services and for the age of criminal responsibility to be raised from 10 years to 14 years.

Modernisation of Operational Systems

Last year we made the decision to replace the ageing Law Office system so as to provide contemporary tools and technology that better serve the current needs of our clients and our strategic goals. The project has progressed significantly over the last twelve months, and we look forward to the implementation of our new Grants and Practice Management System in 2023.

Accommodation

We are committed to providing clients and staff with safe, accessible, and appropriate interview rooms and workplaces. As part of our accommodation program, long term lease extensions were finalised for suburban and regional offices and refurbishment works completed. These works at Noarlunga, Elizabeth, Port Adelaide and Whyalla bring the standard of these offices up to contemporary requirements and provide an increased number of secure interview rooms at each location. Refurbishment of the four offices was completed at the end of the 2021 calendar year.

Acknowledgements

I thank our dedicated staff. Their flexibility and determination to continue to provide high-quality legal assistance to all South Australians has been demonstrated all year. In keeping with our community spirit, we continued to raise funds for homeless charities as well as Oars Community Transitions and the Cancer Council.

I express my thanks to the external legal practitioners who continued to act on grants of aid throughout the pandemic. The private profession represented 75% of legally aided clients this year. I look forward to our ongoing collaboration in delivering justice services. My thanks also go to the Legal Practitioners Reference Committee who provide advice on our functions.

I acknowledge and thank the South Australian Attorney-General, the Hon Kyam Maher MLC and the Commonwealth Attorney-General, the Hon Mark Dreyfus MP for their ongoing commitment to funding legal assistance in South Australia.

Gabrielle Canny

Director (CEO)

Legal Services Commission

Snapshot of Services 2019-22

Client services

	2019-20	2020-21	2021-22
Grants of aid for legal representation	17 691	18 745	17 116
Other court/tribunal grants for legal representation*	471	545	526
Representation on previously granted files	4 581	5 482	6 133
Dispute Resolution services			
clients represented at an FDR conference	1 720	2 019	2 126
amica parties**	-	5 892	3 944
Duty lawyer services	12 706	13 397	12 891
Legal task	2 288	2 255	1 955
Legal advice	78 953	78 645	76 098
Information sessions	10 231	9 302	9 696
24Legal sessions (online legal information)	11 066	9 987	10 220
Community legal education participants	***4 423	***3 323	***5 251
Social work services	462	663	901
TOTAL CLIENT SERVICES	144 592	150 255	146 857

*Guardianship/ Mental Health and NDIS grants.

**2020-21 was the first year of amica. Data for this year includes data from the amica pilot in 2019-20.

***Due to COVID-19, most CLE sessions were unable to be held for the last 4 months of the 2019-20 financial year. The impact of lockdowns and COVID-19 continued for the entirety of 2020-21 with services increasing in 21-22.

Supporting client services

	2019-20	2020-21	2021-22
Applications for aid received	19 827	21 562	20 076
Grants of aid for legal representation –			
assigned inhouse	4 319	4 099	4 244
assigned externally	13 372	14 646	12 872
ICL appointments	325	451	416
Lawyer assisted FDR			
conferences organised	1 443	1 715	1 710
conferences held	1 032	1 211	1 254
conferences settled - percentage	85%	84%	83%
AI assisted FDR – amica*			
Suggested asset divisions	-	700	585
Finalised property or parenting agreements	-	500	339
Community Legal Education sessions	**150	**175	**214
Referrals for further service			
Information	3 746	1 607	1 479
Advice/Legal Task	14 869	15 023	15 401
Duty Lawyer	10 308	11 379	11 365
Total	28 923	28 009	28 245
Law Handbook page views	2 064 460	1 865 114	1 816 996
Legal Services website page views	729 611	814 352	1 022 460
Distribution of publications	50 688	***25 506	***17 952

*2020-21 was the first year of amica. Data for this year includes data from the amica pilot in 2019-20.

**Due to COVID-19, most CLE sessions were unable to be held for the last 4 months of the 2019-20 financial year. The impact of lockdowns and COVID-19 continued for the entirety of 2020-21 with services increasing in 2021-22..

***The reduction in distribution of publications is related to COVID-19. The pandemic resulted in fewer events at which publications are distributed, such as CLE sessions and expos, and fewer people attending agencies where publications are collected. This number does not include publications downloaded from the LSC website.

Our Clients

Annual Report 2021-22
Legal Services Commission

All South Australians are eligible to receive free–

- **community legal education**
- **legal information and advice**
- **duty lawyer services.**

South Australians most in need may be eligible to receive–

- **legal representation**
- **lawyer assisted family dispute resolution.**

Legal Services Commission Clients

All South Australians are entitled to seek legal assistance from the Legal Services Commission. However, the *National Legal Assistance Partnership Agreement 2020-25 (NLAP)* identifies groups who, because of particular characteristics, experience greater disadvantage when dealing with legal issues or accessing legal assistance. These clients are considered to be priority clients and our services are targeted accordingly.

Of the clients who received a grant of aid for legal representation, a legal advice appointment or a court based legal service during 2021-22, the following percentage fell within the NLAP priority client groups–

NLAP Priority Client Group	
Receives a government benefit	63%
Child or young person (≤ 24 years)	18%
Disability or mental illness - self identified	17%
Culturally and linguistically diverse*	16%
In custody	15%
Victim of family violence - self identified (80% experiencing family violence in family law representation matters (lawyer assessed))	14%
Lives in regional or remote South Australia	14%
Aboriginal and Torres Strait Islander people	13%
Older person (≥ 65 years or >50 years for Aboriginal and Torres Strait Islander people)	7%
Requires an interpreter	4%

*Based on country of birth. It does not include clients born in Australia, Canada, Ireland, New Zealand, South Africa, United Kingdom, USA.

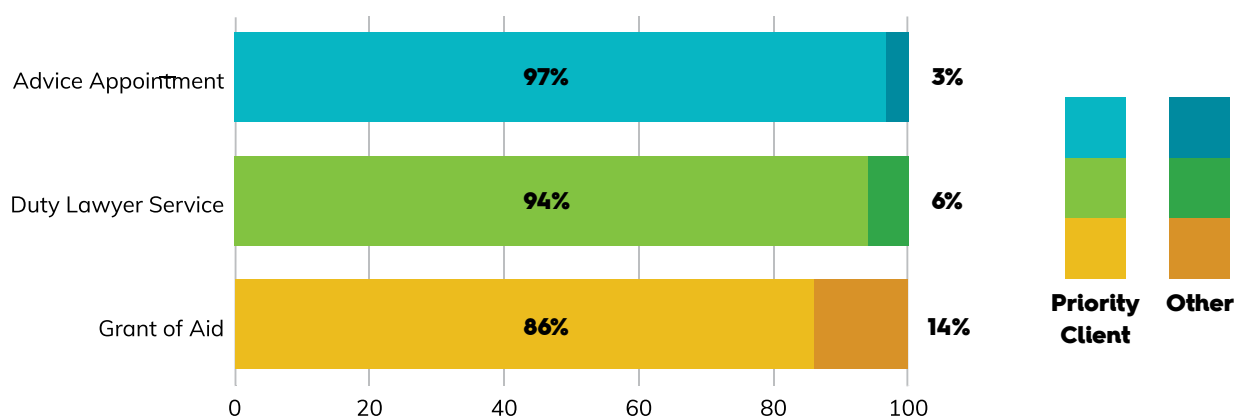
Number and type of service provided to each priority client group – 2021-22

Priority Client Group	Grant of aid	Duty Lawyer Service	Advice Appointment	Total
Receives a government benefit	12 397	8 734	8 224	29 355
Under 25 years of age	4 170	2 872	1 259	8 301
Disability or mental illness	4 106	3 146	1 527	8 779
Culturally and linguistically diverse	1 367	1 696	4 189	7 252
In custody	5 545	3 740	261	9 546
Victim of family violence	1 416	764	3 846	6 026
Lives in regional or remote SA	2 731	1 791	1 379	5 901
Aboriginal and Torres Strait Islander people	3 761	2 842	628	7 231
Older people (65+ years of age or 50+ for Aboriginal and Torres Strait Islander people)	393	364	1 806	2 563
Requires an interpreter	544	535	1 308	2 387

Number of services (grant of aid, duty lawyer service or advice appointment) to a priority client compared to services to a client who does not fall within a priority group

	Services to a priority client	Other
Grant of aid	16 668	448
Duty lawyer service	12 131	760
Advice appointment	12 316	2 010
Total	41 115	3 218

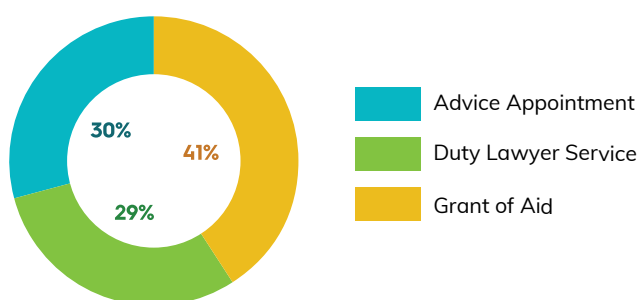
% of services to priority clients



Strategies to improve services for people within the priority client groups are regularly reviewed. The following measures aim to assist these clients to access our services:

- provision of legal advice appointments and family dispute resolution conferences by telephone, video link or online, enabling service provision to regional and remote clients and those with mobility issues
- regional offices in Whyalla and Port Augusta and outreach to Mount Barker and Murray Bridge
- prison visits and duty lawyer services
- community legal education sessions to priority clients and to community workers working with priority clients about how to access services
- social media communication about our services
- appearances on community podcasts
- radio interviews focussed on legal topics and regional communities
- webinar legal training for community workers who assist priority groups
- fortnightly e-mail to community worker networks promoting legal resources on focused legal topics.

Services accessed by priority clients



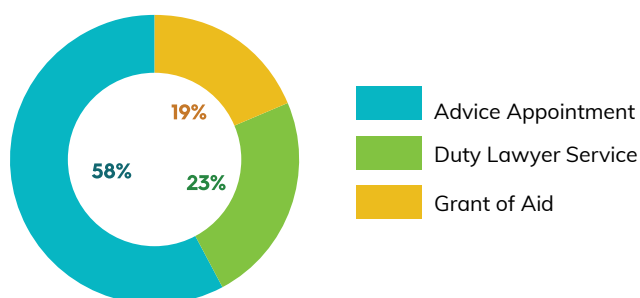
In addition, targeted programs and services are provided for specific priority client groups.

Culturally and linguistically diverse clients

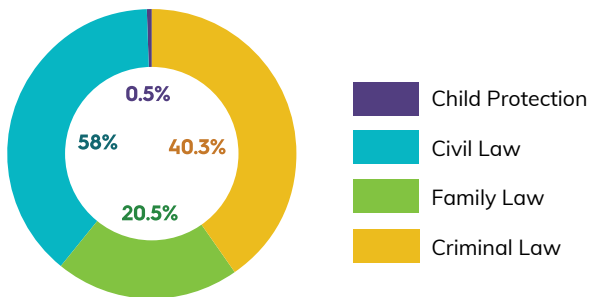
To improve services, and access to services, for clients from culturally and linguistically diverse backgrounds–

- written legal information is provided and distributed in community languages,
- video community announcements explaining how to contact us for legal advice are available in Arabic, Farsi, Liberian English, Nepali, Pashto, Sierra Leone Krio, Sudanese and Swahili,
- audio announcements in Arabic, Dari, Dinka, Hindi, Mandarin, Nepali, Pashto, Swahili, and Vietnamese on how to get legal help are available on our website,
- legal information factsheets are written in 'Easy English',
- interpreters are provided for free for all our services,
- a Migrant Information and Legal Education Program is regularly run for new and recently arrived migrants explaining how to access legal advice, the Australian legal system and particularly relevant laws such as the Australian road rules, consumer law, criminal law and family law, and
- community radio stations broadcasted our *Linking the Law* Community Service announcements over the 2021-22 summer period.

Services accessed by CALD clients



Services to CALD clients by law type



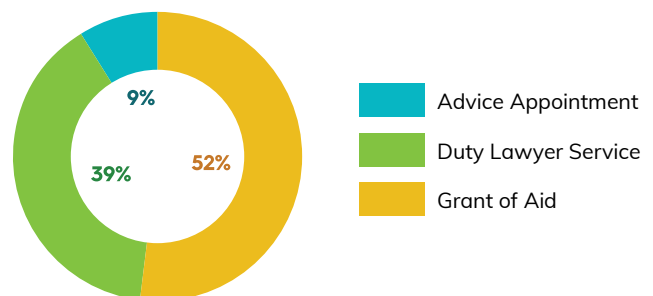
- participation in the Aged Rights Advocacy Aboriginal Community Safeguarding Network,
- regular liaison between our community legal education officers and officers from the Aboriginal Legal Rights Movement to share information and resources, and
- the provision of cultural awareness training to all staff.

Aboriginal and Torres Strait Islander clients

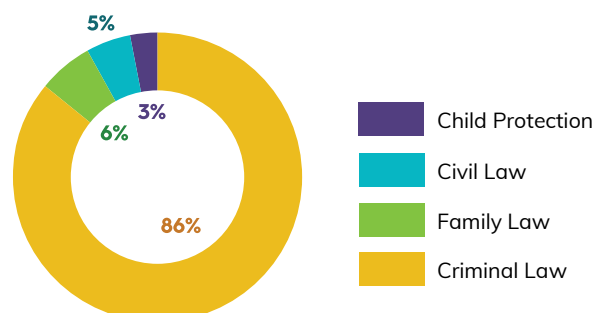
Measures specifically targeted to assist Aboriginal and Torres Strait Islander people include–

- legal representation for clients in the Nunga Courts and the Aboriginal Community Courts,
- the provision of a duty lawyer and a social worker, and representation through a grant of legal aid, for parties with matters in the Aboriginal and Torres Strait Islander Family Law List in the Federal Circuit and Family Court of Australia,
- participation in the South Australian Legal Assistance Forum and Collaborative Service Planning sessions, and regular meetings between the Director of the Legal Services Commission and the Chief Executive of the Aboriginal Legal Rights Movement, to increase cooperation and collaboration in the provision of legal assistance services to Aboriginal and Torres Strait Islander people,
- two summer clerkships each year for Aboriginal law students,
- access to our lawyer assisted family dispute resolution program for Aboriginal Legal Rights Movement clients,

Services to Aboriginal and Torres Strait Islander clients



Services to Aboriginal and Torres Strait Islander clients by law type



Victims of family violence

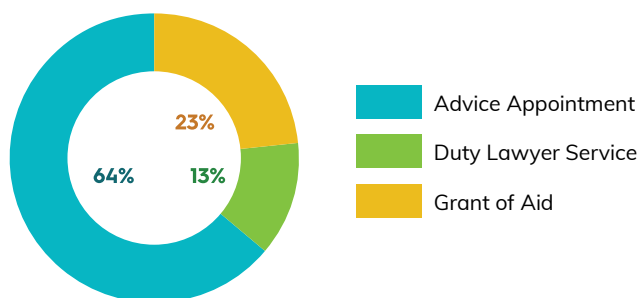
Specialist programs and services specifically designed for victims of family violence include–

- a specialist Domestic Violence Unit for legal advice and representation,
- a Women's Domestic Violence Court Assistance Service to assist with intervention orders and tenancy matters,
- the inclusion of social work services as part of the duty lawyer service in the Federal Circuit and Family Court of Australia,
- access to a lawyer for the purposes of cross-examination in family law hearings captured by the Family Violence and Cross-examination of Parties Scheme,
- family dispute resolution in small property matters that would not normally attract a grant of aid for legal representation,
- secure, separated interview rooms at Legal Services Commission offices to allow family dispute resolution and legal advice appointments to occur without contact with the other party,
- screening processes before any family dispute resolution conference to ensure it is safe for the conference to proceed,
- the provision of family violence training to all staff,
- training for interpreters on domestic violence laws,
- a quick exit button on all our website pages,
- fact sheets on *Applying for an Intervention Order*, *Cyber Stalking and Cyber Harassment*, *Housing & Domestic Violence (During COVID-19)* and *Intervention Orders (During COVID-19)* are available on our website and for printing, and
- a video on the *Prevention of Domestic and Family Violence* is available on our website.

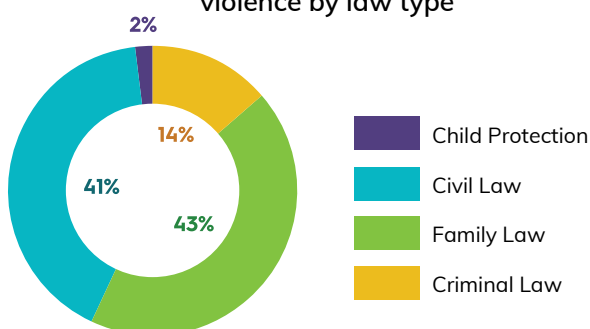
Client Feedback

"Thank you for giving us our freedom and safety back. My kids are now growing up in a home free of DV abuse because of your help."

Services to clients who indicate family violence



Services to clients who indicate family violence by law type



Clients with a disability

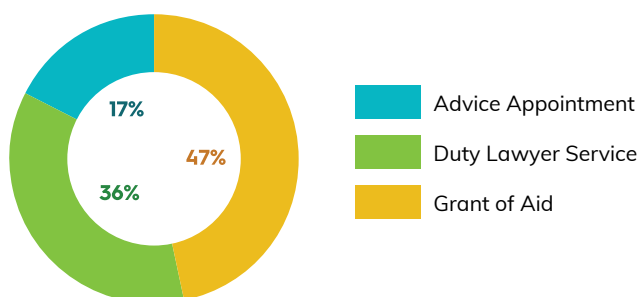
Our services are designed to ensure accessibility to people with particular needs as a consequence of disability. Examples of this include–

- the establishment of the *Disability Information and Legal Assistance Unit (DiLA)* to provide specialist and accessible legal advice and information services to people with disability and their supporters,
- access to our website via *Readspeaker*,
- digitally accessible web resources to enable access by people with vision impairment or who, because of a physical impairment, are unable to use a mouse,
- service contact information in Braille and in large print,
- factsheets in easy read English, both in printed form and available on our website,
- production of specialised videos specifically for people with disability on issues such as how we may be able to help and on legal topics including elder abuse, family violence, arrest rights and victim rights,
- production of videos in Auslan with information about our services and about family violence prevention and elder abuse prevention,
- contact via the National Relay Service,
- the provision of specialist training to Auslan interpreters and lawyers who work with clients with disability,
- assistance to clients providing their experiences to the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*,
- assistance to support Australian Defence Force personnel and veterans, as well as their families, carers and supporters to share their experiences with the *Royal Commission into Defence and Veteran Suicide*, including the factors contributing to suicide, and
- in accordance with our *Disability Action Plan*, we provide a summer clerkship each year for a student with a disability.

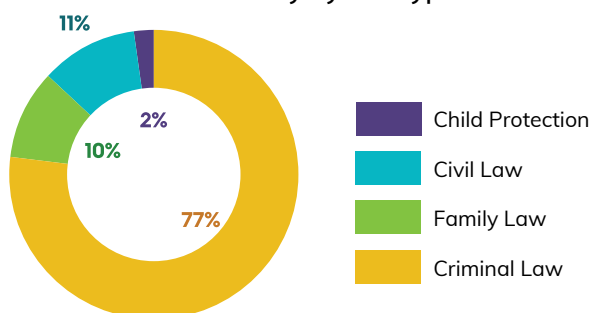
Client Feedback

"I cannot thank you enough for all the hard work you have put in to get me this result. I know I am not an easy client to deal with but I thank you all for the professionalism you have all shown. I thank you all for helping people like me with a brain injury... you all have done so much... I will never forget the help you have provided me with."

Services to clients who indicate a disability



Services to clients who indicate a disability by law type



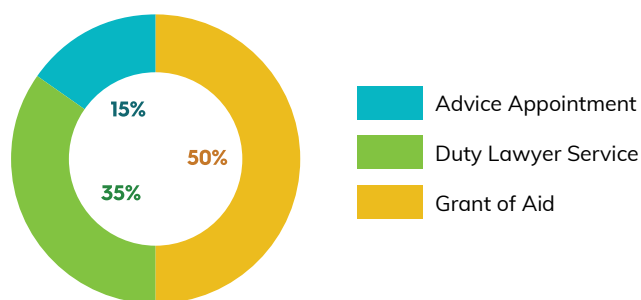
Children and young people

Specialist programs and services are run by the Legal Services Commission for children and young people.

