

Annual Report 2019-2020



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

lsc.sa.gov.au

42nd Annual Report 2019-20

Legal Services Commission of South Australia
www.lsc.sa.gov.au

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Chairperson's Letter

Chairperson's letter to the Attorney-General 19-20

The Hon Vickie Chapman MP
Deputy Premier
Attorney-General
Attorney-General's Department
Level 17, 10 Franklin Street
ADELAIDE SA, 5000

Dear Deputy Premier,

I am pleased to present the Annual Report of the Legal Services Commission for the financial year ending 30 June 2020, pursuant to section 33 of the *Legal Services Commission Act 1977*. This is my first report as Chairperson of the Commission as I was appointed on 20 January 2020.

In compliance with its mandate, the Commission continues to provide high quality, efficient and economic legal assistance services, with expenditure in line with budget. A decision by the State Government to no longer pay funding in advance means that the Commission has a notional deficit at the end of the 2019/2020 financial year. The deficit is solely the result of timing and is not a financial performance issue.

The past twelve months have been a challenging time for the delivery of legal assistance services, particularly in the final six months of the financial year. The coronavirus pandemic required considerable innovation and agility on the part of the Commission and its staff to ensure that access to justice was still available for the South Australian public. Commission offices temporarily closed to the public at the beginning of April and service delivery shifted from face to face to remote video or telephone wherever possible. Notwithstanding the significant, necessary changes and the need for staff to quickly adapt their work practices, continuity of service delivery was maintained. Commission offices reopened from early July 2020 after putting in place appropriate control measures. Experience gained from the closure period is being adapted to enhance ongoing service delivery.

I acknowledge the excellent work of the Director and staff of the Commission in continuing to deliver exceptional service to the people of South Australia.

The year has not been without its highlights. The successful launch of the online dispute resolution tool amica in June 2020 was the culmination of two years hard work by Commission staff in our corporate area and family law practice. The Commonwealth Attorney-General presided over the national launch, having been a strong supporter of the project from inception. As a pioneering legal technology service, amica is attracting national and international attention. It is one of a number of digital initiatives developed and launched by the Commission to help people across the State, including those in regional areas.

I thank those 560 members of the legal profession who constitute the Commission's legal practitioner panels and provide legal assistance through grants of aid. They have continued to provide high quality services to their clients in the difficult circumstances of the pandemic. The allocation of legal representation work between the legal practitioners at the Commission and the private profession is similar to previous years.

In September 2019 the Commission agreed to a fee scale increase of 2% for the benefit of private panel practitioners. From February 2020, in recognition of the adverse impact of COVID-19 on the work of the legal profession, the Commission moved from paying practitioners monthly to weekly.

In July 2019 the Commission farewelled Ms Alison Lloyd-Wright, a Commissioner since 2014. Her knowledge of government practices and procedures provided a valuable perspective to board decisions. Her place was taken by Ms Lucinda Byers, a senior legal adviser in the South Australian Attorney-General's Department and Crown Solicitor's Office.

I thank my predecessor Mr Michael Abbott AO QC for his sound governance of the Commission during the first six months of the year.

I thank you Deputy Premier for your continued support and I acknowledge the ongoing assistance of the Commonwealth Attorney-General and his department.



Jason Karas
Chairperson

Snapshot

Annual Report 2019-20

Legal Services Commission of South Australia
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Snapshot

Who we are and what we do

The Legal Services Commission (the Commission) is an independent statutory authority. It is established by the *Legal Services Commission Act 1977* (the Act) to provide legal assistance to people throughout the State. It seeks to give all South Australians equal access to justice through the legal system, providing free legal information, legal advice and legal education to all. To those most in need, legal representation is also provided. The Commission is funded by both the South Australian government and the Commonwealth government and has the powers, functions and duties prescribed or imposed on it by the Act. In 2019-20 the Commission received income of \$26 030 000. A further 22 940 000 was received in the previous financial year for expenditure in the 2019-20 financial year.

The Commission is the largest legal assistance service in South Australia with 182 staff, 103 of whom are legal practitioners. Legal information and advice, duty lawyer services and representation services are provided by Commission legal practitioners, along with 495 private lawyers who have been accepted onto the Commission's panel of legal practitioners. Five Commissioners, four appointed by the Governor on the nomination of the Attorney-General, and the Director, determine the policy and set the direction of the Commission. Delivering more than 137 000 legal assistance services this financial year, the Commission 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 and the Law Handbook, all available through the Commission website at www.lsc.sa.gov.au.

In performing its functions the Commission must:

- seek to ensure legal assistance is provided in the most efficient and economical manner
- 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, and
 - 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.

The Commission's Corporate Plan states the following:

Vision –

- The provision of quality, independent legal assistance to South Australians.

Beliefs –

- The rule of law
- People matter
- Our clients have an entitlement to fair treatment
- Integrity and quality are important
- Our staff are valuable
- We deliver an essential service
- Cost efficiency matters
- Accountability is necessary
- Change for beneficial purposes is desirable

Goals –

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

Offices

Commission offices are located at the following addresses:

Adelaide

159 Gawler Place, Adelaide 5000

T: 08 8111 5555

Elizabeth

Windsor Building, Elizabeth Shopping Centre,

Elizabeth 5112

T: 08 8111 5400

Noarlunga

Noarlunga House, Centro Colonnades Shopping Centre,

Noarlunga Centre 5168

T: 08 8111 5340

Port Adelaide

ANL House, 306 Vincent Street, Port Adelaide 5015

T: 08 8111 5460

Port Augusta

34 Flinders Street, Port Augusta 5700

T: 08 8686 2200

Whyalla

Tenancy 7, 169 Nicolson Avenue, Whyalla Norrie 5608

T: 08 8620 8500

Our Year

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Legal Services Commission of South Australia

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Recent crises including the COVID-19 pandemic and the past summer's bushfires have again shone a spotlight on the immense value of frontline legal service providers, and the vital role they play in our society."