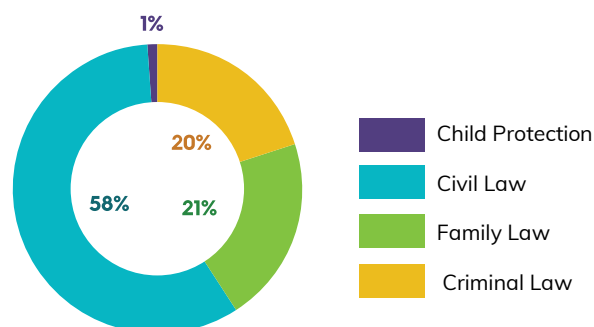
These include–

- the appointment of independent children's lawyers to act in the best interests of the child in family law court proceedings,
- the appointment of lawyers in child protection matters,
- representation of children and young people in the Youth Court,
- a service to support children experiencing family violence – *Safe and Well Kids*,
- the provision of duty solicitors in the Youth Court,
- involvement of a child and family counsellor in appropriate family dispute resolution conferences,
- a regularly updated series of factsheets titled *Young people and the Law* which includes factsheets on many legal topics,
- talks for young people and community workers who work with young people about legal services, legal education resources and information about laws relevant to young people, and
- the production of a film, *Trusted Moments*, for use in education sessions for young people explaining the importance of consent and respect in relationships as a strategy for the prevention of sexual assault.

Services to children and young people



Services to children and young people by law type



Client survey

In November 2021 we undertook a client satisfaction survey. The survey provides feedback and insight into the client experience, allowing us to optimise service delivery and understand which client sub-groups can be prioritised for improved service delivery.

As can be seen below, the survey indicated that client satisfaction was high, with the following percentage of clients agreeing with key statements relating to service standards.

It was easy to contact the legal service when you first needed help	89%
The service provider listened to your legal problem	93%
The service provider helped you understand how to deal with your legal problem	86%
You know where to get help if you have another legal problem in the future	90%
The service provider met your personal or cultural needs	76%
You were treated fairly	90%
You were informed of everything you had to do to get the service	92%
Staff were knowledgeable and competent	91%
Staff went the extra mile to make sure you got what you needed	79%
The service provider was professional in its dealings with you	93%
You would recommend this legal service to other people	89%

Client Services

Annual Report 2021-22
Legal Services Commission
www.lsc.sa.gov.au

- **Prevention and Early Intervention Services**

- Community Legal Education
- Legal Information, Advice and Legal Task

- **Court Based Services**

- Criminal Law Duty Solicitor Service
- Family law duty lawyer and social support service
- Civil Law Court and Tribunal Services

- **Family Dispute Resolution Services**

- Lawyer Assisted Family Dispute Resolution
- AI Assisted Family Dispute Resolution - *amica*

- **Legal Representation Services**

- Grants of Aid for Legal Representation
- Criminal Law
- Family Law
- Child Protection
- Civil Law

Client Services

The majority of our clients receive prevention and early intervention services. These are the services that are the quickest and cheapest to provide, equipping clients with the tools to respond to a legal problem prior to it becoming intractable and complex. These services are available to all South Australians.

A grant of legal aid for representation is the most expensive and intensive service we provide. It is limited to situations of real need and reserved for those members of the community experiencing greatest disadvantage.

Prevention and Early Intervention

Prevention and early intervention services consist of–

- **community legal education** sessions to explain rights and obligations under the law, and
- the provision of **legal information, advice and legal task** to individual clients at the earliest opportunity, reducing the likelihood of a legal problem escalating with the aim of avoiding litigation.

Community Legal Education

Community legal education (CLE) is a prevention and early intervention strategy aimed at reaching potential clients and the broader community. It is designed to–

- assist people to understand the law and how it affects them, and
- to increase an individual's capacity to seek timely legal assistance.

Legal Services Commission CLE programs focus on the following client priority groups:

- new migrants
- young people
- older people
- people with disability
- community workers
- women
- people experiencing family violence.

These priority client groups were identified in the *National Legal Assistance Partnership Agreement (2020-25)* and the *2012 Legal Australia Wide Survey* as being amongst those most vulnerable to having unresolved legal problems.

CLE is delivered by legal education officers through–

Digital, web-based and print resources–

Information covering many legal topics is produced and published online, through multimedia resources and in printed publications such as factsheets and legal information guides. These resources are generally able to be downloaded from our website and are also available in hard copy. During the financial year our *Law for Community Workers* webinar program promoted the work of some of our specialist programs, including *amica*, the *Disability Information and Legal Assistance Unit* and the *Your Story Disability Legal Support Service*.

Legal education community talks and events–

These sessions are provided for professionals, community support workers and the public on a variety of legal topics including–

- Getting Legal Help
- Advance Care Directives, Wills and Powers of Attorney (personal decision making)
- Family Law.

Specific sessions during 2021-22 included presentations to–

- young Afghan students as part of the Australian Refugee Association's Stronger Men Program with a men's behaviour counsellor from Uniting Communities,
- high school students during a Wellbeing Day on sexual images and film, and
- Humanities and Social Sciences teachers as part of a Civics & Citizenship Professional Development Program, hosted by the South Australian Parliament, the Commissioner for Children & Young People and the Department for Education.

Community and strategic engagement–

Information is gathered from stakeholders, including community workers, social workers, librarians and teachers to ascertain the legal education needs of priority client groups.

Key achievements and new initiatives

During 2021-22–

- a Law Foundation Grant provided funding to enable an update and extension of a resource for new migrants that provides key legal information and contact details for legal assistance services,
- information about the South Australian Emergency Management Directions relating to the COVID-19 pandemic, and in particular travel restrictions, quarantine requirements and mandatory vaccinations,
- work continued with the Courts Administration Authority and the judiciary to review and develop resources to reflect new court rules and processes for self-represented litigants, and
- via the Australian Refugee Association's Communities for Change Program, education sessions were delivered on coercive control to groups from the Latina, Arabic, and Nepali/ Bhutanese communities.

Client Feedback

The value of CLE services is indicated by the following feedback.

TAFE lecturer

"Your presentation was amazing, and super supportive of the students. The students from today were very thankful."

Community worker

"Thank you for a great session, the team found it to be informative. Your knowledge and passion on a sometimes difficult topic made it all the simpler for us to take on board and share within our community."

Facts and figures

Community Legal Education	2019-20	2020-21	2021-22
Sessions	*152	*175	*214
Participants	*4 423	*3 323	*5 251

*Due to COVID-19, most CLE sessions were unable to be held for the last 4 months of the 2019-20 financial year. The impact of lockdowns and COVID-19 continued for the entirety of 2020-21 with services increasing in 2021-22.

Website pageviews

	2019-20	2020-21	2021-22
Law Handbook	2 064 460	1 865 114	1 816 996
Legal Services website	729 611	814 352	1 022 460

Top five online legal information topics by page views

	2021-22
COVID-19 directions and South Australia	114 675
Young people, sex and consent	78 737
Replacing lost or destroyed documents	36 501
What is crime?	34 962
Retaining walls	25 662

	2019-20	2020-21	2021-22
Publications distributed	50 688	*25 506	*17 952

*The reduction in distribution of publications is related to COVID-19. The pandemic resulted in fewer events at which publications were distributed, such as CLE sessions and expos, and fewer people attending agencies where publications are collected.

Five most distributed publications

2020-21		2021-22	
Fences and the Law	2 672	Fences and the Law	2 243
Trees and the Law	2 112	Trees and the Law	2 034
Do Not Knock Stickers	1 570	Need Legal Help Brochure	1 039
Need Legal Help Brochure	872	Power of Attorney Brochure	920
Wills	794	Do Not Knock Stickers	787

Legal Information and Advice

The Legal Services Commission provides free legal information and advice–

- by telephone, through the legal helpline on **1300 366 424**,
- in person, at our offices and at outreach locations,
- through the online services of Legal Chat, **24Legal** and the Law Handbook, all available through our website - <http://www.lsc.sa.gov.au>, and
- via information posts on Twitter, YouTube and Facebook.

Telephone information and advice

Calls to the legal helpline are answered from 9am to 4:30pm each business day, with callers receiving timely legal information or advice, or a referral to a more appropriate specialist agency.

Advice appointments

If during a telephone call, or through the online Legal Chat service, it is identified that further legal advice may be required, an appointment is scheduled through our office or through referral to a local community legal centre. Our offices are situated in Adelaide, Elizabeth, Noarlunga, Port Adelaide, Port Augusta and Whyalla. In addition, legal advice appointments can be booked at the outreach locations of–

- Murray Bridge Community Centre, and
- Summit Health Care at Mount Barker.

Advice appointments can also be conducted by telephone or video, at the option of the client.

Legal Services Commission advisers attend at the Adelaide Remand Centre, the Pre-release Centre, the Women's Prison, Yatala Prison and Mobilong Prison to provide legal advice on matters that impact on prisoners' families, including advice in relation to family law, child protection, debts, and wills and estates.

During the past financial year many legal advice appointments were conducted as telephone appointments because of COVID-19 concerns and public health directives.

Online technology

Clients continue to use online technology to find answers to their legal questions.

- **Legal Chat** was launched in 2015 as an online chat tool accessed through our website. During the 2021-22 financial year 7,524 chats were recorded, a 2% increase on the previous year.
- **24Legal** is an online platform that has been available through our website since 2017. It provides legal information through a decision tree format, allowing site visitors to find answers to legal questions by clicking on questions and answers. The top three topics accessed during the 2021-22 financial year were *Family Law*, *Need Legal Help* and *Apply for Legal Aid*.
- **PhotoLegal** is an encrypted digital service allowing secure transmission of photographs and documents to a legal adviser providing advice via a phone appointment. It won a national IT award in 2020 for *Best State Government Project*.

Specialist advice services

In addition to general legal advice, specialist legal advice is offered in the following areas:

Migration – Legal advice and assistance is provided to clients in migration matters. Domestic violence against provisional partner visa holders by their partners continues to be a leading cause for clients to seek our services. Other matters include claims for permanent protection visas and refugee humanitarian visas to reunite UNHCR resettled refugees with their immediate family members.

A telephone advisory service is available for recipients of proposed visa cancellations based on character grounds. This generally involves prisoners who have been convicted of serious criminal offences and face deportation.

Consumer law and consumer credit law – A specialist legal service provides advice and support to the adviser team in consumer law and consumer credit law and regularly comments on consumer issues on ABC regional radio and CoastFM. This service also provides support and information to financial counsellors and contributes to the Law Handbook.

Child Support – Advice by legal practitioners is provided to clients in relation to all child support and maintenance matters. The child support helpline operates each weekday, with free follow up legal appointments and extended assistance services where needed. Representation may be provided, subject to means and merit tests, where court applications or more substantial services are required.

Client Feedback

"Just a quick note to say thanks to [the Access Services staff member] for all her help with my case - believing and empathising with my situation, explaining what I needed to do and how to go about it."

Facts and figures

In 2021-22 our legal advisers provided over **87,000** free legal information and advice services to the South Australian public.

This included–

- legal information and advice in response to over **63,000** telephone helpline enquiries and over **7,000** Legal Chat enquires, and
- free legal advice to clients in over **14,000** appointments.

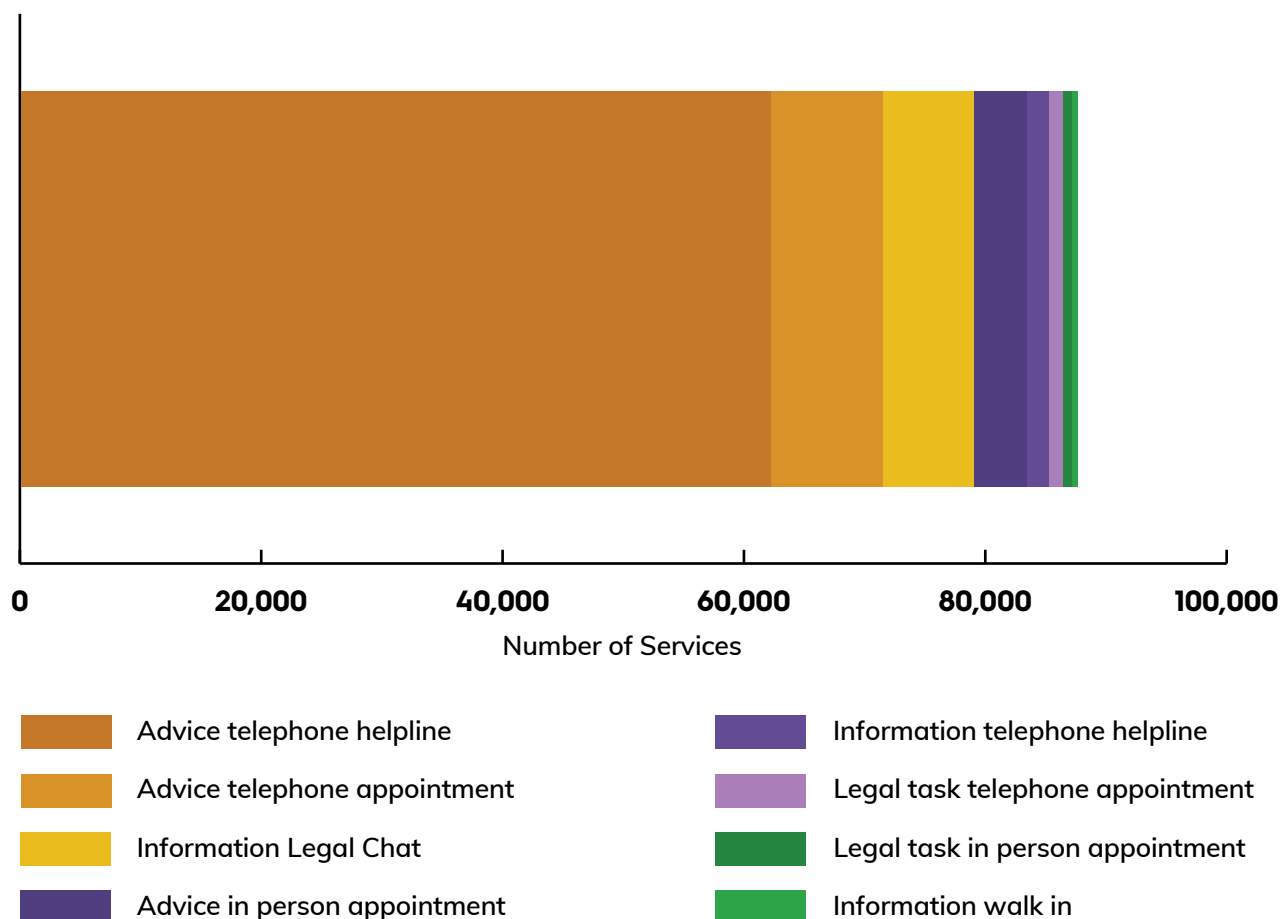
In addition, the online question and answer format of 24Legal was accessed by clients on over **10,000** occasions to obtain legal information specific to their individual needs.

Service types by delivery method

	2019-20	2020-21	2021-22
Information			
Legal Chat online sessions	7 244	7 373	7 524
telephone helpline	1 879	1 463	1 745
client walk-ins	1 108	466	427
Total	10 231	9 302	9 696
Legal advice			
telephone helpline	64 923	66 902	62 066
telephone appointments	6 030	8 664	9 371
in person appointments	*8 000	*3 079	*4 661
Total	78 953	78 645	76 098
Legal task			
telephone appointments	1 362	1 481	1 251
in person appointments	926	774	704
Total	2 288	2 255	1 955
Total information and advice services	91 472	90 202	87 749

*COVID-19 resulted in a reduction in face to face legal appointments for the last 4 months of the 2019-20 financial year and for the entirety of the 2020-21 and 2021-22 financial years.

Legal information, advice and task by delivery method



Most common information and advice matters by delivery method

Legal Chat		Telephone helpline		Advice appointment	
Law in General	862	Law in General	5 464	Intervention order	660
Documents	587	Fences / retaining walls	4 309	Property settlement	618
Property settlement	507	Contact - spends time with	3 336	Contact - spends time with	520
Contact - spends time with	395	Property settlement	2 827	Fences / retaining walls	386
Fences/retaining walls	361	Consumer problem	2 431	Consumer problem	370

Law type by service type

	Criminal Law	Family Law	Civil Law	Child Protection	Total
Information	1 659	3 055	4 945	37	9 696
Legal advice	15 811	14 796	44 770	721	76 098
Legal task	186	385	1 365	19	1 955
Total	17 656	18 236	51 080	777	87 749

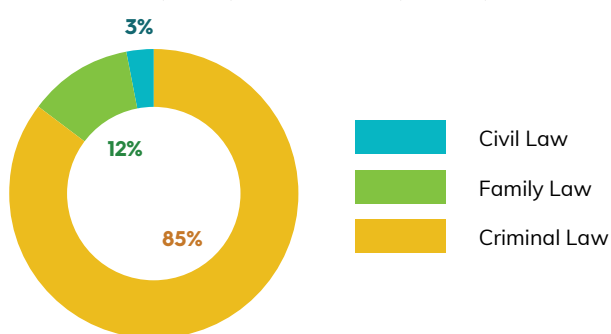
Court Based Services

Duty lawyers are available at the Magistrates Courts, the Federal Circuit and Family Court of Australia and the Youth Court. Legal advisers are also available to provide advice in the Adelaide Magistrates Court and at the Administrative Appeals Tribunal.

Duty lawyer services by law type – 2021-22

	2019-20	2020-21	2021-22
Criminal law	10 314	11 914	11 004
Family law	2 162	1 102	1 495
Civil law	287	381	392
Total	12 763	13 397	12 891

Duty lawyer services by law type



Criminal Law Duty Solicitor Service

The South Australian community has been supported for decades by the provision of duty solicitors in the Magistrates Courts. The presence of duty solicitors in these courts plays a significant role in the smooth running and administration of the criminal justice system.

Duty solicitors protect the legal interests of our most vulnerable citizens at their most vulnerable time. The role carries substantial responsibility as it involves dealing with people taken into custody overnight who are often still under the influence of drugs or alcohol, have complex mental health issues and may be experiencing psychosis. They may also be subject to family breakdown and homelessness.

For clients arrested the previous night, duty solicitors conduct bail applications, provide legal advice and conduct simple guilty pleas. They may appear in the Supreme Court on bail reviews if bail is refused or contested by the Crown. This requires obtaining instructions, preparing submissions on often complex legal and factual issues and appearing in Court, usually within an hour of receiving the client's name. They then address issues arising from the hearing, including further legal representation, housing options and mental health services.

During the challenges presented by COVID-19, all stakeholders in the Magistrates Court jurisdiction worked closely and co-operatively to facilitate the smooth processing of defendants in custody and to ensure clients received the assistance of a duty solicitor. With the introduction of COVID-19 restrictions duty services were provided remotely where necessary. As COVID-19 continues to present as a challenge this stakeholder collaboration continues to ensure that our clients in custody have immediate access to, and redress in, the criminal justice system.

In 2020 we introduced rostering to support the provision of duty services over public holidays. Deploying this new service involved working closely with Magistrates and SAPOL. This initiative has continued throughout 2021 and into 2022, involving continued close collaboration with SAPOL and the Magistrates Court to ensure that our most vulnerable clients are brought before a Magistrate for an application for bail at the earliest opportunity.

No matter the challenge, duty solicitors continue their vital service - one that every day shows the values of the SA Public Sector and strengthens relationships between vital justice sector stakeholders.

Stakeholder feedback

The judiciary and other stakeholders appreciate the role of the duty solicitor, with Magistrates continuing to regularly report positively about individual lawyers or the duty solicitor service overall. There is also regular positive feedback from the regional Magistrates Courts where the duty solicitor service is greatly appreciated – whether provided in person, such as in the Whyalla and Port Augusta courts, or provided remotely such as in the Berri court, where our duty solicitors appear from the Adelaide Magistrates Court.

Facts and figures

In 2021-22, **11 004** criminal law duty solicitor services were provided. **10 684** of these services were provided by one of our inhouse duty lawyers, with the remaining **320** provided by external legal practitioners, funded by us.

Criminal law duty solicitor services by court type and work type

	Advice	Mention	Uncontested bail application	Contested bail application	Plea	Hearing	Other	Total
Supreme Court	0	0	0	2	0	0	1	3
District Court	5	9	0	23	0	0	2	39
Magistrates Court	1 960	2 408	249	4 849	166	58	335	10 025
Youth Court	70	536	137	151	33	4	6	937
Total	2 035	2 953	386	5 025	199	62	344	11 004

Criminal law duty solicitor services by location and work type

	Advice	Mention	Uncontested bail application	Contested bail application	Plea	Hearing	Other	Total
Adelaide	586	1 450	166	1 268	47	13	63	3 593
Berri	47	66	0	35	15	11	4	178
Ceduna	0	0	0	1	0	0	0	1
Christies Beach	383	246	4	647	16	0	30	1 326
Coober Pedy	1	0	0	1	0	0	0	2
Elizabeth	398	328	2	1 890	16	15	115	2 764
Millicent	10	8	0	0	1	0	0	19
Mount Barker	1	0	0	4	0	0	0	5
Mount Gambier	29	48	1	9	21	0	0	108
Murray Bridge	0	8	0	10	1	0	1	20
Port Adelaide	402	433	58	811	27	17	82	1 830
Port Augusta	72	210	92	213	29	4	16	636
Port Lincoln	2	3	0	1	0	0	0	6
Port Pirie	1	0	0	1	0	0	0	2
Victor Harbor	1	1	0	0	1	0	0	3
Waikerie	6	12	0	0	3	1	0	22
Whyalla	96	140	63	134	22	1	33	489
Total	2 035	2 953	386	5 025	199	62	344	11 004

Family Law Duty Lawyer and Social Support Service

Family law duty lawyer services are provided as part of the Family Advocacy and Support Service (FASS) program. This program is funded by the Commonwealth government to provide a combined duty lawyer and social worker service for unrepresented clients in the Federal Circuit and Family Court of Australia (FCFCOA). The program assists families affected by family violence by integrating social support services with duty lawyer legal services. Duty lawyers and social workers are available at the FCFCOA in Adelaide on each sitting day and in Mount Gambier during the quarterly circuits of the Court.

The social workers deliver risk assessment, referral and social assistance services. Two social workers are employed, with one dedicated to assisting men. The duty lawyers provide legal advice and assist parties to manage their court appearance. Many clients require both the legal assistance and the social support services offered by the program.

FASS operates as a referral point within the court system. Judicial officers and court staff refer unrepresented parties involved in a court hearing directly to FASS. For example, when a court makes an order or notation under section 102NA of the Family Law Act 1975 prohibiting direct cross-examination, unrepresented parties are referred to FASS for advice about applying for funding under the Commonwealth Family Violence and Cross-examination of Parties Scheme.

COVID-19 continued to impact on these services this financial year. The court restricted the number of face-to-face hearings during the year, requiring FASS lawyers to attend court hearings by Teams. Some of the Mount Gambier circuit courts were held remotely and, on the occasions that the Court physically attended, there were restrictions on the attendances of parties at the court.

Case studies

The following is an example of the benefits of the duty lawyer service.

C sought assistance from the FASS duty lawyer to recover her 2 year old child who had been removed from her care by the child's father, B.

SAPOL informed C that because B was the biological father, they could not prevent him from taking the child. C instructed the FASS lawyer that B was homeless and possibly under the influence of illicit substances.

An application was prepared by the duty lawyer and an urgent hearing was held at which the FASS lawyer appeared. A Recovery Order was made, and C was reunited with her child the next day. C identified as an Aboriginal person and so she was referred for further support to the Court Indigenous Liaison Officer. She was also referred to the FASS social worker.

The benefit of the social support service is indicated by the following case study.

F was in the process of being cross examined during a trial for a children's matter. She had become distressed and needed to take a break from giving evidence. The FASS social worker was asked by the Court to provide support to enable F to return to the witness stand.

F's counsel advised the social worker that there was a history of coercive controlling behaviours in the relationship with her ex-partner and an intervention order was in place, with the client listed as the protected person. The social worker spent time with F and eventually F indicated that she wished to continue to give evidence with the social worker in the court room as a support.

The FASS service includes one social support worker who is dedicated to the provision of assistance to men. The benefit of this service is indicated by the following case study:

H (male) was referred for social support, with the referral indicating risks such as serious abuse, family violence, substance abuse and significant mental health issues.

H lived with his son, the subject of the court proceedings. There had been involvement with the Department for Child Protection and H had fulltime care of his son. H's former partner was pursuing contact with the child.

The FASS social worker met with H who was extremely anxious for his son's wellbeing. H was provided with supportive counselling and information and contact details on available services for his son and himself. The FASS social worker offered to liaise and make referrals as required.

Facts and figures

FASS services

	2019-20	2020-21	2021-22
Information and referral	1 287	1 229	1 524
Social work appointments	462	663	901
Duty lawyer services	2 158	*1 097	1 495

*The reduction in the number of duty lawyer services between 2019-20 and 2020-21 is partly due to a change in counting methodology in accordance with the National Legal Assistance Data Standards Manual. Prior to this financial year multiple services to a client in the same day were counted separately. These services are now being counted as one service.

Civil Law Court and Tribunal Services

Legal advisers assist unrepresented parties appearing in both the Adelaide Magistrates Court and the Administrative Appeals Tribunal in civil law matters. This service includes–

- *Adelaide Magistrates Court Information and Civil Advice Service* – Parties appearing without legal representation in the Court can access advice from legal advisers located in the Court building on the day of their appearance. This might be at the suggestion of the Magistrate before whom they have appeared, or on referral from Registry staff. Advice is provided on civil jurisdiction procedures and civil law generally, and sometimes on traffic breaches and minor criminal matters. Referrals are also made to other services where appropriate, including financial counselling.
- *Administrative Appeals Tribunal* – An outreach legal advice service at the Administrative Appeals Tribunal provides specialist advice to applicants involved in internal reviews of Comcare decisions, Veteran's appeals and tier 2 decisions in Centrelink matters. Advice is also provided to clients who are seeking a review of a National Disability Insurance Agency decision that has affected their eligibility or entitlement under the Agency's Disability and Carer Support Program.

Family Dispute Resolution Services

Lawyer Assisted Family Dispute Resolution

The lawyer assisted Family Dispute Resolution (FDR) conferences held at the Legal Services Commission provide an efficient and effective method of dispute resolution for parties with family law conflict, in many cases avoiding the need for a court hearing.

As the *Family Law Act 1975* generally requires parties to have attempted family dispute resolution before filing proceedings, most conferences occur prior to a matter getting to court. The exceptions are where a matter is urgent, where a conference is deemed inappropriate due to violence or some other factor, or where a party refuses to participate. In these cases, the Court may order a conference occur before the next court event.

Conferences are chaired by accredited family dispute resolution practitioners who have both legal and family dispute resolution qualifications. The conferences are held in secure purpose-built conference facilities, allowing them to be carried out by shuttle negotiation, with each party (and their lawyer) in separate rooms during negotiations. This allows conferences to occur in complex matters and where there has been family violence.

In appropriate cases a child inclusive conference model is employed, with a child and family counsellor seeking the views of the child and providing feedback to the parties.

Having modified processes in the previous financial year to enable conferences to be conducted remotely, this year saw the return of many conferences being conducted in person. However, where more appropriate, an online option is available.

During 2021-22 we appointed a number of new practitioners to our panel of chairpersons to accommodate succession planning and to ease the workload on existing chairpersons.

Case study

The benefit of family dispute resolution conferences can be seen in the following case study where, after three conferences, consent orders were made that resolved the matter on a final basis.

B had a serious drug issue and had returned to Adelaide from interstate to re-establish her relationship with her child. At each conference the matter progressed from B spending strictly supervised time with her child at a Children's Contact Service to, on the last occasion, having substantial unsupervised and overnight time with her child. The conferences gave B the time and support to undertake drug rehabilitation. The Chairperson assisted the parties to reach realistic expectations and supported child focussed outcomes.

After the final conference, consent orders were made which resolved the matter on a final basis.

Client feedback

The following feedback was received from a client when her matter settled after a family dispute resolution conference:

Client Feedback

I just wanted to say a huge thank you for all your hard work. Your assistance has helped us come to an agreement much sooner than we would have without you.

Facts and figures

During the 2021-22 financial year 1,254 conferences were held. The settlement rate for the conferences was high, at 83%. This is consistent with previous years. The early resolution of a matter at a conference, relative to a hearing, reduces stress and expense for clients and frees up the court lists, benefiting both the client and the Court.

	2019-20	2020-21	2021-22
Parties represented at an FDR conference	1 720	2 019	2 126
Conferences held	1 032	1 211	1 254
Conferences settled	881	1 019	1 041
Settlement rate	85%	84%	83%



AI Assisted Family Dispute Resolution – amica

On behalf of National Legal Aid, and with funding from the Commonwealth Attorney-General's Department, an online family dispute resolution service, amica, was launched on 30 June 2020. It assists a separating couple, through computer generated interaction and artificial intelligence, to reach agreement about a property settlement or parenting arrangement. An agreement is recorded in plain language and may be filed at court as a consent order.

amica guides users through a step by step online process with their former partner. Parties undertake the process at their own pace, in their own time and in their own space, with the tool offering information and support to assist in achieving an amicable agreement. For every outcome achieved the legal cost and pressure on the Court is reduced.

In determining an asset split, amica's artificial intelligence takes into account the length of the relationship, age and health needs, contributions to the relationship (including taking care of children), future arrangements, income and future needs. It also factors into account what the court would consider in a similar situation.

Use of amica continues to grow, with positive feedback received from clients and stakeholders. Enhancements and development have occurred during 2021-22 and an updated amica website, with increased functionality, was completed this year.

Access to amica is Australia wide. Since its introduction–

- over 7,000 individuals have interacted and created accounts with amica,
- over 1,200 asset divisions have been suggested, and
- the amica site has received more than 700,000 page views.

For further information, please visit amica.gov.au

Legal Representation Services

Grants of Aid for Legal Representation

Legal representation is provided for cases that meet our funding criteria. In general, this requires–

- the applicant to satisfy our means test, and
- the case to have merit and fall within the guidelines under which legal aid is granted.

Cases likely to fall within the guidelines are–

- criminal law cases where there is a real risk of imprisonment,
- family law cases involving children, and
- child protection cases.

Some civil cases may also be funded. For further information please visit– http://www.lsc.sa.gov.au/cb_pages/legal_aid_eligibility.php.

In addition, we receive specific funding to provide representation to clients in situations that do not fall within our means and merit tests and funding guidelines. In these cases, the requirements for funding are specified by the funder. During the 2021-22 financial year we received funding to grant aid for legal representation to clients under the following specific programs:

- Family Violence and Cross-examination of Parties Scheme
- Family Dispute Resolution Small Property Cases

- Women's Domestic Violence Court Assistance Service
- Domestic Violence Unit/ Health Justice Partnership
- National Disability Insurance Scheme
- Guardianship and Administration reviews
- Mental Health treatment order appeals.

Please see the chapter headed *Specifically Funded Programs* for information relating to these funding models.

Practitioner Panels

If a case is assessed as falling within our funding criteria we assign a legal practitioner to act in the matter.

The legal practitioner may be an inhouse lawyer or an external lawyer, chosen by the applicant or, where the applicant does not indicate a preference, chosen by us as an appropriate practitioner for the case.

To ensure the best possible representation for clients, we require a legal practitioner representing a client in receipt of a grant of aid to be a member of our General Panel of practitioners.

In addition to the General Panel, the following five specialist legal practitioner panels have been established:

- Complex Criminal Law Panel, with a murder subpanel
- Guardianship and Mental Health Representation Panel
- Independent Children's Lawyer Panel
- Family Dispute Resolution Chairperson Panel
- Child Protection Panel for practitioners acting for children under the *Children and Young People (Safety) Act 2017*.

If a practitioner wishes to represent a client in a case to which a specialist panel applies, the practitioner must also be a member of that panel. Each panel has specific requirements relating to experience and expertise. All inhouse legal practitioners, and any external practitioner wishing to act on a grant of aid involving a child, must obtain a Working with Children check from the South Australian Department of Human Services.

In December 2021 the Law Council of Australia released a National Model Framework to Address Sexual Harassment in the Legal Profession. The application form for inclusion on the General Panel was altered to require information about workplace policies and procedures to address sexual harassment. In addition, in this financial year enrolment on the High Court of Australia register of practitioners became mandatory for all applicants.

Continued inclusion on a panel requires ongoing compliance with the General Panel Agreement and practice standards, and compliance with practice standards specific to each panel. Regular auditing of practitioner files occurs to ensure compliance with applicable practice standards. During the financial year 182 practitioner files were audited.

For further information on the panel system, please visit–

http://www.lsc.sa.gov.au/cb_pages/practitioners_panel_registry.php

Facts and figures

Applications for legal aid

	2018-19	2019-20	2020-21	2021-22
Received	18 271	19 828	21 562	20 076
Granted *	16 162	17 692	18 745	17 116

* Granted applications for each year includes applications received in a prior year but first granted in that year.

Applications granted in 2021-22 – Assigned externally or inhouse by law type (includes applications received in 2020-21 but not granted until 2021-22)

	Assigned externally		Assigned inhouse		Total
Criminal	10 588	78%	3 001	22%	13 589
Family	1 738	75%	564	25%	2 302
Child Protection	537	53%	472	47%	1 009
Civil	9	4%	207	96%	216
Total	12 872	75%	4 244	25%	17 116

Criminal Law Legal Representation

The Criminal Law Practice Division comprises the largest criminal law defence practice in South Australia, providing a duty solicitor service, a Youth Court service and a general and specialist Magistrates Court service. Clients are represented in trials and sentencing before the District and Supreme Courts and in appealing convictions and sentence in the Court of Appeal and the High Court of Australia. The inhouse practice also provides a free prison advisory service and a free after hour's custody telephone advice service. This service ensures that clients arrested out of hours are provided with critical advice regarding their right to silence pending formal police interview and their rights in relation to forensic procedures in the very early part of an investigation. This advice plays a crucial part in protecting the rights of clients who ultimately face prosecution.

Specialist court representation

Specialist criminal law services are provided to children and young people charged with offences before the Youth Court, including representation for minor and serious criminal offending and legal services for children detained in youth detention facilities. A solicitor assigned to the Youth Court provides mentoring and guidance to other inhouse solicitors and counsel who practice in that jurisdiction from time to time. We also provide a dedicated frontline service to youths taken into custody to ensure they are expeditiously brought before the presiding judge or Youth Court Magistrate.

Specialist legal representation is available to clients with addiction illnesses who have been accepted into therapeutic rehabilitation programs through the Treatment Intervention Court. Clients participating in this program will typically have pleaded guilty to less

serious criminal offences and are given the opportunity to take part in a structured and intensive court ordered program of drug or gambling addiction rehabilitation. Successful completion of the program can result in less severe penalties as an encouragement to cease drug and gambling related offending. An active role is taken in supporting therapeutic court programs as a means of reducing crime and recidivism in the community. A solicitor is assigned to the Treatment Intervention Court and there is an expectation that all criminal law practice solicitors will work in this jurisdiction for a period of time, the allocation of resources and operational imperatives permitting.

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

Magistrates Court representation

Legal Services Commission lawyers represent clients in the Magistrates Courts on bail applications, pleas of guilty and in summary trials. These practitioners carry significant case file loads and are highly skilled in managing the challenges of heavy court lists and sometimes difficult legal and factual issues in both summary and major indictable cases as the latter moves through the committal process.

Higher court representation

The Criminal Law Practice Division includes a counsel section, the members of which are briefed by legal practitioners employed in the major indictable solicitor team. Counsel members represent legally aided clients charged with the most serious criminal offences, including murder, before the District Court, Supreme Court, Court of Appeal and High Court. A benefit of inhouse counsel is that it allows early briefing, resulting in expert advice, better client outcomes and a timely finalisation of cases. During 2021-22, through Chief Counsel and in conjunction with external Senior Counsel, we represented two clients in the High Court. One client was successful on appeal and the other is currently at the special leave stage.

Whyalla and Port Augusta

The criminal law practitioners located in our offices in Port Augusta and Whyalla provide advice and representation to clients in the Whyalla and Port Augusta Magistrates Courts, and in some summary criminal cases in the Port Lincoln and Port Pirie Magistrates Courts.

The services offered in these country locations include duty solicitor representation, bail applications, guilty pleas and summary trials, along with committal court and higher court representation for clients facing very serious major indictable charges. Comprehensive Youth Court representation is also provided, and regular attendance at the Port Augusta prison to assist clients in custody.

Since 2014 the inhouse counsel section has provided counsel services for trials and guilty pleas in the District Court and Supreme Court sitting on circuit in Port Augusta. Inhouse counsel are instructed by the Port Augusta and Whyalla inhouse practitioners in addition to receiving briefs from external regional legal practitioners with legally aided clients, and clients of the Aboriginal Legal Rights Movement.

Key achievements

Improved stakeholder relations

The impact of COVID-19 in March 2020 brought closer consultation and understanding between the main stakeholders in the criminal justice system in South Australia, something that was necessary across all criminal jurisdictions nationally. This close consultation continues today as we move through COVID-19 and beyond. We worked in conjunction with the courts, South Australia Police, the Director of Public Prosecutions and the Department for Correctional Services to ensure that the criminal jurisdiction continued to operate smoothly throughout the COVID-19 pandemic. An example of this is the direct dialogue with senior SAPOL prosecutions managers that now occurs on an ongoing and regular basis, fostering a good working relationship and building trust, with the view to encouraging more open and fruitful charge negotiations, ultimately achieving a better outcome for clients.

Inhouse representation in the courts

The inhouse practice provides assistance to clients appearing before all criminal courts. The co-ordinated multi-team structure of the inhouse practice allows for the provision of urgent assistance to clients and the courts in the following ways:

- Counsel can be deployed to support and assist the duty solicitor service during times of heavy custody list demand or where a serious and complex case is before the court without notice, requiring more experienced assistance.

- Counsel can be deployed at short notice to the Magistrates Court in domestic violence cases where the defendant is unrepresented and is prohibited from cross examining the complainant under the *Evidence Act 1929*. Here, representation is provided for the limited purpose of assisting the defendant to put their case to the complainant.
- A protocol has been established with the District Court whereby members of the counsel team and solicitors will provide immediate representation to individuals arrested on bench warrants on notification by the Higher Courts Registry.
- Experienced inhouse counsel are available to provide representation to clients for trials, pleas of guilty or bail applications at short notice, working with other service providers to ensure the best representation possible. On occasion, we are contacted by the District or Supreme Court to assist when a client finds themselves without representation at short notice. This will either result in inhouse counsel stepping in as trial counsel at very short notice or urgently engaging external counsel to assist, with an inhouse solicitor instructing. This has a significant impact on our inhouse criminal lawyers who consistently demonstrate a capacity to assist at short notice amidst their existing file loads. This short notice assistance also often extends to the Court of Appeal.
- Through our Chief Counsel and other senior counsel and solicitors we provide the highest level appellate advice and advocacy. Our senior major indictable solicitor, in conjunction with Chief Counsel and external Senior Counsel,

mounted a successful challenge to the High Court regarding the operation of s57 of the *Sentencing Act 2017* involving indefinite detention. This is a significant challenge, going directly to the issue of liberty for our most vulnerable clients.

Provision of Continuing Legal Education

Despite the challenges presented by COVID-19, we have continued to provide legal education to inhouse practitioners and, during 2021-22, remotely, to external practitioners on our practitioner panels. The sessions have been received very positively, attracting significant participation from external Panel members. Post COVID-19 we intend to transition to onsite legal education for external practitioners, fostering an ongoing relationship between our inhouse and external criminal lawyers who work tirelessly for legally aided clients. In addition, various judges of the District Court, along with other speakers, have generously given their time to speak on various important topics. This has fostered positive engagement with the judiciary.

Challenges

The criminal justice system is facing many challenges in South Australia. Incarceration rates continue to be at high levels (particularly for Aboriginal people) and prison overcrowding remains a problem. These increases can be attributed in the main to greater restrictions on access to bail, particularly with regard to prescribed applicants, tighter laws relating to release on parole, increased custodial sentences, various offences precluded from suspended sentence options, the serious repeat offender provisions of the *Sentencing Act 2017* requiring a mandatory four fifths non parole period, along with the implementation of extended supervision orders. Inhouse lawyers, external practitioners and other professionals

are finding it difficult to gain adequate access to clients in custody. This was amplified during COVID-19 but is steadily improving.

A further concern is the number of people with mental health problems coming before the criminal courts who are being sentenced to terms of imprisonment. They are often placed within the mainstream prison population because of insufficient accommodation in James Nash House (the South Australian forensic detention facility).

A significant challenge for our criminal lawyers is in the context of extended supervision orders whereby clients are, following the conclusion of their sentence, and on application by the Attorney-General, subject to supervision once released, often pursuant to onerous conditions over an extended period of time. These applications are invariably brought by the Crown before the Supreme Court with minimal notice, only days before the expiration of the prisoner's sentence. The extremely tight time frame makes it very difficult for our clients to properly instruct us to challenge such orders at the interim stage. Senior staff have met with senior Crown representatives in an attempt to alter the current timeframe.

The introduction in March 2018 of amendments to the *Criminal Procedure Act 1921* and the *Sentencing Act 2017*, do not appear to be delivering the key reforms necessary to reduce court appearances and bring about early resolution of major indictable cases. In many instances, disclosure of the prosecution case to defence and the court can take many months, making it difficult for defence lawyers to take instructions from clients to negotiate the speedy resolution of cases with the prosecuting authority in the context of tight timelines within the sentencing discount regime. However, with continued stakeholder engagement with SAPOL Prosecutions, including the Major Indictable Brief Unit, we are endeavouring to assist in reducing the delay.

The high rate of methamphetamine use and drug use generally in the community remains a significant feature of the criminal justice system. It continues to figure prominently in cases involving mental illness, domestic abuse, violent offending, dishonesty offences and in major motor vehicle offences. To some extent the issues surrounding substance abuse are being addressed by Intervention Court programs in the Magistrates Court, the Family Violence Court and the Gambling Court.

Facts and figures

Grants of aid in criminal law cases

	2019-20	2020-21	2021-22
Assigned externally	10 346	11 988	10 588
Assigned inhouse	2 907	2 635	3 001
Total	13 253	14 623	13 589

External practitioners received **78%** of the grants of aid for legal representation in criminal law cases in 2021-22, a decrease from 82% in 2020-21 but equivalent to 2019-20.

Family Law Legal Representation

Family lawyers assist couples involved in separation to resolve their disputes in an appropriate way through–

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

Legal representation of parties

Grants of aid for legal representation in family law cases involve representation in the more complex parenting disputes and financial matters. Clients are represented at lawyer assisted family dispute resolution and, where necessary, before the court. Lawyer assisted family dispute resolution is the preferred method to resolve disputes, with results achieved more quickly, less expensively and without the stress and anxiety of court proceedings. However, instituting court proceedings is sometimes necessary. An example of the benefits of a combined approach to a family dispute can be seen below.

Case study

V was the grandmother of two young children. She applied for a grant of legal aid to gain access to the children. She had played a significant role in their lives but was no longer allowed to see them. Legal aid was granted for representation at a family dispute resolution conference.

The parents of the children refused to participate in the conference. V's aid was extended to enable her to institute proceedings in the Court. V's lawyer wrote to the parents again,

requesting they attend a conference and indicating that an application to court would be taken if they did not respond. The parents attended the conference and an agreement was reached allowing V to spend time with her grandchildren on a regular basis.

Independent children's lawyers

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

- meets with and facilitates the involvement of the child in the case to the appropriate extent,
- ensures the views of the child are made known to the court,
- arranges for evidence to be called,
- seeks to broker an agreement between the parties in the best interests of the child,
- assists the court and the parties in a case management role,
- examines evidence presented by other parties and responds according to the best interests of the child.

Generally, the appointment of an ICL is made at an early stage in proceedings. This enables their involvement in dispute resolution conferences as well as at court. An example of an ICL assisting in achieving an agreement between parties at a conference is set out over page.

An ICL was appointed to represent the best interests of two teenage children. The children were in a shared care arrangement with both parents but one child no longer wanted to spend time with one of the parents. The parties were ordered to attend a lawyer assisted family dispute resolution conference.

The ICL spoke to the children and provided their feedback to the parties. The parties accepted the impact of their conflict and the proceedings on the children and agreed to engage with the children's counsellor. For the first time since separation the parties were able to discuss the welfare of their children together and get on the 'same page' about how to support them. An agreement was reached about care arrangements and ongoing support.

The services of ICLs is valued by the Court, with a judicial registrar in the Federal Circuit and Family Court of Australia writing to an ICL involved in a dispute resolution conference at the Court - Thank you so much for your assistance with this matter, your input was invaluable.

During the financial year ICLs continued to work closely with the two co-located officers of the Department for Child Protection and SA Police who are present at court each day. As seen below, the co-location of these officers allows ICLs to receive timely information about the children, assisting them in identifying appropriate steps to take in the child's best interest—

An ICL was appointed for a young child who had been assaulted by the mother's partner. The ICL sought information about the matter from both the SAPOL and DCP Court located officers. The prompt responses from these officers enabled the Court to make rapid and appropriate orders.

In 2021-22, 416 orders were made requesting the appointment of an ICL. These orders related to 730 children.

Independent Children's Lawyer appointments

	2019-20	2020-21	2021-22
ICL appointments	325	451	416

Child support

Our family lawyers have expertise in the specialised area of child support, providing legal advice and representation in disputes over parentage of children and the level of child support payment.

The following example illustrates the benefit of receiving specialised child support advice and representation.

Case study

A appeared to owe a significant amount of child support. This had accrued because he had not filed tax returns since becoming unemployed – many years ago. His child support liability was still being calculated on his prior income. An application to the Court was lodged seeking a stay order so that he could lodge his tax returns. His child support debt would then be based on actual income.

He was assisted by a Legal Services Commission child support lawyer to file a Change of Assessment application with Services Australia and was then successfully represented by that lawyer in court in an application to discharge the arrears that had accrued over the previous years.

Key Achievements

Federal Circuit and Family Law Court of Australia

In September 2021 the Family Court of Australia and the Federal Circuit Court of Australia merged into a unified Court - the *Federal Circuit and Family Court of Australia* (FCFCOA). This Court comprises two divisions that equate to the previous courts but operate as one court. Significant change has accompanied this merger. The FCFCOA is placing more emphasis on dispute resolution and has changed its processes to require parties to engage in dispute resolution if it is safe to do so. In financial matters, the parties are required to make a genuine effort to resolve their dispute before issuing proceedings and parties have to comply with numerous pre-action procedures.

The court released new Practice Directions setting out rules for the management of cases through the court. The Directions reflect the Court's intent to have a national approach, with matters being heard at the most appropriate registry, by electronic means if necessary.

Together with the creation of the FCFCOA, there was a significant increase in resources to the new court. This included the appointment of new judges and registrars in the Adelaide registry.

The major changes to the court system have impacted on our family law practice. The increase in judicial capacity and the move to nationalising the court have meant that more court matters are being listed and, as a result, practitioners coordinating multiple court attendances, some of which may be in person and some of which may be online.

The new practice directions and court events and processes has increased the work required early in a matter. This has been reflected by amendment to our cost scales.

COVID-19

During the financial year, COVID-19 continued to have an impact on the provision of court services, requiring flexibility of staff in service delivery. Over the financial year face-to-face hearings increased, but the bulk of hearings for divorces, directions and procedural matters were conducted by telephone or Teams.

Despite the rise in the number of staff who became unwell from contracting COVID-19, timely services continued to be delivered. Where appropriate, staff worked from home while in quarantine to minimise disruption and inconvenience to clients.

Stakeholder engagement

The changes to the Court during the financial year required close communication with the Court and external practitioners to ensure the smooth operation of family law matters. Issues surrounding the new Directions and court processes were the subject of submissions and meetings with Court representatives and national bodies, assisting in the transition to the new administrative structure and resultant changes in process.

Facts and figures

Grants of legal aid in family law cases

	2019-20	2020-21	2021-22
Assigned externally	2 265	2 042	1 738
Assigned inhouse	686	602	564
Total	2 951	2 644	2 302

External practitioners received **75%** of the grants of aid for legal representation in family law cases in 2021-22, a slight decrease from 77% in 2020-21 and 2019-20.

Child Protection Legal Representation

The Legal Services Commission–

- is responsible for the representation of all children and young people subject to child protection proceedings under the *Children and Young People (Safety) Act 2017* in the Youth Court of South Australia, and
- subject to means and merit tests, provides a grant of aid for legal representation to the parents or guardians of those children and young people.

If the Department for Child Protection takes proceedings in the Youth Court of South Australia to secure the safety of a child or young person identified as being at risk, we provide that child or young person with legal representation. Rarely does the child or young person directly participate in the proceedings but each represented person over the age of 5 is interviewed throughout the process, with their view conveyed to the court and, consequently, to their family.

The child protection jurisdiction is complex. The vast majority of children and young people wish to remain with their parents. Invariably, they do not have a full appreciation of the factors that led to the Department's intervention, nor do they appreciate the implications of those problems.

The role of the lawyer representing the child is skilled, involving interviewing, negotiation, and advocacy as well as the ability to assess cases quickly and succinctly. Assessment of a situation and finding solutions is often difficult because of the tension between keeping children with their parents and protecting them. Proceedings

can be lengthy. An initial order is sought to enable assessment of the parents and child. This is usually a three month order but can be up to six months.

Thereafter, there may be further short term orders, but the usual course is either an application for an order until 18 years of age or a referral to the Reunification Court.

Typical problems within families involved in the child protection system include general neglect, drug use and domestic violence. These issues are often inter-related. Drug use invariably leads to issues of neglect and drug and alcohol use are very common factors in domestic violence. However, simple neglect, poor parenting, and a failure to send children to school can be the problem in itself and is surprisingly common. By the time the Department becomes aware of this, and acts, the issue has often become very serious.

There is no typical child protection case. While poor parenting practices may not cause specific conditions, like global development delay, speech problems, problems with fine and/or gross motor skills etc, the ability of children to achieve their maximum potential is often significantly compromised and can result in irremediable long term effects, potentially affecting a child for the rest of their life and causing significant cost to society. Generational problems are common, where a child's parenting template is so affected that they replicate the same problems with their own children.

The lawyers working in this area are all encouraged to complete Independent Children's Lawyer (ICL) training and are notable for their knowledge of child development. Work in this area is particularly demanding, and the lawyers are highly skilled and dedicated, continuing to achieve high quality results.

Key achievements

This financial year the volume and nature of our work changed as a result of COVID-19. We received fewer applications for representation and, accordingly, file numbers reduced slightly. However, the cases we acted on were more serious and the number of appeals conducted inhouse significantly increased.

During the 2021-22 financial year the Reunification Court grew from a Demonstration program to a major role in the resources available to the Court and to parents. There is now a separate indigenous list and an additional judicial appointment. An order involving the Reunification Court can be for up to 12 months and is designed to allow the Department to work with the parents with a view to reunifying them with their child or young person. The impact of the Court has been very positive, with the achievement of reunification in many cases and a reduction of issues for trial in others. Our lawyers acting in these matters have been acknowledged for their contributions to these cases.

Facts and figures

Grants of legal aid under the Children and Young People (Safety) Act 2017

Applications	2019-20	2020-21	2021-22
Received	1 298	1 337	1 092
Granted*	1 246	1 289	1 009

*Granted applications includes applications received in 2020-21 but granted in 2021-22.

Granted applications 2021-22

	Assigned externally	Assigned inhouse	Total
Adult	515	0	534
Child	22	472	475
Total	537	472	1009

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

	2019-20	2020-21	2021-22
Assigned externally	751	608	537
Assigned inhouse	495	681	472
Total	1 246	1 289	1 009

Private practitioners received **53%** the grants of legal aid for child protection cases in 2021-22, an increase from 47% in 2020-21 and a decrease from 60% in 2019-20.

Civil Law Legal Representation

Legal representation is provided in some civil law cases. In many of these matters, the provision of a grant of aid for legal representation is as a consequence of specific funding provided under an Agreement between us and a funding authority for the provision of the service (please see the section in this report headed *Specifically Funded Programs*). Civil law representation may be provided in matters connected with–

- social security entitlements,
- the National Disability Insurance Scheme,
- mental health applications,
- guardianship and administration applications,
- veteran's affairs,
- migration,
- tenancy matters, and
- applications for private intervention orders.

In these cases, inhouse lawyers and funded external practitioners represent clients in the Civil Division of the Magistrates Court, the South Australian Civil and Administrative Tribunal (SACAT) and the Administrative Appeals Tribunal (AAT).

Representation at SACAT may occur in a case relating to some matters under the following legislation:

- *Mental Health Act 2009*
- *Guardianship and Administration Act 1993*
- *Advance Care Directives Act 2013*
- *Consent to Medical Treatment and Palliative Care Act 1995*.

Specialist legal advice and representation at the Commonwealth Administrative Appeals Tribunal (AAT) may occur in cases related to–

- the National Disability Insurance Scheme (NDIS),
- social security,
- veteran's appeals (war caused), and
- migration.

Specifically Funded Programs

Annual Report 2021-22
Legal Services Commission

The Legal Services Commission receives specific funding for the following programs:

- Women's Domestic Violence Court Assistance Service
- Domestic Violence Unit/ Health Justice Partnership
- Safe and Well Kids Program
- Disability Information and Legal Assistance Unit
- Your Story Disability Legal Support Service - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- Defence and Veterans Legal Service
- Afghanistan Evacuee Program
- Bushfire Legal Advice Service
- Return to Work Information and Advice Service
- Drug Court Program
- Family Violence and Cross-examination of Parties Scheme
- Legally Assisted Family Dispute Resolution Small Property Cases
- National Disability Insurance Scheme
- Schemes of Legal Representation under the *Mental Health Act 2009* and the *Guardianship and Administration Act 1993*

The Legal Services Commission receives specific funding under fixed term Agreements with the Commonwealth and State governments to deliver particular programs. During 2021-22, services were provided under 14 such Agreements.

Women's Domestic Violence Court Assistance Service

The Legal Services Commission receives dedicated funding from the State government for the provision of the Women's Domestic Violence Court Assistance Service (WDVCAS).

WDVCAS is a court based service designed to assist and represent women who are experiencing or at risk of domestic violence, and who need assistance with protective measures such as intervention orders or tenancy (break lease) applications.

Despite COVID-19, during the financial year WDVCAS maintained duty solicitor services at the four metropolitan Magistrates Courts and, on request, at the regional and rural Magistrates Courts of Mount Gambier, Port Lincoln, Port Augusta, Whyalla, Kadina, Murray Bridge and Mount Barker, as well as to applicants at the Housing and Civil Division of the South Australian Civil and Administrative Tribunal.

In addition to domestic violence issues, women assisted by this service are often involved in other matters for which legal assistance is required, including debt, children's issues, property disputes and Centrelink disputes. WDVCAS legal practitioners offer a comprehensive approach to these clients, ensuring warm referrals to non-legal support services where required.

Client Feedback

"Thank you WDVCAS I appreciate your compassion, support and guidance through this whole process and will never forget the kindness you have shown me."

"My current state of poor mental health due to domestic abuse was handled very professionally, showing genuine empathy and care based on the facts of my situation. I felt that I was always heard, well supported and very well presented by WDVCAS and I am very grateful to have had this amazing support and service. Thank you."

"I am happy with the outcome. It's all I ever expected because that's what it states in the rules and I know that without the support I received from WDVCAS to get me through this matter, I would not have seen a single cent of it - so, thank you!"

WDVCAS achieved recognition from the legal community by receiving the Law Society's 2021 "Justice Award", with the former Attorney-General, the Honourable Vickie Chapman, stating –

"Lawyers can play a unique role in assisting victims of domestic violence and this award recognises the expert help provided by this service."

"This assistance is delivered at courts in Adelaide and across regional SA – and it has been life changing for many victims."

In the 2021-22 financial year WDVCAS legal practitioners delivered 119 duty solicitor services in the Magistrates Courts. In addition, 1207 legal advice sessions were provided, and 134 clients received a grant of aid for legal representation to–

- apply for an intervention order in the Civil Division of the Magistrates Court, or
- seek relief under the Residential Tenancies Act 1995 from residential tenancy obligations when forced to vacate a rental premise due to family violence.

Domestic Violence Unit/ Health Justice Partnership

The Domestic Violence Unit/ Health Justice Partnership (DVU) is funded by the Commonwealth government and operates from offices in the northern suburbs of Adelaide. During the financial year further funding was secured for the establishment of a second Health Justice Partnership which will operate from the Women's and Children's Hospital.

Solicitors provide legal assistance at hospitals and health centres to women experiencing domestic violence. Legal advice, and in unique circumstances representation, is provided to women covering issues such as intervention orders and housing. The safety of the women is always the first consideration and in addition to legal assistance, women gain access to support services such as financial counselling, tenancy assistance, trauma counselling, emergency accommodation and employment services.

In 2021-22 the DVU provided the following services:

Legal Advice	454
Legal Task	293
Grant of aid for legal representation	48

Safe and Well Kids Program

The *Safe and Well Kids* program (SAWK) is funded by the Department of Human Services and is a component of South Australia's commitment to the *National Partnership on COVID-19 Domestic and Family Violence Responses*. It operates as a wrap-around service through a partnership between us, the Department of Human Services, Relationships Australia SA and Women's Safety Services SA.

The program provides intensive therapeutic and legal support to children and young people aged up to 14 who are experiencing domestic or family violence and their mothers or caregivers who require legal assistance. Children and adolescents are supported, subject to their capacity to understand, with legal information, support and advice that is in their best interests. Mothers and caregivers are supported with legal information, support and advice that elevates the voice and needs of their children.

The program was initially funded for a year, with an end date of 30 June 2022. Due to its success, the Agreement has been extended for a further twelve months. During the financial year 480 legal advice appointments occurred.

Disability Information and Legal Assistance Unit

During the financial year, under an Agreement with the South Australian Attorney-General's Department, we established the *Disability Information and Legal Assistance Unit* (DiLA) as a centralised access point for disability legal assistance services. The operation of the unit is funded until 30 June 2024.

DiLA is comprised of staff with specialised awareness of disability issues. Assistance is available to adults and young people with disability and, where appropriate, to supporters of people with disability. Legal advice, specialist referral, outreach services, community stakeholder engagement and community legal education are all provided, or supported, by DiLA.

The following feedback has been received in relation to the operation of DiLA:

Client Feedback

"Thank you for your help to develop the resource, it couldn't have been done so well without you and your team." Community Support Service

"The Friday conversation was amazing and the feedback for both sessions was amazing." Disability Peak Agency

"Thank you so much for your presentation last Friday. It was very informative and very interesting." Community group leader

"The letter you helped us write was great, it sets it all out." Client with disability

Your Story Disability Legal Support Service

Your Story Disability Legal Support Service commenced in September 2019 to assist clients to provide their experiences to the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. This is a national legal service delivered as a joint initiative of National Legal Aid and National Aboriginal and Torres Strait Islander Legal Services.

In addition to providing support in relation to the Royal Commission, clients receive advice on a broad range of legal problems ancillary to their matter with the Royal Commission. Delivery of services to people in rural areas, in addition to individuals in closed environments, continued to be a focus for our staff over the past year.

During 2021-22–

- legal practitioners visited regional and remote areas of South Australia including Port Augusta, Whyalla, Port Pirie, Ceduna, Yalata, Koonibba, Mount Gambier and Naracoorte to provide legal information and advice about the Royal Commission,
- 89 legal advice appointments were provided, delivered both in person and via telephone,
- 67 Community Legal Education activities were provided across South Australia,
- educational webinars, online podcasts and participation in media forums were used to deliver the Your Story service and to raise awareness of the service and of the Disability Royal Commission.

Defence and Veterans Legal Service

The Defence and Veterans Legal Service (DAVLS) is a national legal aid program that commenced in September 2021. Funding was provided by the Commonwealth government to establish and operate a legal advice service to assist members of the public, including Australian Defence Force (ADF) personnel and veterans, and their families, carers and supporters to access and engage with the *Royal Commission into Defence and Veteran Suicide*. The service runs for the duration of the Royal Commission and provides free legal advice, information and referral through a telephone advice line, face-to-face services, a website, community outreach and liaison and community information and education sessions. It is delivered by lawyers with a general knowledge of the impact traumatic experiences can have on people.

Afghanistan Evacuee Program

In February 2022, as part of the Australian Government's humanitarian response to the crisis in Afghanistan, the Legal Services Commission received funding to provide migration advice and legal assistance for evacuees from Afghanistan. In particular, legal assistance is provided to support holders of onshore Humanitarian Stay (Temporary) (subclass 449) visas to navigate a pathway to a permanent visa to remain in Australia.

Between February and June our service assisted 62 families, comprising 120 individuals. An additional 30 clients were assisted with associated and related migration inquiries. 261 advice interviews have been held with these clients.

Bushfire Legal Advice Service

The South Australian 2019-20 'black summer' bushfires resulted in the loss of three lives, 196 homes, 660 vehicles and 68,000 livestock, and burnt 280,000 hectares of land. Specific funding was received from the State government to provide legal advice and education services to those affected.

Working in conjunction with Community Legal Centres (CLCs), a weekly legal clinic was run in the Adelaide Hills. The CLCs ran an equivalent clinic on Kangaroo Island and the two organisations jointly ran clinics on the Yorke Peninsula, about once every two months.

Throughout the financial year the clinics provided free legal advice services to individuals, small businesses and primary producers, dealing with a wide range of legal issues including insurance claim disputes, landlord and tenant matters, fencing and boundary disputes, debt, employment law and family law. In addition, free legal seminars were run online and at all three clinic locations to promote public awareness of the measures that can be taken to prepare for and mitigate losses from future bushfires.

In conjunction with the CLCs the Bushfire legal advice service developed 'grab and go' bags for bushfire affected communities. These are flame resistant satchels designed to hold important documents so they can be quickly taken by a householder in the event of an emergency.

Return to Work Information and Advice Service

Since 2013 an Agreement has been in place with the State government for specific funding for the provision of information, advice and guidance to injured workers about workers' compensation matters and processes. In particular, advice centres around the operation of the *Return to Work Act 2014*. Injured workers can receive legal assistance from our legal helpline and can also be provided with free legal advice appointments. There is close collaboration with *Return to Work SA* who regularly refer injured workers to us for independent advice and to whom monthly feedback is provided on statistics and trends in queries from injured workers.

In the 2021-22 financial year, the service provided 344 telephone attendances for information or advice and conducted 50 advice appointments either in person or by telephone.

Drug Court Program

Under a Memorandum of Administrative Arrangement with the State government, funding is provided to assist clients referred to or accepted into the Drug Court intervention program in the Magistrates Court. The objectives of the program are to—

- minimise or stop the use of illicit drugs by offenders, and
- prevent or decrease any further drug related offending.

Matters referred into this program are adjourned under the *Bail Act 1985* with conditions requiring the offender to comply with the Drug Court program. The program includes judicial supervision, mandatory drug testing, escalating sanctions and treatment and support services to help break the cycle of drug abuse and crime.

Clients accepted into the program require significant assistance with multiple appearances, initially for assessment for participation and to find suitable accommodation. Additional services include—

- between 20 and 30 court attendances (not including attendances throughout the triaging process),
- liaison with home detention officers and case managers,
- careful management outside of the court dates with advice and encouragement to maintain commitment to the program.

Family Violence and Cross-examination of Parties Scheme

The Commonwealth government has determined that in family law trials in which there is a history of family violence the parties may not directly cross-examine each other. Rather, cross-examination must be conducted through a lawyer.

To ensure the appointment of a lawyer in these circumstances the Commonwealth government established the *Family Violence and Cross-examination of Parties Scheme*. Under this scheme, a party to a hearing in which cross-examination is to occur may, if they have not instructed a private lawyer, or are not in receipt of a grant of legal aid, apply for a lawyer to be appointed. The lawyer is funded to prepare for, and represent the client at, the hearing in which the cross-examination is to occur. This scheme is administered by each legal aid commission on behalf of the Commonwealth government. To receive legal representation under this scheme a client does not need to meet our usual means, merit and guideline tests.

In the last financial year 72 clients were allocated a lawyer under this scheme.

Legally Assisted Family Dispute Resolution Small Property Cases

The Legally Assisted Family Dispute Resolution Small Property Cases program is funded by the Commonwealth government. It commenced as a trial on 1 January 2020, with an end date of 31 December 2021. It has now been extended until 30 June 2023. The aim of the program is to equitably resolve small property disputes quickly and, if possible, out of court. An evaluation of the trial has been undertaken by the Australian Institute of Family Studies, although the results are not yet available.

Under the trial, legal representation for family dispute resolution may be provided for property matters that would not normally meet the eligibility tests for a grant of aid for representation. To be eligible, the nett property pool must be less than \$500,000 and the client must have vulnerabilities such that the program would be of particular assistance. In many cases, clients assisted under the scheme are victims of family violence.

Clients accepted into the trial are provided with legal advice and representation at a dispute resolution conference. If agreement cannot be reached at a conference the lawyer continues to provide advice and, where appropriate, represents the client through any subsequent court process.

Case study

Below is an example of the type of matter covered by this scheme.

C was funded for assistance under the program. The matter was highly complex, involving serious domestic violence, cultural issues, a short relationship and interpreters. Both parties received Centrelink payments and the only significant asset was their home which D had owned prior to the relationship and was in his sole name. There was a moderate amount of equity in the property. C was assisted to lodge a caveat over the property to protect her interests until an agreement could be reached.

D was resistant to paying any settlement to C, whilst C sought an even split of the assets. The matter required two lengthy conferences. It finally settled on the basis that C receive a small lump sum. Given the parties previous positions, and the complexities of the matter, settlement would have been highly unlikely to have occurred without the program.

	2020-21	2021-22
Parties represented at an FDR small property conference	34	76
Conferences held	26	52
Conferences settled	25	47
Settlement rate	96%	90%

National Disability Insurance Scheme

By Agreement, funding is provided to us by the Commonwealth Department of Social Services for the provision of legal assistance to NDIS applicants or participants who have a dispute with the National Disability Insurance Agency. Specifically, funding relates to the provision of–

- specialist legal advice,
- receiving and processing applications for funding for legal representation in relation to disputes before the Administrative Appeals Tribunal, and
- assigning legal practitioners to represent clients that meet the funding guidelines for NDIS disputes.

475 NDIS clients received legal assistance this financial year, with the provision of legal advice to 375 clients and legal representation to 100 clients. 280 applications for legal representation were received and processed.

Many applicants seeking dispute resolution through the Administrative Appeals Tribunal would be unable to self-represent successfully. With the assistance of a lawyer, most matters are resolved by agreement. In this financial year 33 matters finalised, all without requiring funding for trial.

Schemes of Legal Representation under the Mental Health Act 2009 and the Guardianship and Administration Act 1993

Under a Memorandum of Administrative Arrangement with both the South Australian Attorney-General and the Minister for Health, we receive specific funding to provide representation to clients as legislated for in section 65 of the *Guardianship and Administration Act 1993* and section 84 *Mental Health Act 2009*. This representation is provided to clients who are–

- seeking a review of an order under the *Guardianship and Administration Act 1993*, or
- appealing a treatment order made under the *Mental Health Act 2009*.

Representation is provided by inhouse practitioners and a panel of external practitioners with the requisite level of knowledge and experience. In this financial year 426 clients were assisted under these schemes of legal representation.

Our Performance

Annual Report 2021-22
Legal Services Commission

- **Snapshot of Financial Performance**
- **Reporting**
 - Agreements with Government
 - Reporting against our Statutory Functions
 - Reporting against our Strategic Plan
- **Partnerships**

Snapshot of Financial Performance

The 2021-22 financial year ended with a consolidated comprehensive result of \$19,719,000. This compares to a consolidated comprehensive result of \$3,050,000 surplus for the 2020-21 financial year. The large surplus in 2021-22 is attributable to the advance payment of the State's 2022-23 funding, with \$24 million paid to the Commission in June 2022.

The 2021-22 financial statements record the following:

Income—

Commonwealth government core funding and specific grants	\$22 694 000
State government core funding and specific grants	\$49 622 000
Reimbursement under the State <i>Expensive Criminal Cases Funding Agreement</i> (see Appendix)	\$763 000
Reimbursement under the <i>Commonwealth Expensive Criminal Cases Funding Agreement</i>	\$650 000
Funding from the Law Society of South Australia pursuant to the <i>Legal Practitioners Act 1981</i>	\$347 000
Other income	\$2 482 000
Total income	\$76 558 000

Expenditure—

Private practitioner payments	\$24 335 000
Other payments	\$32 504 000
Total expenses	\$56 839 000

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

Reporting

Agreements with Government

Funding is received from both the Commonwealth and State governments under various agreements for the provision of particular services. Each agreement requires us to report to the funder against specified benchmarks and key performance indicators. During the financial year we met our obligation to report in relation to each agreement.

National Legal Assistance Partnership Agreement 2020-25

The National Legal Assistance Partnership Agreement 2020-25 (NLAP) commenced on 1 July 2020. The majority of our Commonwealth funding is received under this Agreement. The stated objective of the Agreement is–

to contribute to integrated, efficient, effective and appropriate legal assistance services which are focussed on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources.

The NLAP Agreement is between the Commonwealth government and all state and territory governments. It applies to legal aid commissions, community legal centres and Aboriginal and Torres Strait Islander legal services and specifies the terms under which Commonwealth funding will be provided for–

- baseline legal assistance services,
- the Domestic Violence Unit/ Health Justice Partnership service, and
- the Family Advocacy and Support Service in the Federal Circuit and Family Court of Australia.

During the financial year the South Australian Bilateral Schedule to the Agreement was amended to provide additional funding for increased legal assistance for vulnerable women, to support people with mental health conditions to access the justice system, to provide front-line support to address workplace sexual harassment and to support increased Commonwealth child sexual abuse prosecutions. An MOAA between us and the South Australian government supports the Agreement.

To comply with the NLAP Agreement, six monthly reports are required against the national performance indicators contained within the Agreement. This includes reporting on–

- the proportion of legal representation services delivered to the national priority client groups,
- the number of legal representation services and the percentage of those services where clients were financially disadvantaged,
- the number of legal assistance services provided to individuals disaggregated by service type and primary law type,
- the number of facilitated resolution processes and the percentage of those processes that resulted in a held conference reaching full or partial settlement, and
- the number of legal assistance services provided to individuals (excluding information, referral, non-legal support, and facilitated resolution processes), in which the client is experiencing or at risk of family violence.

Other Agreements

In addition to reporting against the requirements in the NLAP Agreement, during 2021-22 we reported to the State and Commonwealth governments in accordance with the requirements in agreements for the provision of the following services:

- Afghanistan Evacuee Program
- Bushfire Legal Advice Service
- Defence and Veterans Legal Service
- Disability Information and Legal Assistance Unit
- Drug Court program
- Family Violence and Cross Examination of Parties Scheme
- Legally Assisted Family Dispute Resolution – Small Property Cases
- National Disability Insurance Scheme
- Return to Work Information and Advice Service
- Safe and Well Kids program
- Schemes of legal representation under the *Mental Health Act 2009* and the *Guardianship and Administration Act 1993*
- Women's Domestic Violence Court Assistance Service
- Your Story Disability Legal Support Service.

Each agreement contains its own reporting requirements, with many requiring reports multiple times a year.

Reporting Against our Statutory Functions

The *Legal Services Commission Act 1977* establishes our statutory functions. During the 2020-21 financial year each statutory function was performed as follows:

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

This financial year we delivered over **146,000** legal assistance services to clients. This included–

- providing grants of aid for legal representation in **17,116** new cases,
- undertaking **12,891** duty lawyer services,
- holding **1,254** family dispute resolution conferences, and
- providing over **105,000** prevention and early intervention services, including through technology services, such as 24Legal and Legal Chat, and amica.

Determine the criteria under which legal assistance is to be granted

We regularly review the criteria under which a grant of aid for legal representation is made. For representation services granted under baseline funding the criteria include means and merit tests and funding guidelines. The means test was last updated in March 2020. Where an agreement with either the Commonwealth or State government is entered into for the provision of a particular service with specific funding, criteria relevant to the particular agreement are determined and applied.

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

We have actively participated in and contributed to a number of comprehensive reviews and legislative changes this year, including family law legislation and court procedure, powers of attorney, advance care directives, coercive control, social security, migration, adoption, electronic conveyancing, youth treatment orders, compensation for institutional child abuse, guidelines for appearing in the Youth Court, and vulnerable witnesses in criminal proceedings.

In February 2022, we commissioned market research to understand the level of South Australian community awareness about the services we offer. This information will give us guidance about where we need to concentrate our external communications.

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

As part of the accommodation program for this financial year, long term lease extensions were finalised for suburban and regional offices and refurbishment works completed. These works, at Noarlunga, Elizabeth, Port Adelaide and Whyalla, bring the standard of these offices up to contemporary requirements and provide an increased number of secure interview rooms at each location.

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

Our community legal education program targets clients prioritised in the *National Legal Assistance Partnership Agreement 2020-25*.

This year our Community Legal Education team worked with community radio stations and multicultural broadcasters to broadcast our *Linking the Law* community service announcements on how to get legal assistance.

We received funding to update and extend our *Law for You* resource for new migrants and we maintained, developed, and updated a range of educational publications and online resources to promote knowledge about the law and legal topics including the *Law Handbook* and *Duty Solicitor Handbook*.

Over the last year we have continued to use many of the resources which were successfully developed during pandemic lockdowns when we were unable to provide face to face services.

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

Our services are promoted to the public through the Legal Services Commission website, social media platforms, target advertising, press releases and media opportunities.

In the 2021-22 financial year, our services were mentioned or featured in more than 345 news media stories or segments (this figure excludes news reports about legally aided court cases). The coverage was overwhelmingly positive and spanned print, online, radio and television outlets. In addition, there were 400 social media posts across Facebook and Twitter which received about 250,000 impressions (the number of times a post is displayed to social media users). This year we joined the business community platform, Linked-in.

Co-operate and make reciprocal arrangements with persons administering schemes of legal assistance in other states and territories of the Commonwealth or elsewhere

Through National Legal Aid, the co-operative body of all Australian legal aid directors, we participate in establishing and administering various Commonwealth schemes of legal assistance to fill gaps in service delivery and to ensure consistency and best practice across the country. National Legal Aid met in Adelaide in June 2022. The meeting called for increased funding for legal assistance services and for the age of criminal responsibility to be raised to 14 years.

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

During the financial year we received additional funding for the provision of mental health workers for our core service delivery, our Domestic Violence Unit/ Health Justice Partnership and the Family Advocacy and Support Service (FASS) in the Federal Circuit and Family Court of Australia.

As part of the FASS service, social workers are provided to assist clients. In the last financial year, 426 clients received a service from a social worker in the Adelaide and Mount Gambier registries of the FCFCOA.

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

Each year we offer four paid summer clerkships for law students, at least two of which are for indigenous law students. This year, for the first time, one clerkship was to be given to a student with a disability in accordance with our Disability Action Plan. The law students are employed full time for four weeks, spending time across all areas of our organisation. Highlights include a visit to the Nunga Court and learning about careers in the law from senior legal practitioners and managers. This year, unfortunately, the clerkships had to be cancelled because of COVID-19. The successful students will be given the opportunity to undertake the program in the new financial year.

We also provide six week placements for law students participating in practical legal training courses. With the lifting of COVID-19 restrictions we welcomed back placements in our Adelaide office.

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

We look for opportunities to work with stakeholders on legal assistance projects. This may involve identifying gaps in service delivery and identifying funding opportunities to fill such gaps.

This year we responded to community need and collaborated with service providers to deliver legal education programs to young people in schools, newly arrived people in settlement programs, people experiencing domestic and family violence, and community workers in social work, education, health, and community building sectors.

Perform such other functions as the Attorney-General may direct

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

At the invitation of the State Attorney-General, we have been invited to work with other justice agencies and legal assistance providers on the *Legal Assistance Strategy 2022-2025*. The Strategy has four key priorities:

- Targeted services for vulnerable South Australians
- A modern legal assistance sector
- Client-centred services
- A strong evidence base.

Reporting Against our Strategic Plan

This was the first year of operation for our new Strategic Plan 2021–24. The Plan has four key goals, each with key performance indicators to measure outcomes. Some KPIs relate to specific projects and will have commencement and completion dates. Other KPIs are ongoing strategies throughout the life of the plan.

GOAL 1: Be connected with and responsive to clients and community

During the financial year we undertook the following:

- a client survey to determine client satisfaction with our services
- the development of our Reconciliation Action Plan to support our work with First Nations clients and stakeholders in all areas of our service delivery
- cultural competence training for staff.

We share our knowledge and expertise with community organisations supporting the justice system. In 2021–22, we worked with the following community organisations:

- Advocacy for Disability Access and Inclusion
- Aged Rights Advocacy Service
- Anglicare
- Disability Rights Advocacy Service
- Disability Advocacy and Complaints Service
- Domestic Violence Alliance
- First Peoples Disability Network Australia
- Independent Advocacy SA

- Kornar Winmil Yunti (Port Augusta)
- Metropolitan Youth Health
- Red Cross (SA)
- Relationships Australia (SA)
- Riverland Domestic Violence Action Group
- South Australian Family Law Pathways Network
- South Australian Council of Social Services (SACOSS)
- White Lion
- Women's Information Service
- Women's Safety Services SA.

We also worked with the following educational institutions to provide legal education:

- Flinders University
- TAFE (SA)
- Adelaide University
- University of South Australia
- South Australian High Schools.

We ensure that the views of our clients and the community are heard by regularly responding to proposed changes to the law and the justice system. In 2021-22 we made submissions to proposed changes in the following areas of law:

- Powers of Attorney
- Vulnerable witnesses
- Criminal Law
- Compensation for child abuse
- Guardianship and Administration
- Common Law Forfeiture
- Domestic Violence and Coercive Control

- Migration and Visas
- Electronic Conveyancing.

GOAL 2: Increase access to services whilst reducing the cost of justice

Our senior executives regularly attend a range of meetings with government and other organisations to improve delivery of services for the public across the justice sector. To help improve and make more efficient the operation of the South Australian criminal justice system, during 2021-22 senior lawyers attended regular meetings with judicial officers, prosecutors, court officials and private legal practitioners to discuss current issues impacting on the criminal courts.

Similarly, senior executives attended regular meetings with judges and officials of the Federal Circuit and Family Court of Australia to discuss new developments and emerging issues in family law, with the aim of improving the client experience of the family law system.

In 2021-22 we consulted with the following courts, tribunals, and justice agencies:

- Attorney-Generals' Departments, State and Commonwealth
- Administrative Appeals Tribunal (Commonwealth)
- Courts Administration Authority (SA)
- Coroner's Court (SA)
- Equal Opportunity Commission (SA)
- Federal Circuit and Family Court of Australia
- Office of the Director of Public Prosecutions (SA)
- SA Police, including Police Prosecution
- South Australian Civil and Administrative Tribunal.

In 2021-22 we consulted with the following community legal services:

- Aboriginal Legal Rights Movement
- Community Legal Centres Australia
- Family Violence Legal Service Aboriginal Corporation
- JusticeNet SA and the Australian Pro Bono Centre
- National Aboriginal and Torres Strait Islander Legal Services
- Southern Community Justice Services
- Northern Community Legal Service
- Uniting Communities Law Centre
- Women's Legal Service
- Westside Lawyers Legal Service
- Youth Law Australia.

GOAL 3: Develop partnerships to create better solutions

To improve client outcome, we engage in ongoing collaborative service planning with the legal assistance sector. In addition, we enter into formal agreements with non-legal service providers to deliver legal services in collaboration with other kinds of assistance services. Such arrangements have been made with, for example, Relationships Australia (SA), the Women's Safety Services SA, Lyell McEwin Hospital, the Women's and Children's Hospital and the South Australian Departments for Child Protection, Human Services, Health and Wellbeing and Correctional Services.

Through the unique and extensive experience of our staff in criminal, family, and civil law we are able to assist stakeholders and the community in developing policy and driving law reform relevant to justice issues.

In the course of 2021-22 the expertise of Legal Services Commission lawyers was sought by a number of national bodies, including the following:

- Australian Bureau of Statistics
- Australian Institute of Family Studies
- Law Council of Australia
- National Legal Aid
- National Legal Aid Committees and Working Groups
- National Summit on Women's Safety.

We worked with the following government agencies, inquiries, and committees whose activities intersect with the justice system:

- Advance Care Planning Oversight Group (SA)
- Australian Bureau of Statistics (Commonwealth)
- Child Support Agency (Commonwealth)
- Commissioner for Aboriginal Children and Young People (SA)
- Commissioner for Children and Young People (SA)
- Department for Correctional Services (SA)
- Department for Education (SA)
- Department for Home Affairs (Commonwealth)
- Family Law Roundtable (Commonwealth)
- Guardian for Children and Young People in Care (SA)

- Lighthouse SA Stakeholders (Commonwealth)
- National Disability Insurance Agency
- Northern Adelaide Local Health Network (SA)
- Office of the Chief Psychiatrist (SA)
- Office of Ageing Well (SA)
- Office of the Public Advocate (SA)
- Public Trustee (SA)
- Return to Work SA
- Statutory Authorities & Rights Protection Group (SA)
- Veterans Affairs (Commonwealth)
- Victims of Crime Commission (SA)
- Yorke and Northern Local Health Network (SA).

We have continued to show our commitment to the South Australian community through fund raising activities for charities such as the Cancer Council, JusticeNet SA, Catherine House and OARS Community Transitions.

Our staff are members of the Law Society of South Australia and contribute to the profession through membership of Law Society Committees and by providing professional development training.

In 2021-22 we worked with the following professional organisations and committees who represent the legal profession:

- Law Society of South Australia
- South Australian Bar Association
- Law Council of Australia.

GOAL 4: Be a model legal aid service

During 2021-22 we undertook the following:

- further developed our data and reporting capability to inform service delivery
- commenced development of a new Grants and Practice Management System to streamline business processes, reduce complexity and support digital file management
- created opportunities for staff to participate in projects to enhance their skills and experience
- implemented the MyCareer Human Resource Platform to modernise the delivery of recruitment, performance development and online training.

Partnerships

The Legal Services Commission is committed to working collaboratively with other organisations, both in relation to specific projects or more generally with bodies involved in the delivery of legal assistance services.

During 2021-22, specific collaborative projects included working with–

- the Women's and Children's Hospital in the development of a new health justice partnership for women experiencing family violence,
- the Department of Human Services, Relationships Australia SA and Women's Safety Services SA in relation to the *Safe and Well Kids* program,
- the Federal Circuit and Family Court of Australia in the implementation of the changes to practices and procedures following the merger of the family law courts,
- indigenous liaison officers employed by the Federal Circuit and Family Court of Australia to assist Aboriginal and Torres Strait Islander clients involved in family law matters.

During 2021-22, we worked collaboratively with multiple organisations, including the following:

National Legal Aid

National Legal Aid is the representative body for Australian legal aid commissions. It comprises the Directors or CEOs of the eight state and territory legal aid commissions and is supported by a secretariat. Regular meetings provide an overall view of the Australian legal assistance sector and the likely demands on local and national resources. It is the contact and referral point for Commonwealth government funders.

Our staff contribute to working groups established by National Legal Aid, including the Family Law Working Group, the Family Law Dispute Resolution Working Group, the Criminal Law Working Group, the Civil Law Working Group, the Community Legal Education Working Group and the Grants and National Statistics Working Group. These working groups meet regularly during the year, often with government, court, and profession representatives, to provide responses and submissions in relation to proposed reforms and enquiries. This financial year, the Family Law Working Group prepared and provided a formal submission to–

- the Senate Legal and Constitutional Affairs Legislation Committee – *Family Law Amendment (Federal Family Violence Orders) Bill 2021*, and
- the Commonwealth Attorney-General's Department Consultation Paper on the *Decision-making framework for property matters in family law*.

The Civil Law Working Group prepared and provided a formal submission to–

- the Commonwealth Attorney-General's Department Consultation Paper on the National Register of Enduring Powers of Attorney, and
- the Senate Standing Committee on Community Affairs Inquiry into the National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Bill.

Australian Legal Assistance Forum

The Australian Legal Assistance Forum comprises National Legal Aid, the Law Council of Australia, the National Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres Australia and the National Family Violence Prevention Legal Services. This Forum promotes co-operation between legal assistance service providers to ensure clients legal needs are met with the most appropriate and effective service.

South Australian Legal Assistance Forum

The NLAP Agreement specifies that a legal assistance forum in each state and territory will consider strategic opportunities, highlight best practice and support innovation through collaboration between service providers across the legal assistance sector. The State Attorney-General's Department leads the South Australian Legal Assistance Forum with a rotating co-chair from the legal assistance sector. The Forum consists of members from Legal Services, community legal centres, Aboriginal legal services, the Law Society, university law school advice clinics, JusticeNet SA and representatives of the State and Commonwealth governments. The Forum supports the National Strategic Framework for Legal Assistance by promoting an integrated, efficient and effective legal assistance sector focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.

Private Practitioners

The Legal Services Commission and the South Australian community are well served by the generous co-operation of private legal practitioners in the delivery of legal representation services. We acknowledge that our fee scales are considerably lower than published court scales or commercially negotiated fees.

In the 2021-22 financial year 509 private practitioners provided legal representation to Legal Services Commission clients, receiving \$24.3 million. These legal practitioners undertook 78% of legal aid grants in criminal law cases, 75% of legal aid grants in family law cases, 53% of legal aid grants in child protection cases and 4% of legal aid grants in civil law cases. Private practitioners also assist in delivering duty lawyer services at a number of regional courts across South Australia.

Management of Our Organisation

Annual Report 2021-22

Legal Services Commission

- **Corporate Governance**
- **Staff**
- **Support Services**
- **Queries and Complaints**
- **Legislative Compliance**

Corporate Governance

Governing legislation

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

The Director is appointed by the Commission and holds office on terms and conditions determined by the Commission and approved by the Governor. She is responsible to the Commission for the provision of legal assistance in accordance with the Act. Accordingly, the Director oversees the daily management of the organisation. A panel of persons, with appropriate qualifications and experience, in conjunction with Commissioners, hears appeals against decisions of the Director.

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

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

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

The *Legal Profession Reference Committee* consists of–

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

The Commission

The Act provides that the Commission consists of–

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

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

During 2021-22 the Commission comprised–

- **Jason Karas** LLB, Chairperson, 20 January 2020 – 31 December 2021

A respected corporate dispute resolution lawyer and law firm managing partner, Jason is committed to improving access to justice including through technology and innovation.

- **Peter Slattery** LLB, Chairperson, appointed 1 January 2022

Peter is a highly respected South Australian lawyer and a founding partner of Johnson Winter & Slattery, a law firm that provides significant pro bono help to agencies assisting homeless people, young people, victims of domestic violence and people with disability.

- **Catherine Nelson** LLB, appointed 29 May 2014

A highly experienced legal practitioner who specialises in family law, Catherine is a skilled mediator and regularly chairs Family Dispute Resolution conferences. She previously worked as an Independent Children's Lawyer.

- **Debra Contala** FCPA, appointed 1 May 2019

Debra has extensive experience in corporate financial management and governance in a range of agencies in the State public sector. Throughout her career she has held many senior leadership positions, including that of Public Trustee. She currently remains actively involved with the State government as a member of advisory committees.

- **Lucinda Byers** LLB, 28 August 2019 – 11 April 2022

Whilst a member of the Commission Lucinda was Special Legal Counsel to the Crown Solicitor. She has 20 years experience as a public lawyer in a variety of sensitive roles, advising government agencies and inquiries.

- **Stephanie Halliday** LLB, appointed 28 April 2022

Stephanie is Special Counsel to the Chief Executive of the Attorney-General's Department (SA). Her government experience and expertise is of great value to the Commission.

- **Gabrielle Canny** LLB, appointed Director 2 August 2012

As the Director of the Legal Services Commission, Gabrielle is responsible for its day to day operation. She is a member of National Legal Aid, a coalition of Australian legal aid directors. She represents the Legal Services Commission on a number of community and educational boards.

The Commissioners determine the broad policies and strategic priorities of the organisation. In the 2021-22 financial year 11 Commission meetings were held. The Commission is advised on specific matters by a number of committees established under section 12 of the *Legal Services Commission Act 1977*. In 2021-22 these committees included the–

- Accommodation Committee
- Audit, Compliance and Risk Committee
- Budget Committee
- GPMS Project Governance Committee
- Panels Appeal Committee.

Audit, Compliance and Risk Committee

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

The Committee considers–

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

A comprehensive risk management and internal audit program is in place and overseen by the Committee. Strategic and operational risk assessments have been undertaken and regular reports provided to the Committee on audit findings, risk management strategies and actions taken.

The financial management of the organisation is in accordance with applicable Australian Accounting Standards, Treasurer's Instructions and Accounting Policy Statements. Additionally, a Financial Management Compliance Program, and accounting procedures and policies, are maintained and regularly reviewed in conjunction with the external auditors, internal audit and the Audit, Compliance and Risk Committee.

No instances of fraud were recorded for the 2021-22 financial year.

Staff

As at 30 June 2022, 236 people were employed by the Legal Services Commission to carry out its functions under the Act. This is an increase of 38 from the same time last year. Similarly to last year, 73% of all staff are female. The increase in employees is as a result of short term funded programs and the recruitment of employees who have elected to work part-time hours.

Each person is appointed on such terms and conditions as are determined by the Commission and approved by the Commissioner for Public Sector Employment. A legal practitioner employed by the Commission is required to observe the ethical principles and standards appropriate to the practice of the profession of the law.

Employees have access to a broad range of flexible working arrangements that support work / life balance. This financial year–

- 22% of staff worked part time,
- 49% of staff took advantage of flexi time, and
- 62% of staff had a work from home agreement in place.

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

Professional development for lawyers

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

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

Professional development opportunities

During the financial year a range of developmental opportunities were offered to staff. These included–

- workshops on building resilience and emotional intelligence,
- cultural awareness training,
- domestic violence awareness training, and
- appropriate workplace behaviour training.

The building resilience and emotional intelligence workshops focused on–

- providing capacity to positively recover from challenges and adapt to increasingly challenging and complex work environments, and
- being aware of the emotions that drive our thoughts and behaviours and how to manage these.

The appropriate workplace behaviour training program was mandatory for all staff and focussed on the obligations of individuals in relation to workplace behaviour, particularly regarding discrimination, bullying and harassment.

The cultural awareness workshops comprised an initial online training program, with a follow up face to face workshop.

The workshops were mandatory for all staff and focussed on developing culturally respectful and safe workplaces.

Domestic violence awareness training sessions were provided to all staff dealing with clients who may be experiencing family violence.

The sessions focussed on identifying the different signs of abuse that constitute family violence and working through tools and references for family violence support and referral.

Specific training was also provided for managers and supervisors in leadership, management and change management.

Performance management and development

Our performance management and development process involves an annual face to face development review discussion between each employee and their manager.

181 employees (77%) had a formal performance management and development review discussion during the 2021-22 financial year.

Employee numbers, status and gender at 30 June 2021

Number of employees	Total
Persons	236
Full-time equivalent	219.13

Gender	% Persons	% FTE's
Male	23.74	24.80
Female	76.26	75.20

Number of persons during the 2021-22 financial year who–

separated from the organisation – 42

were recruited to the organisation – 89

Number of persons at 30 June 2022 on leave without pay – 11

Salary bracket	Male	Female	Total
\$0 - \$59 999	4	16	20
\$60 000 - \$74 999	18	65	83
\$75 000 - \$94 999	13	54	67
\$95 000 - \$99 999	3	6	9
\$100 000 - \$125 000	14	20	34
\$125 000 - \$150 000	6	7	13
Over \$150 000	5	5	10
Total	63	173	236

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	34.9	17.9	6.6	0	1	60.40
Female	102.13	51.6	4	0	1	158.73
Total	137.03	69.5	10.6	0	2	219.13
Persons	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	35	20	7	0	1	63
Female	111	57	4	0	1	173
Total	146	77	11	0	2	236

Executives by gender, classification and status

Classification	Tenured		Untenured		Male		Female		Total
	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	3	2	3	30%	2	20%	5
Executive B	0	0	2	1	2	20%	1	10%	3
Executive C	0	0	0	0	0	0%	0	0%	0
Executive D	0	0	1	0	1	10%	0	0%	1
SAES2	0	0	0	1	0	0%	1	10%	1
Total	0	0	6	4	6	60%	4	40%	10

Average days leave per full time equivalent employee

Leave Type	2017-18	2018-19	2019-20	2020-21	2021-22
Sick leave	8	8.64	6.63	7.26	7.64
Family Carer's leave	1.02	1.21	1.03	1.15	1.33

Aboriginal and Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$59 999	0	20	0%
\$60 000 - \$74 999	0	83	0%
\$75 000 - \$94 999	3	67	4.47%
\$95 000 - \$99 999	0	9	0%
\$100 000 - \$125 000	1	34	2.94%
Over \$125 000	1	23	2.94%
Total	5	236	2.12%

Employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	2	2	4	1.69%
20 - 24	3	10	13	5.51%
25 - 29	9	25	34	14.41%
30 - 34	12	22	34	14.41%
35 - 39	9	19	28	11.86%
40 - 44	6	18	24	10.17%
45 - 49	3	17	20	8.47%
50 - 54	7	25	32	13.56%
55 - 59	4	16	20	8.47%
60 - 64	3	15	18	7.63%
65+	5	4	9	3.81%
Total	63	173	236	100%

Cultural and linguistic diversity

Employees	Male	Female	Total	% of employees
Number of employees born overseas	16	35	51	21.61%

Total number of employees with disabilities (*Disability Discrimination Act 1992 definition*)

Employees	Number
Male	1
Female	1
Total	2
% of Agency	0.85%

Type of disability (where specified)

Disability	Male	Female	Total	% Agency
Requiring workplace adaptation	0	0	0	0%
Physical	0	1	1	0.42%
Intellectual	1	0	1	0.42%
Sensory	0	0	0	0%
Psychological/Psychiatric	0	0	0	0%

Voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	1	2	3
Flexi time	20	95	115
Compressed weeks	0	2	2
Part-time	7	44	51
Job share	0	0	0
Working from home agreement	27	119	146

Work health, safety and return to work

Workplace injury claims	2021-22	2019-20	% change (+/-)
Total new workplace injury claims	1	2	-50%
Fatalities	Nil	Nil	-
Seriously injured workers*	Nil	Nil	-
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000 FTE)	Nil	2	-100%

*number of claimants assessed during the reporting period as having a whole person impairment of 30% or more under the Return to Work Act 2014 (Part 2 Division 5)

Work Health and Safety Regulations	2021-22	2020-21	% change (+/-)
Number of notifiable incidents (WHS Act 2012, Part 3)	1	Nil	-100%
Number of provisional improvement, improvement and prohibition notices (WHS Act 2012, ss90, 191,195)	Nil	Nil	-

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

The Legal Services Commission is 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 we have been assessed as a low risk employer and accordingly pay a low workers compensation premium. For 2021-22, the premium cost was 0.45% of total salary remuneration. This amounted to \$99,047 for the 2021-22 financial year.

Support Services

Information and communication technology

Technology is used to support the delivery of services to clients and staff. The significant ICT achievements of 2021-22 include the following:

- implementation of Microsoft Teams collaboration management and governance solution
- introduction of an online information security training system for all staff
- installation of backup functionality for Microsoft 365
- upgraded line of business and management software to maintain currency for the application, server and database versions
- completed ICT upgrades for refurbished offices at Noarlunga, Elizabeth, Whyalla and Port Adelaide
- commencement of the implementation project for a new Grants and Practice Management System
- introduction of procurement and contracts management software to track expenditure and report to management
- commencement of a trial to enable online conferences for Family Dispute Resolution services.

Records management

The State Records Act 1997 sets out the requirements for the care and management of our official records. Part of this responsibility is to ensure that records are maintained in good order, accessible and not destroyed without appropriate approvals.

During 2021-22 we focussed on:

- supporting staff on digitisation and maintenance of records
- providing access to archived records and preservation of archived records
- identifying opportunities to improve current record keeping processes.

Library

The Legal Services Commission library continues to provide expert legal research assistance to inhouse staff and to legal practitioners acting on a grant of legal aid. Services focus on keeping practitioners up to date with legal developments, in particular legislative amendments and case law developments, and the maintenance of online resources and databases which facilitate speedy retrieval of legal information.

Queries and Complaints

A dedicated client relations coordinator liaises with members of the public. This financial year the client relations coordinator received 252 queries from the public, as compared to 374 last financial year. The majority of these matters related to–

- entitlement to legal aid, or
- why legal aid had been refused.

Of the 252 queries this financial year, 36 were complaints relating to the delivery of our services. This is two more complaints than in the 2020-21 financial year, equating to 0.029% of the 125,131 services* provided to members of the public by the organisation. Most complaints were resolved by providing a full explanation of our processes and procedures.

During 2021-22, 36 complaints were made in relation to private legal practitioners, equating to 0.2% of the 17,566 services provided to members of the public by the private profession. This was the same number of complaints as received in the 2020-21 financial year. Most of these complaints were resolved by clarifying the role of a private legal practitioner acting on a grant of legal aid and by informing the complainant that in South Australia any unsatisfactory service by a legal practitioner is dealt with by the Legal Profession Conduct Commissioner.

**Includes legal information and advice, duty lawyer services, family dispute resolution services, applications for legal aid and inhouse representation services.*

Client Relations Contacts - 1 July 2021 – 30 June 2022

Reason for contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all contacts
Refusal of aid	5	1	1	48	21	1	0	77	30.56
Entitlement to legal aid	1	1	1	68	2	1	0	74	29.37
Child representation	0	0	0	3	0	0	0	3	1.19
Service provision	0	2	2	18	9	5	0	36	14.29
Statutory charge	0	0	0	4	1	0	0	5	1.98
Private practitioner service	1	3	0	20	9	3	0	36	14.29
Discrimination	0	0	0	0	0	0	0	0	0.00
Conditions of aid (other than statutory charge)	0	0	0	2	0	0	0	2	0.79
Cap	0	0	0	0	0	0	0	0	0.00
Complaint to MP, Ombudsman etc	0	0	0	0	1	0	0	1	0.40
Other	0	0	1	3	9	3	2	18	7.14
TOTAL	7	7	5	166	52	13	2	252	100%

Legislative Compliance

Freedom of Information

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

- **A description of the structure and function of the Legal Services Commission**

This information can be found in this report in the section headed *Overview – Who we are and what we do*.

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

We provide legal representation to applicants who meet our means and merit tests and funding guidelines. We also provide a free legal information and advice service and duty lawyer services to members of the public. Legal information can be accessed online through our Legal Chat platform, our 24Legal decision tree format and the Law Handbook. Family dispute resolution can be accessed through our representation service or our online tool, amica. Free publications on legal issues and various community legal education programs are also available. We regularly provide input into legislative changes and government reviews.

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

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

The *Legal Services Commission Act 1977* provides for a Legal Profession Reference Committee to advise the Commission in relation to its functions. The Committee includes members nominated by the Law Society and the South Australian Bar Association.

In addition, members of the public are invited to participate in the formulation of policy and the delivery of functions by completing a feedback form, available at http://www.lsc.sa.gov.au/cb_pages/feedback.php

- **Documents usually held by Legal Services Commission**

We have a computerised record management system and database that records details of accounts, clients, legal aid cases and legal advice and duty lawyer attendances. In 2017-18 an electronic document records management system (EDRMS) was introduced. Legal aid files created since the implementation of the EDRMS are maintained on that system, and their location recorded. Management and administrative files created prior to the implementation of the EDRMS are maintained in hard copy, with their location recorded on a manual system.

- **Access to documents**

Our Freedom of Information officer administers the FOI Act and facilitates, subject to exemptions and exceptions, access to documents and amendments to personal information held by us. Arrangements can be made to inspect or purchase documents available under the FOI Act at 159 Gawler Place, Adelaide between 9.00 am and 5.00 pm on working days. Copies may be purchased for 50 cents per page, which may be waived in appropriate cases. By prior arrangement with the Freedom of Information officer, these documents may also be inspected and copies purchased at any of our offices.

In the 2021-22 financial year, six applications for information were received. One application was withdrawn, in three of the applications full release of the requested material was provided and two applications were refused. The refusals were under section 23(1)(b) of the FOI Act on the basis that we did not hold the requested document.

No contracts containing approved confidentiality clauses were executed this year..

Public Interest Disclosure Act 2018

There were no occasions during the financial year in which public interest information was disclosed to the responsible officer under the *Public Interest Disclosure Act 2018*.

Our Finances

Annual Report 2021-22

Legal Services Commission

Finance

Income

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

In 2021-22 the State government provided funding of \$49.6 million. The State government also provided \$800,000 in reimbursements under the *State Expensive Criminal Cases Funding Agreement*.

The Commonwealth government, through the *National Legal Assistance Partnership Agreement 2020-25 (NLAP)* provided funding of \$17.7 million, an increase from \$17.4 million in 2020-21. In addition, the Commonwealth government provided \$5 million in funding grants tied to particular services or projects and \$600,000 in reimbursements under the *Commonwealth Expensive Criminal Cases Funding Agreement*.

A further \$300,000 was received from the Law Society pursuant to sections 56 and 57A of the *Legal Practitioners Act 1981*.

State government funding is largely used for State criminal law or child protection matters. The income from the Law Society is also used for State law related matters. Commonwealth funding is mostly used for matters involving family law or Commonwealth criminal law.

During 2021-22 income was generated from investments, client contributions, education courses, the sale of legal kits and, most significantly, cost recovery through the imposition of statutory charges. This is achieved under section 18A of the *Legal Services Commission Act 1977* which provides that a grant of legal assistance may be subject to the condition that legal assistance costs are secured by a charge on land – a statutory charge. During 2021-22 the Legal Services Commission recovered \$1,077,805 in statutory charges, and imposed charges in 172 matters, a slight increase from 170 in 2020-21.

Other funding is actively pursued, including State and Commonwealth government funding, where the projects to be delivered provide legal assistance services to the community and are related to, and enhance, functions outlined in the *Legal Services Commission Act 1977*.

Expenditure

Total operating expenditure for 2021-22 was \$56.8 million, up from \$50.2 million in 2020-21. Private legal practitioner payments totaled \$24.3 million, up from \$21.9 million in 2020-21.

The Legal Services Commission completed the 2021-22 financial year with a consolidated comprehensive surplus result of \$19.7 million.

Commonwealth government funding as at 30 June 2022

Financial year	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000
Core funding	16 644	16 801	17 161	17 445	17 719

State government funding as at 30 June 2022

Financial year	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000
Core funding	44 545 ¹	22 940 ²	250 ³	23 953	48 626 ⁴

¹ During 2017-18 the State government paid \$21,960,000 in advance for the 2018-19 financial year.

² During 2018-19 the State government paid \$22,940,000 in advance for the 2019-20 financial year.

³ During 2019-20 the State government did not pay in advance for the 2020-21 financial year.

⁴ During 2021-22 the State government paid \$24,000,000 in advance for the 2022-23 financial year.

Consultants disclosure

The following is a summary of external consultants engaged by the Legal Services Commission during the 2021-22 financial year, the nature of the work undertaken and the actual payment for the work.

Consultancies with a contract value below \$10 000 each

Consultancy	Purpose	\$ Actual payment
All consultancies below \$10,000 each – combined	Various	\$14 550 (combined total)

Consultancies with a contract value above \$10 000 each

Consultancy	Purpose	\$ Actual payment
Cindy Flower Consulting	Change Management coaching, advices, and implementation work and recommendations pertaining to the GPMS project	\$23 663

Contractors

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

INDEPENDENT AUDITOR'S REPORT



Government of South Australia
Auditor-General's Department

Level 9
State Administration Centre
200 Victoria Square
Adelaide SA 5000
Tel +618 8226 9640
Fax +618 8226 9688
ABN 53 327 061 410
audgensa@audit.sa.gov.au
www.audit.sa.gov.au

To the Chairperson Legal Services Commission of South Australia

Opinion

I have audited the financial report of the Legal Services Commission for the financial year ended 30 June 2022.

In my opinion the accompanying financial report has been prepared in accordance with relevant Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987*, Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012* and Australian Accounting Standards – Simplified Reporting Requirements, including:

- a) giving a true and fair view of the financial position of the Legal Services Commission as at 30 June 2022, its financial performance and its cash flows for the year then ended, and
- b) complying with Division 60 of the Australian Charities and Not-for-profits Commission Regulation 2013.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2022
- a Statement of Financial Position as at 30 June 2022
- a Statement of Changes in Equity for the year ended 30 June 2022
- a Statement of Cash Flows for the year ended 30 June 2022
- notes, comprising material accounting policies and other explanatory information
- a Certificate from the Chairperson, Director and Manager, Finance.

Basis for opinion

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

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

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

The Director is responsible for the preparation of the financial report that gives a true and fair view in accordance with relevant Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987* and the *Australian Charities and Not-for-profits Commission Act 2012* and the Australian Accounting Standards – Simplified Reporting Requirements, and for such internal control as management determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Director is responsible for assessing the entity's ability to continue as a going concern, taking into account any policy or funding decisions the government has made which affect the continued existence of the entity. The Director is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

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

Auditor's responsibilities for the audit of the financial report

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 25 of the *Legal Services Commission Act 1977*, I have audited the financial report of the Legal Services Commission for the financial year ended 30 June 2022.

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

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

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher

- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Legal Services Commission's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director
- conclude on the appropriateness of the entity's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify the opinion. My conclusion is based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause an entity to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

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

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



Daniel O'Donohue
Assistant Auditor-General (Financial Audit)

29 September 2022



Legal Services Commission of South Australia

**Financial Statements
for the year ended
30 June 2022**

Certification of the Financial Statements

We certify that the:

- Financial statements of the Legal Services Commission of South Australia:
 - are in accordance with the accounts and records of the authority;
 - comply with relevant Treasurer’s Instructions;
 - comply with relevant accounting standards;
 - comply with Division 60 of the Australian Charities and Not-for-profit Commission Regulations 2013; and
 - present a true and fair view of the financial position of the Commission at the end of the financial year and the result of its operations and cash flows for the financial year.
- Internal controls employed by the Legal Services Commission of South Australia for the financial year over its financial reporting and its preparation of the financial statements have been effective.



Chinh Dinh-Pham
Manager, Finance
28 September 2022



Gabrielle Canny
Director
28 September 2022



Peter Slattery
Chairperson
28 September 2022

Legal Services Commission of South Australia

Statement of Comprehensive Income

for the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
Income			
Commonwealth-sourced grants and funding	2.1	23 344	22 801
SA Government grant, subsidies and transfers	2.2	50 385	27 697
Legal Practitioners Act 1981 revenues	2.3	347	148
Statutory charges		1 279	1 285
Interest	2.4	11	18
Costs recovered and contributions	2.5	259	218
Other income	2.6	933	1 098
Total income		76 558	53 265
Expenses			
Employee benefits expenses	3.3	21 428	19 260
Private Practitioner services	4.5	24 335	21 894
Supplies and services	4.1	9 099	8 024
Depreciation and amortisation	4.2	1 420	933
Borrowing costs	4.3	-	7
Other expenses	4.4	557	97
Total expenses		56 839	50 215
Net result		19 719	3 050
Total comprehensive result		19 719	3 050

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia

Statement of Financial Position

as of 30 June 2022

	Note	2022 \$'000	2021 \$'000
Current assets			
Cash and cash equivalents	6.1	29 808	11 434
Receivables	6.2	1 883	1 739
Other financial assets	6.3	7 802	8 308
Total current assets		39 493	21 481
Non-current assets			
Property, plant and equipment	5.1	5 316	3 364
Intangible assets	5.4	1 186	1 550
Statutory charge debtors	6.4	9 554	9 420
Total non-current assets		16 056	14 334
Total assets		55 549	35 815
Current liabilities			
Legal payables		1 487	969
Payables	7.1	459	476
Financial liabilities	7.2	4	4
Employee benefits	3.4	1 623	1 556
Other current liabilities	7.3	233	233
Total current liabilities		3 806	3 238
Non-current liabilities			
Payables	7.1	158	165
Financial liabilities	7.2	4	-
Employee benefits	3.4	3 384	3 701
Other non-current liabilities	7.3	1 168	1 401
Total non-current liabilities		4 714	5 267
Total liabilities		8 520	8 505
Net assets		47 029	27 310
Equity			
Retained earnings		46 980	27 261
Asset revaluation surplus		49	49
Total equity		47 029	27 310

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia

Statement of Changes in Equity

for the year ended 30 June 2022

	Asset revaluation surplus \$'000	Retained earnings \$'000	Total Equity \$'000
Balance at 30 June 2020	49	24 211	24 260
Net result for 2020-21	-	3 050	3 050
Total comprehensive result for 2020-21	-	3 050	3 050
Balance at 30 June 2021	49	27 261	27 310
Net result for 2021-22	-	19 719	19 719
Total comprehensive result for 2021-22	-	19 719	19 719
Balance at 30 June 2022	49	46 980	47 029

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia

Statement of Cash Flows

For the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
Cash flows from operating activities			
Cash inflows			
Receipts from State Government funding		50 298	27 697
Receipts from Commonwealth-sourced grants and funding		23 345	22 801
Legal Practitioners Act 1981 receipts		115	336
Costs recovered and contributions		278	290
Statutory charge receipts		1 255	949
Interest received		6	21
GST recovered from the ATO		3 181	2 509
Other receipts		769	2 107
Cash generated from operations		79 247	56 710
Cash outflows			
Employee benefits payments		(21 667)	(19 359)
Payments for supplies and services		(9 741)	(9 100)
Private Practitioner services		(26 212)	(23 922)
Cash used in operations		(57 620)	(52 381)
Net cash provided by/(used in) operating activities		21 627	4 329
Cash flows from investing activities			
Cash outflows			
Purchase of property, plant & equipment and intangibles		(3 253)	(544)
Net cash used in investing activities		(3 253)	(544)
Cash flows from financing activities			
Cash outflows			
Repayment of principal portion of lease liabilities		-	(130)
Net cash used in financing activities		-	(130)
Net increase in cash and cash equivalents		18 374	3 655
Cash and cash equivalents at the beginning of the period		11 434	7 779
Cash and cash equivalents at the end of the period	6.1	29 808	11 434

The accompanying notes form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS

1. About the Legal Services Commission of South Australia	8
1.1. Basis of preparation	8
1.2. Objectives	8
2. Income	9
2.1. Commonwealth-sourced grants and funding	9
2.2. SA Government grants, subsidies and transfers	9
2.3. Legal Practitioners Act 1981 revenues	10
2.4. Interest revenues	10
2.5. Costs recovered and contributions	10
2.6. Other income	10
3. Board, committees and employees	11
3.1. Key management personnel	11
3.2. Commission members	11
3.3. Employee benefits expenses	12
3.4. Employee benefits liability	13
4. Expenses	14
4.1. Supplies and services	14
4.2. Depreciation and amortisation	14
4.3. Borrowing costs	15
4.4. Other expenses	15
4.5. Private Practitioners services	15
5. Non-financial assets	16
5.1. Property, plant and equipment	16
5.2. Property, plant and equipment owned by the Commission	16
5.3. Property, plant and equipment leased by the Commission	17
5.4. Intangible assets	17
6. Financial assets	18
6.1. Cash and cash equivalents	18
6.2. Receivables	18
6.3. Other financial assets	19
6.4. Statutory charge debtors	19
7. Liabilities	19
7.1. Payables	19
7.2. Financial liabilities	20
7.3. Other liabilities	20
8. Other disclosures	20
8.1. Equity	20
9. Outlook	21
9.1. Unrecognised commitments	21
9.2. Contingent assets and liabilities	21
9.3. Events after the reporting period	21
10. Measurement and risk	22
10.1. Long service leave liability - measurement	22
10.2. Fair value	22
10.3. Financial Instruments	23

1. About the Legal Services Commission of South Australia

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

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

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

The Commission does not control any other entity and has no interests in unconsolidated structured entities. The financial statements and accompanying notes include all the controlled activities of the Commission.

The Commission is endorsed by the Australian Taxation Office (ATO) as an income tax exempt charity and as a Public Benevolent Institution.

1.1. Basis of preparation

The financial statements are general purpose financial statements prepared in compliance with:

- section 23 of the *Public Finance and Audit Act 1987* and the *Australian Charities and Not-for-Profit Commission Act 2012*;
- Treasurer's Instructions and Accounting Policy Statements issued by the Treasurer under the *Public Finance and Audit Act 1987*; and
- relevant Australian Accounting Standards, applying simplified disclosures.

For the purposes of preparing the financial statements, the Commission is a not-for-profit entity. The financial statements are prepared based on a 12 month reporting period and presented in Australian currency. The historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured.

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

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

Cash flows include GST in the Statement of Cash Flows.

Assets and liabilities that are to be sold, consumed or realised as part of the normal operating cycle have been classified as current assets or current liabilities. All other assets and liabilities are classified as non-current.

1.2. Objectives

The objective of the Commission is 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 section 10 and 11 of the Act.

2. Income

2.1. Commonwealth-sourced grants and funding

	2022 \$'000	2021 \$'000
National Legal Assistance Partnership Agreement funding	17 719	17 445
Disability and Carer Support Program	1 264	418
Family Advocacy and Support Service funding	861	847
Women's Domestic Violence Unit	848	559
Legally Assisted Financial Dispute Resolution - Small Property Claims	657	642
Expensive Cases reimbursement	650	287
Women's Legal Assistance	450	-
Mental Health	230	-
Defence Royal Commission	211	-
Family Violence and Cross-Examination of Parties Scheme	192	603
National Legal Advisory Service for the Disability Royal Commission	146	138
Child Sexual Abuse Prosecutions	116	-
COVID-19 Relief funding	-	1 137
Online Dispute Resolution System	-	578
Bushfire Relief funding	-	147
Total Commonwealth-sourced grants and funding	23 344	22 801

Commonwealth-sourced grants and funding are recognised as income on receipt.

A National Legal Assistance Partnership agreement on Legal Assistance Services between the Commonwealth of Australia and States and Territories is effective from 1 July 2020 to 30 June 2025.

Obligations under Commonwealth-sourced grants and funding are required to be met by the State of South Australia for \$20.87m (2021: \$20.42m) of the above grants. For accounting purposes, the obligations under the funding arrangements do not sit with the Commission. The Commonwealth has provided funding to the State for legal assistance services and were originally received by the State and then paid from Department of Treasury and Finance Administered Items. Amounts from the Commonwealth are received via the Attorney-General's Department.

In addition, the Commission received \$2.47m (2021: \$2.38m) of income recognised upon receipt directly from the Commonwealth for legal assistance services.

The Commission is separately funded by the Commonwealth Government for criminal law cases that exceed \$40 000. The Commonwealth Government provided funding of \$0.65m (2021: \$0.44m).

2.2. SA Government grants, subsidies and transfers

	2022 \$'000	2021 \$'000
SA Government grant	48 626	23 953
Expensive Cases - reimbursement	763	437
Women's Domestic Violence Court Assistance Service funding	683	479
Drug Court funding	163	159
Disability Information and Legal Assistance	150	-
Refund of payroll tax from the Department of Treasury and Finance	-	2 669
Total SA Government grants, subsidies and transfers	50 385	27 697

SA Government grants, subsidies and transfers are recognised as income on receipt.

In 2022 the State Government contributed funding of \$48.63m (2021: \$23.95m). The State Government paid \$24.00m to the Commission for 2022-23 funding due to a change in the timing of the payment. This amount is deposited with South Australian Government Financing Authority (SAFA).

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

The State Government provided \$0.76m (2021: \$0.44m) for approved cases that exceeded the Commission funding cap of \$50 000 in the case of one party being aided and \$100 000 in the case of more than one party, irrespective of the number being aided.

2.3. Legal Practitioners Act 1981 revenues

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

	2022 \$'000	2021 \$'000
Statutory Interest account	147	63
Interest on Legal Practitioners Trust Account	200	85
Total Legal Practitioners Act 1981 Revenue	347	148

2.4. Interest revenues

	2022 \$'000	2021 \$'000
Short-term deposits with SAFA	11	17
Cash and cash equivalents	-	1
Total interest revenues	11	18

Reduction in interest received from funds held with SAFA is attributable to the decline in interest rates.

2.5. Costs recovered and contributions

	2022 \$'000	2021 \$'000
Costs recovered	137	79
Contributions *	122	139
Total costs recovered and contributions	259	218

* In addition, contributions of \$1.00m (2021: \$0.91m) in relation to referred cases were paid or are payable directly to private practitioners by clients.

2.6. Other income

	2022 \$'000	2021 \$'000
Unrealised investment gain	-	502
Specialist Legal Services for Afghanistan Evacuees	155	-
Return to Work SA funding	120	117
Safe Families funding	253	85
Other	405	394
Total other income	933	1 098

3. Board, committees and employees

3.1. Key management personnel

Key management personnel of the Commission in 2021-22 include the Director, Commissioners, Chief Operating Officer, Chief Legal Officer, Legal Practice Manager, Access Services Manager and Human Resources Manager.

Total compensation for key management personnel was \$1.25m in 2021-22 and \$1.29m in 2020-21.

Transactions with key management personnel and other related parties

In the ordinary course of business the Commission enters into transactions with legal firms, some of which may be 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. These transactions amounted to \$0.13m in 2021-22 and \$0.17m in 2020-21. 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.

3.2. Commission members

The members of the Commission are appointed by the Governor in accordance with the provisions of the Act and include sole practitioners.

Members of the Commission during the 2022 financial year were:

Jason Karas (retired January 2022)	Chair
Peter Slattery (appointed January 2022)	Chair
Gabrielle Conny *	Ex Officio
Catherine Nelson	
Debra Contala	
Isolda Byers * (retired April 2022)	
Stephanie Holliday * (appointed April 2022)	

*In accordance with the Premier and Cabinet Circular No. 016, government employees did not receive any remuneration for board/committee duties during the financial year.

Remuneration of Commissioners

	2022 No.	2021 No.
The number of members whose remuneration received or receivable falls within the following bands:		
\$0 - \$19 999	7	4
\$20 000 - \$39 999	-	1
Total number of members	7	5

The total remuneration received or receivable by members was \$48 000 (2021: \$47 000). Remuneration of members includes sitting fees, superannuation contributions, salary sacrifice benefits, fringe benefits and related fringe benefits tax.

3.3. Employee benefits expenses

	2022 \$'000	2021 \$'000
Salaries and wages	17 656	15 348
Long service leave	(34)	246
Annual leave	1 633	1 521
Skills and experience retention leave	105	104
Employment on-costs - superannuation	1 926	1 624
Employment on-costs - other	-	294
Commission members' fees	43	43
Workers' compensation	99	80
Total employee benefits expenses	21 428	19 260

Employment on-costs - superannuation

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

Employee remuneration

	2022 No.	2021 No.
The number of employees whose remuneration received or receivable falls within the following bands:		
\$157 001 to \$177 000	5	5
\$177 001 to \$197 000	1	-
\$197 001 to \$217 000	2	2
\$217 001 to \$237 000	-	1
\$237 001 to \$257 000	1	2
\$257 001 to \$277 000	-	1
\$277 001 to \$297 000	2	-
\$297 001 to \$317 000	-	1
\$317 001 to \$337 000	-	-
\$337 001 to \$357 000	1	-
Total	12	12

The total remuneration received by these employees for the year was \$2.52m (2021: \$2.54m).

The table includes all employees whose normal remuneration was 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 and any fringe benefits tax paid or payable in respect of those benefits as well as any termination benefits for employees who have left the Commission.

3.4. Employee benefits liability

	2022 \$'000	2021 \$'000
Current		
Annual leave	1 278	1 185
Long service leave	229	266
Skills and experience retention leave	116	105
Total current employee benefits	1 623	1 556
Non-current		
Long service leave	3 384	3 701
Total non-current employee benefits	3 384	3 701
Total employee benefits	5 007	5 257

Employee benefits accrue as a result of 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 and wages, annual leave, skills and experience retention leave (SERL) and sick leave

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

The annual leave liability and the SERL liability in full is expected to be payable within 12 months and is measured at the undiscounted amount expected to be paid.

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

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. Details about the measurement of long service leave liability is provided at note 10.1.

4. Expenses

4.1. Supplies and services

	2022 \$'000	2021 \$'000
Accommodation	3 279	3 197
Information technology expenses	3 203	2 235
Telecommunications	475	248
Periodicals and subscriptions	256	295
Legal fees and disbursements	226	275
Office supplies and consumables	149	133
Practising certificates and membership	147	123
Interpreter fees	146	131
External service providers	133	188
Travel	83	70
Audit fees - Auditor-General's Department	79	80
Internal audit and governance	74	112
Client surveys fees	61	-
Consultancy fees	38	258
Other	750	679
Total supplies and services	9 099	8 024

Accommodation

The Commission's accommodation is provided by the Department for Infrastructure and Transport under Memoranda of Administrative Arrangement (MoAA) issued in accordance with Government-wide accommodation policies. These arrangements do not meet the definition of lease set out in AASB16. Information about accommodation incentives relating this arrangement is shown at note 7.3.

Consultants

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

	No.	2022 \$'000	No.	2021 \$'000
Below \$10 000	3	14	1	6
\$10 000 or above	1	24	5	252
Total	4	38	6	258

4.2. Depreciation and amortisation

	2022 \$'000	2021 \$'000
Plant and equipment	291	305
Accommodation and leasehold improvements	719	225
Right-of-use accommodation	-	74
Right-of-use vehicles	7	7
Intangible assets	403	322
Total depreciation and amortisation	1 420	933

All non-current assets with a limited useful life are systematically depreciated/amortised over their useful lives in a manner that reflects the consumption of their service potential.

Useful life

Depreciation and amortisation are calculated on a straight-line basis. Property, plant and equipment and intangible assets depreciation and amortisation are calculated over the estimated useful life as follows:

Class of asset	Useful life (years)
Accommodation and leasehold improvements	5-15
Right-of-use vehicles	Lease term
Right-of-use accommodation	Lease term
Plant and equipment	
Computers	3-5
Office equipment	5-13
Furniture and fittings	5-13
Intangibles	3-8

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

Review of accounting estimates

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

4.3. Borrowing costs

	2022 \$'000	2021 \$'000
Interest expense on lease liabilities	-	7
Total borrowing costs	-	7

The Commission does not capitalise borrowing costs.

4.4. Other expenses

	2022 \$'000	2021 \$'000
Statutory charge bad debts and impairment loss on receivables	39	85
Bad debts	12	12
Loss on Funds SA investment	506	-
Total other expenses	557	97

4.5. Private Practitioners services

	2022 \$'000	2021 \$'000
Private Practitioners services	24 335	21 894
Total Private Practitioners services	24 335	21 894

5. Non-financial assets

5.1. Property, plant and equipment

Property, plant and equipment comprises tangible assets owned and right-of-use (leased) assets. The assets presented below do not meet the definition of investment property.

	2022 \$'000	2021 \$'000
Accommodation and leasehold improvements		
Accommodation and leasehold improvements	6 615	3 589
Accumulated depreciation	(2 692)	(1 973)
Total accommodation and leasehold improvements	3 923	1 616
Plant and equipment		
Plant and equipment	4 246	4 240
Accumulated depreciation	(3 140)	(2 849)
Total plant and equipment	1 106	1 391
Right-of-use vehicles		
Right-of-use vehicles	11	19
Accumulated depreciation	(3)	(15)
Total right-of-use vehicles	8	4
Library		
Library	261	261
Total library	261	261
Work in progress		
Work in progress	18	92
Total work in progress	18	92
Total property, plant and equipment	5 316	3 364

5.2. Property, plant and equipment owned by the Commission

Property, plant and equipment owned by the Commission with a value equal to or in excess of \$5 000 is capitalised, otherwise it is expensed. Property, plant and equipment owned by the Commission is recorded at fair value. Details about the Commission's approach to fair value are set out in note 10.2.

Impairment

Property, plant and equipment owned by the Commission have not been assessed for impairment as they are non-cash generating assets that are specialised in nature and held for continual use of their service capacity.

Reconciliation 2021-22

	Accommodation and leasehold improvements	Plant and equipment	Right-of-use vehicles	Library	Work in Progress	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at the beginning of the period	1 616	1 391	4	261	92	3 364
Acquisitions	-	6	11	-	2 932	2 969
Depreciation	(719)	(291)	(7)	-	-	(1 017)
Transfer between asset classes	3 026	-	-	-	(3 026)	-
Carrying amount at the end of the period	3 923	1 106	8	261	18	5 316

5.3. Property, plant and equipment leased by the Commission

Right-of-use assets for property, plant and equipment leased by the Commission as lessee are measured at cost.

Short-term leases of 12 months or less and low-value leases, where the underlying asset value is less than \$15 000, are not recognised as right-of-use assets. The associated lease payments are recognised as an expense and are disclosed in note 4.1.

The Commission has a limited number of leases:

- Two motor vehicle leases with the South Australian Government Financing Authority (SAFA). Motor vehicle leases are non-cancellable, with rental payments monthly in arrears. Motor vehicle lease terms can range from 3 years (50,000km) up to 5 years (100,000km). No variable lease payments are provided for in the lease agreements and no option exist to renew the leases at the end of their term.

The lease liabilities related to the right-of-use assets are disclosed in note 7.2. Expenses related to leases, including depreciation and interest expenses, are disclosed in note 4.

Impairment

Property, plant and equipment leased by the Commission has been assessed for impairment. There was no indication of impairment. No impairment loss or reversal of impairment loss was recognised.

5.4. Intangible assets

	2022 \$'000	2021 \$'000
Computer software		
Computer software	3 535	3 535
Accumulated amortisation	(2 349)	(1 985)
Total computer software	1 186	1 550

Intangible assets are initially measured at cost and are tested for indications of impairment at each reporting date. Following initial recognition, intangible assets are carried at cost less accumulated amortisation and any accumulated impairment losses.

The acquisition of or internal development of software is capitalised only when the expenditure meets the definition and recognition criteria and when the amount of expenditure is greater than or equal to \$5 000.

Reconciliation 2021-22

	Computer software \$'000	Total \$'000
Carrying amount at the beginning of the period	1 550	1 550
Amortisation	(364)	(364)
Carrying amount at the end of the period	1 186	1 186

6. Financial assets**6.1. Cash and cash equivalents**

	2022 \$'000	2021 \$'000
Short-term deposits with SAFA	27 045	9 811
Cash on hand	2 763	1 623
Total cash and cash equivalents	29 808	11 434

6.2. Receivables

	2022 \$'000	2021 \$'000
Current		
Trade receivables		
From government entities	204	215
From non-government entities	11	-
Client debtors	124	119
Impairment loss on receivables	(20)	(20)
Total trade receivables	319	314
Accrued revenue		
Accrued interest	5	-
Legal Practitioners Act 1987 debtors	250	19
Grant revenue receivable from government entities	87	-
Total accrued revenue	342	19
Statutory receivables		
GST input tax recoverable	634	454
Total statutory receivables	634	454
Prepayments		
Trade prepayments	588	952
Total prepayments	588	952
Total current receivables	1 883	1 739

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

Statutory receivables do not arise from contracts with customers. They are recognised and measured similarly to contractual receivables (except impairment) but are not classified as financial instruments for disclosure purposes.

The net amount of GST recoverable from the ATO is included as part of receivables.

Receivables, prepayments and accrued revenues are non-interest bearing. Receivables are held with the objective of collecting the contractual cash flows and they are measured at amortised cost.

6.3. Other financial assets

	2022 \$'000	2021 \$'000
Current		
Investment with Funds SA of fair value	7 802	8 308
Total current investment	7 802	8 308

For further information on risk management refer to note 10.3.

6.4. Statutory charge debtors

	2022 \$'000	2021 \$'000
Statutory charge debtors	9 704	9 600
Impairment loss on Statutory charge receivables	(150)	(180)
Total statutory charge debtors	9 554	9 420

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.

7. Liabilities

Employee benefits liabilities are disclosed in note 3.4.

7.1. Payables

	2022 \$'000	2021 \$'000
Current		
Trade payables	214	251
Accrued expenses	79	77
Statutory payables		
Employment on-costs	166	148
Total statutory payables	166	148
Total current payables	459	476
Non-current		
Statutory payables		
Employment on-costs	158	165
Total non-current payables	158	165
Total payables	617	641

Payables and accruals are raised for all amounts owing but unpaid. Trade payables are normally settled within 30 days from the date the invoice is first received. All payables are non-interest bearing. The carrying amount of payables represents fair value due to their short-term nature.

Statutory payables do not arise from contracts.

The net amount of GST recoverable from the ATO is included as part of receivables. However, if a net GST payable arises then this amount would be disclosed in this Payables note.

Employment on-costs

Employment on-costs include Return To WorkSA levies and superannuation contributions and are settled when the respective employee benefits that they relate to is discharged.

These on-costs primarily relate to the balance of leave owing to employees. Estimates as to the proportion of long service leave estimated to be taken as leave, rather than paid on termination, affects whether certain on-costs are recognised as a consequence of long service leave liabilities.

7.2. Financial liabilities

		2022 \$'000	2021 \$'000
Current			
Lease liabilities	5.3	4	4
Total current financial liabilities		4	4
Non-current			
Lease liabilities	5.3	4	-
Total non-current financial liabilities		4	-
Total financial liabilities		8	4

The Commission measures financial liabilities at amortised cost. In prior years, The Commission held leases for Regional Legal aid offices. These leases are no longer held by the Commission. All accommodation lease arrangements are held by the Department for Infrastructure and Transport. Lease liabilities relate only to motor vehicle leases. Expenditure related to these leases is recognised in Note 4.1.

7.3. Other liabilities

		2022 \$'000	2021 \$'000
Current			
Accommodation incentive		233	233
Total current other liabilities		233	233
Non-current			
Accommodation incentive		1 168	1 401
Total non-current other liabilities		1 168	1 401
Total other liabilities		1 401	1 634

Accommodation incentive liabilities relate to arrangements with the Department for Infrastructure and Transport (DIT) for office accommodation. These arrangements do not comprise leases and the accommodation incentives do not comprise financial liabilities. DIT has provided a range of fit-out free of charge. The benefit of this incentive is spread over the accommodation term so that each year reported accommodation expenses reflect the economic substance of the office accommodation arrangements and related benefits provided.

8. Other disclosures

8.1. Equity

The asset revaluation surplus is used to record increments and decrements in the fair value of property, plant and equipment to the extent that they offset one another. Relevant amounts are removed/transferred to retained earnings when an asset is derecognised.

9. Outlook

9.1. Unrecognised commitments

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

Legal expense commitments

	2022 \$'000	2021 \$'000
Within one year	22 779	23 125
Total expenditure commitments	22 779	23 125

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

Expenditure commitments

	2022 \$'000	2021 \$'000
Within one year	3 711	2 947
Later than one year but not longer than five years	13 896	12 509
Later than five years	3 464	6 714
Total expenditure commitments	21 071	22 170
Representing:		
Accommodation	19 196	22 065
Electronic Document and Record Management System (EDRMS)	1 875	105
Total expenditure commitments	21 071	22 170

The Commission's expenditure commitments are for agreements for:

- Memoranda of Administrative Arrangements with the Department for Infrastructure and Transport for accommodation.
- the Electronic Document and Record Management System (EDRMS).

9.2. Contingent assets and liabilities

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

The Commission is not aware of any contingent assets or contingent liabilities.

9.3. Events after the reporting period

At balance date and as at the date of financial statement certification, there were no known events after the reporting period.

10. Measurement and risk

10.1. Long service leave liability - measurement

AASB 119 *Employee Benefits* contains the calculation methodology for long service leave liability.

The actuarial assessment performed by the Department of Treasury and Finance has provided a basis for the measurement of long service leave and is based on actuarial assumptions on expected future salary and wage levels, experience of employee departures and periods of service. These assumptions are based on employee data over SA Government entities.

AASB 119 *Employee Benefits* requires the use of the yield on long-term Commonwealth Government bonds as the discount rate in the measurement of the long service leave liability. The yield on long-term Commonwealth Government bonds has increased from 2021 (1.25%) to 2022 (3.50%).

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

The net financial effect of the changes to actuarial assumptions in the current financial year is a decrease in the long service leave liability of \$0.56m and employee benefits expense of \$0.56m. The impact on future periods is impracticable to estimate as the long service leave liability is calculated using a number of demographical and financial assumptions - including the long-term discount rate.

The actuarial assessment performed by the Department of Treasury and Finance left the salary inflation rate at 2.5% for long service leave liability. As a result, there is no net financial effect resulting from changes to the salary inflation rate.

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

10.2. Fair value

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

Initial recognition

Non-current tangible assets are initially recorded at cost or at the value of any liabilities assumed, plus any incidental cost involved with the acquisition.

Revaluation

Property, plant and equipment, other than right-of-use assets, are subsequently measured at fair value after allowing for accumulated depreciation.

Non-current tangible assets are valued at fair value and revaluation of non-current assets or a group of assets is only performed when the fair value at the time of acquisition is greater than \$1.5 million and estimated useful life is greater than three years.

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

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

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

Revaluation of leasehold improvements and fixtures and fittings was performed by Liquid Pacific Holdings Pty Ltd during 2019-20 financial year. The independent valuer arrived at fair value based on the actual cost of the assets.

Plant and equipment

All items of plant and equipment that had a fair value at the time of acquisition less than \$1.5 million or had an estimated useful life of less than three years have not been revalued. The carrying value of these items are deemed to approximate fair value.

10.3. Financial instruments

Financial risk management

Risk management is managed by the Commission's corporate services section. Commission risk management policies are in accordance with the *SA Government Risk Management Guide* and the principles established in the *Australian Standard Risk Management Principles and Guidelines*.

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

Impairment of financial assets

Loss allowances for statutory charge and client debtors are measured at an amount equal to lifetime expected credit loss using the simplified approach in AASB 9. The Commission uses an allowance matrix to measure the expected credit loss of receivables from non-government debtors which comprise a large number of small balances.

To measure the expected credit losses, client debtors are grouped based on the days past due. When estimating expected credit loss, the Commission considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis, based on the Commission's historical experience and informed credit assessment, including forward-looking information.

The expected credit loss of government debtors is considered to be nil based on the external credit ratings and nature of the counterparties.

Loss rates are calculated based on the probability of a statutory charge and client debtors progressing through stages to write off based on the common risk characteristics of the transaction and debtor.

Loss rates are based on actual history of credit loss. These rates have been adjusted to reflect differences between previous economic conditions, current conditions and the Commission's view of the forecast economic conditions over the expected life of the statutory charge and client debtors.

Impairment losses are presented as net impairment losses within net result, subsequent recoveries of amounts previously written off are credited against the same line item.

The allowance was recognised when there was objective evidence that a client debtor was impaired. The allowance for impairment is recognised in other expenses for specific client debtors and debtors assessed on a collective basis for which such evidence existed.

Statutory charge debtors are written off or waived when there is a shortfall of sale proceeds from real estate sold on behalf of the clients. In addition, a decision may be made by the Commission to waive the debt based on the client's negative equity or through a court order.

The Commission has placed its investments in a portfolio managed by Funds SA. Listed shares and equities included within these investments are traded in an organised financial market by the fund managers. The Commission values these investments at current market value.

The Commission considers that its cash and cash equivalents have low credit risk based on the external credit ratings of the counterparties and therefore the expected credit loss is nil.

Categorisation of financial instruments

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

Classification of Financial Instruments

Category of financial assets and financial liabilities	Note	2022 Carrying amount (\$'000)	2021 Carrying amount (\$'000)
Financial assets			
Cash and equivalent			
Cash and cash equivalent	6.1	29 808	11 434
Fair value through profit and loss			
Investments	6.3	7 802	8 308
Financial assets at amortised cost			
Receivables *	6.2	661	333
Statutory charge debtors	6.4	9 554	9 420
Total financial assets		47 825	29 495
Financial liabilities			
Financial liabilities at amortised cost			
Payables *	7.1	214	251
Lease liabilities	7.2	8	4
Legal payables		1 487	969
Total financial liabilities		1 709	1 224

* Total amounts disclosed here exclude statutory amounts. Receivables do not include prepayments as these are not financial instruments. Prepayments are presented in note 6.2.

Statutory receivables and payables

The receivable and payable amounts disclosed here exclude amounts relating to statutory receivables and payables. This includes Commonwealth, State and Local Government taxes and equivalents, fees and charges, and Auditor-General's Department audit fees. This is in addition to employee related payables, such as Fringe Benefits Tax, Pay As You Go Withholding and ReturnToWorkSA levies. In government, certain rights to receive or pay cash may not be contractual but have their source in legislation and therefore, in these situations, the disclosure requirements of AASB 7 will not apply. The standard defines contract as enforceable by law. All amounts recorded are carried at cost.

Statutory charge debtors

Statutory charge debtors are included in financial instruments as the debt reflects a contractual obligation to the Commission. The naming of these debtors as statutory is due to the *Legal Services Commission Act 1977* allowing legal assistance costs to be secured by a charge on property.

This page has intentionally been left blank.

Appendix

Annual Report 2021-22

Legal Services Commission

www.lsc.sa.gov.au

State Expensive Criminal Cases Funding Agreement

Page i of i	
TABLE OF CONTENTS	
1. DEFINITIONS AND INTERPRETATION	1
2. VARIATION OF THE PRINCIPAL AGREEMENT	2
3. CONFIRMATION OF THE PRINCIPAL AGREEMENT	2
4. OPERATION OF THE DEED	3
6. COSTS OF THIS DEED	3
ANNEXURE Copy of Principal Agreement	
Template 1: Deed of Variation (CSO 122)	

DATED 19th DAY OF August 2020

DEED OF VARIATION

BETWEEN

THE HONOURABLE VICKIE CHAPMAN,
ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA

AND

THE LEGAL SERVICES COMMISSION

CRD/24/6 SOLICITOR
Level 17, 50 Franklin Street, Adelaide SA 5000

DEED OF VARIATION dated 19 day of December 2022**BETWEEN:**

THE HONOURABLE VICKIE CHAPMAN, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA, of Level 19, 10 Franklin Street Adelaide, 5000, in the State of South Australia ("Attorney General")

AND

THE LEGAL SERVICES COMMISSION a body corporate pursuant to the Legal Services Commission Act 1977 of 159 Gawler Place, Adelaide, 5000, in the State of South Australia ("Commission")

BACKGROUND:

- A. The Attorney-General and the Commission entered into a deed dated 29 January 2003 and described as the Expensive Criminal Cases Funding Agreement ("Principal Agreement").
- B. The Principal Agreement was varied by a deed of amendment entered into by the Attorney-General and the Commission dated 2 December 2004.
- C. The Attorney-General and the Commission have agreed to further vary certain terms and conditions of the Principal Agreement on account of amendments to the Criminal Law (Legal Representation) Act 2007 pursuant to which the Principal Agreement is made and to record those variations in this Deed

IT IS AGREED.**1. DEFINITIONS AND INTERPRETATION**

- 1.1 In this Deed.
 - 1.1.1 "Deed" means this deed of variation between the Attorney-General and the Commission.
 - 1.1.2 "Principal Agreement" means the deed between the Attorney-General and the Commission dated 29 January 2003 and described as the Expensive Criminal Cases Funding Agreement, as varied by the deed of amendment between the Attorney-General and the Commission dated 2 December 2004.
 - 1.1.3 All words and expressions defined in the Principal Agreement shall have the same meanings in this Deed.
 - 1.1.4 The Attorney-General and the Commission agree that the matters referred to in the Background under this Deed are true and correct in

every material particular and that the Background shall form part of this Deed

2. VARIATION OF THE PRINCIPAL AGREEMENT

- 2.1 The Principal Agreement is varied by adding the following clause after clause 5.1:

"5.1A Nothing in clause 5.1 shall be taken to require the Attorney-General to approve a case management plan or a proposal to vary a case management plan if the plan relates to more than 1 trial. In such cases, the trials are related trials and in accordance with section 18(3) of the Act the Attorney-General is satisfied, in the circumstances of the case, that it is appropriate for the trials to be combined under a single case management plan."

- 2.2 The Principal Agreement is varied by deleting clause 6.1 and substituting it with the following:

"6.1 A case management plan must be submitted to the Attorney-General by the Commission in writing as soon as possible after BOTH the Commission becomes aware that the legal assistance costs for each assisted person to whom the case management plan will relate may exceed the funding cap AND as soon as practicable after the defendant has been charged or after a direction of the court pursuant to section 6(3) of the Act"

- 2.3 Clause 6.2.3 of the Principal Agreement is varied by deleting the words "costs of legal assistance" and replacing them with the words "legal assistance costs for each assisted person to whom the case management plan relates."

- 2.4 Clause 6.2.5(a) of the Principal Agreement is varied by adding the words "after the date on which the case management plan is submitted for approval (regardless of whether such date is to be funded in respect of the funding cap and including terms for which a funding commitment has been made prior to that date but for which no payment has yet been made)" after the words "the cost of each separate item proposed to be funded".

- 2.5 The Principal Agreement is varied by deleting clause 7.3 and substituting it with the following:

"7.3 Where the Commission has terminated legal assistance to each assisted person to whom a case management plan relates 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 legal assistance costs for each assisted person to whom the case management plan relates prior to the termination of that assistance."

3. CONFIRMATION OF THE PRINCIPAL AGREEMENT

- 3.1 Subject only to the variations contained in this Deed and such other alterations (if any) as may be necessary to make the Principal Agreement consistent with this Deed, the Principal Agreement remains in full force and effect and will be read and construed and be enforceable as if the terms of this Deed were inserted in the Principal Agreement by way of addition or substitution (as the case may be).

3.2 The parties have prepared a consolidated copy of the Principal Agreement with the additions and substitutions made by the Deed, a copy of which is annexed to this Deed at Annexure A. The parties acknowledge the consolidated copy has been prepared for ease of reference only and to the extent there is any inconsistency between the terms of the consolidated copy and the terms of the Principal Agreement as varied by this Deed, the Principal Agreement as varied by this Deed shall prevail.

4. OPERATION OF THE DEED

The variations effected by this Deed shall operate from the date the Criminal Law (Legal Representation) (Reimbursement of Commission) Amendment Act 2020 commences.

5. COSTS OF THIS DEED

Each party must pay its own costs arising from the preparation, negotiation and execution of this Deed.

EXECUTED AS A DEED

SIGNED by THE HONOURABLE

WICKIE CHAPMAN,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of

Witness

[Print Name: Vickie Chapman]

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of

C. Nelson

Chairperson/Commissioner

[Print Name: Catherine Ann Nelson]

Debra Constata

Commissioner/Director

[Print Name: Debra Constata]

DATED 2nd DAY OF December 2021	
DEED OF AMENDMENT	
BETWEEN	
THE HONOURABLE MICHAEL ATKINSON, ATTORNEY GENERAL FOR THE STATE OF SOUTH AUSTRALIA ("Attorney General")	
-AND-	
THE LEGAL SERVICES COMMISSION ("Commission")	
	
CHURCHILL SQUARE Level 9-10, 48 Flinders Street, Adelaide SA 5000	

TABLE OF CONTENTS		Page i of ii
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 13188 - 162760 - 17.mxd		P:\760\13188

THIS DEED is made the Second day of December 2008 by:

BETWEEN:

THE HONORABLE MICHAEL ATKINSON, ATTORNEY-GENERAL FOR THE
STATE OF SOUTH AUSTRALIA, of 41 Pine 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")

RECEITALS:

- A. The Attorney-General and the Commission entered into a deed dated 29 January 2003
(the "Principal Agreement"), and described as the Expenditure 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.

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:

"6.4.6 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.L.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
6.4.6 shall apply to all new scales of fees which are operative
on or from 1 September 2004."

6.4.7 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.

Page 1 of 9

EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT **COPY**

AGREEMENT dated 29th January 2022

BETWEEN:

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

AND

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

RECITALS:

A. The State of South Australia has enacted the Criminal Law (Legal Representation) Act 2001 ("the Act") to ensure that legal representation is available for persons charged with serious offences, and for other purposes.

B. Section 18 of the Act provides that an Expensive Criminal Cases Funding Agreement is to be made between the Commission and the Attorney-General governing the approval of cost management plans for cases to which the Act applies.

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

Witnessed by: [Signature] 29/1/2022 (Attorney-General)

Witnessed by: [Signature] 29/1/2022 (Commission)

Page 3 of 3

A. 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:

[Signature] [Signature]

Witness

[Print Name: Simon [Signature]]

THE COMMON SEAL of THE LEGAL SERVICES COMMISSION

was hereto affixed in the presence of

[Signature] [Signature]

Chairperson & members of the Commission

[Print Name: [Signature]]

Director

[Print Name: Henri James Curran]

[Signature] [Signature]

Director & Secretary

[Print Name: [Signature]]

CSO 1000 (06/2014) / Final

EXPD 1/12/04

AGREED TERMS:

COPY

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 Expansive Criminal Cases Funding Agreement and includes the Schedule;
- 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 3 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 grant 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 "Treasury" 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 as in that Act;
 - 2.1.2 the clause headings are for convenient reference only and they do not form part of this Agreement.

Legal Services Commission (LSC) Ltd

CSO 11119

11 November 2001

M. J. A.
21/11/2002

COPY

- 2.1.3 a reference to a clause number is a reference to all of the clauses of the Agreement;
- 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 respecting 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 Expansive Criminal Cases Funding Agreement is required under section 14 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 14 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 retaining a signed copy of the approved plan or approved variations to the plan to the Commission.

Legal Services Commission (LSC) Ltd

CSO 11119

11 November 2001

M. J. A.
21/11/2002

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 after the defendant has been assigned 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 expenses taken or to be taken in estimate 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 report forensic testing or examination of evidence already so tested or examined; or

COPY

6.3.3 to proof expert witness either that by independent research 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 in 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 reasonable use of public funds.

6.4 The Commission may from time to time request 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 not 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, other 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.

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 terms 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 estimate 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 investigations 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.

COPY

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 contingent 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

COPY

the Attorney-General that the assisted person has agreed to the Agency's policy of 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:

MJD.
21/11/2002

19.1 the provision must be read down for the purposes of the operation 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 consent 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 WEBSTER)

THE COMMON SEAL OF THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:

Witness

(Print Name: BRIAN WYBLES)

SCHEDULE 1

Content of Defence Proposal

COPY

A defence proposal shall contain the following material:

1. A copy of the information upon which the defendant has been assigned.
2. The name of the court to which the matter is to be listed.
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 rule 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 requests 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 witness 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 factors 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 expert forensic testing or examination of evidence already so tested or examined; or

COPY

- (c) to produce direct expert witnesses other than by telephone, video, or other methods of long distance communication; or
 - (d) to produce 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 witness 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, in matters which are purely formal;
 - (e) encourage consultation between defence and prosecution experts with a view to defining and containing the issues in dispute.