Pauline Wright, Law Council President 2020

Highlights 2019-20

Some of our Achievements

Appointment of new Chairperson, Jason Karas

**First prize at the national iNews Awards
for our PhotoLegal service**

**Successful implementation and operation
of three new legal assistance schemes –**

Women's Domestic Violence Court Assistance Service
Family Violence and Cross-examination of Parties Scheme
Lawyer Assisted Family Dispute Resolution Small Property Claims Pilot

**560 private and in-house panel practitioners
available to provide legal representation**

**Whilst maintaining client services, successfully relocating all staff
to home based work as a consequence of the COVID-19 pandemic**

**New National Legal Assistance
Partnership Agreement**

**Delivery of more than 137 000
legal assistance services**

**16% increase in the number of family dispute resolutions
conferences, whilst maintaining an 85% settlement rate**

Launch of amica – an online dispute
resolution tool for separating couples

amica

Simple, smart
separation.

www.amica.gov.au

Director's Report 2019-20

The Commission has faced a year of unique challenges. The impact of the COVID-19 pandemic on the provision of our services in the second half of the financial year required the Commission to explore new ways of working while remaining accessible to the South Australian public.

At the beginning of the COVID-19 period, the Commission immediately commenced working in collaboration with the South Australian justice sector, including courts both State and Commonwealth, correctional services and police. Between April and June our office locations were temporarily closed and we could not provide face to face services. Staff were rapidly assisted to commence working from home. With our usual agility and flexibility, the Commission continued to provide high quality services, including information, advice, grants of aid and legal representation, by telephone, by email and via various online platforms. As a result, the number of services provided this financial year is on a par with previous years.

In January 2020 we welcomed a new Chairperson, Mr Jason Karas, a principal of the local and international law firm Lipman Karas. His appointment coincided with the commencement of the coronavirus pandemic and I thank him and our board of Commissioners for their strong leadership and good governance during this most difficult time.

The Commission continues to feel the impact of State Government funding cuts initiated in 2018 which reduced the Commission's budget by \$6.07 million over five years. This year, the State Government has not paid the Commission's funding in advance, resulting in a deficit due to the timing difference. Annual funding will return to a three instalments model. But for this change the Commission ended the financial year with a small surplus.

In May 2020 the Commonwealth Attorney-General announced \$63.3 million in new funding for the national legal assistance sector. The funding was directed to frontline services for people impacted by COVID-19 and for improved information and communication technology to meet the challenges posed by the pandemic. The Legal Services Commission will receive \$2,339,821 in additional funding over two years.

Highlights and Achievements

- **Women's Domestic Violence Court Assistance Service**

On 1 July 2019 the Commission commenced its operation of the Women's Domestic Violence Court Assistance Service (WDVCAS), after a successful tender process. WDVCAS is a specialist legal service funded by the State Government providing 'in court' support to women affected by domestic and family violence.

- **Commission's 40th Anniversary function**

2019 saw the 40th year since the establishment of the Commission. In September this milestone was celebrated with a function at the Adelaide Town Hall. The keynote address was delivered by Chris Moraitis, Secretary, Attorney-General's Department (Cth), followed by a Q and A between the Hon Vickie Chapman MP, Deputy Premier, and Annabel Crabbe. The event was attended by a number of State MPs, judges and magistrates and highlighted the critical work done by the Commission over the last 40 years in providing a legal assistance safety net for vulnerable South Australians.

- **West Java Return Visit**

In 2018-19 the Commission entered into an information-sharing partnership with the Women and Children Protection and Family Planning Office of West Java, and in March of that year we hosted a visiting delegation from that office. In August 2019 two of the Commission's senior lawyers made a return visit to West Java. They had the opportunity to observe a variety of programs set up to provide support, shelter and empowerment to women and children who are victims of domestic violence, sexual harassment or human trafficking. Particularly impressive was the Office's Economic Empowerment Program.

- **Lawyer Assisted Family Dispute Resolution Small Property Claims Pilot**

In November 2019 the Commonwealth Attorney-General announced funding for the pilot of a dispute resolution scheme intended to assist separating couples who have only a small pool of assets. The Commission provides lawyer assisted dispute resolution conferencing to help the parties resolve their family law property disputes faster and if possible out of court.

- **PhotoLegal Award**

In March 2020, the Legal Services Commission was awarded first prize at the national *iTnews* Awards for its new PhotoLegal service. PhotoLegal is a secure electronic service for transmission of legal documents. The development of PhotoLegal was funded by a grant from the Law Foundation. I congratulate our team of lawyers who initiated and delivered this project.

- **Legal Assistance Bushfire Support**

Following severe bushfires in December 2019, the Commission began to experience an increased demand for legal advice around the disaster as did other legal assistance service providers around Australia. In March 2020 the Commonwealth Government agreed to provide funding for legal assistance to the mostly severely impacted states, including South Australia, through a Project Agreement for Legal Assistance Bushfire Support. The Commission will use its share of the funding to establish a Legal Response Co-ordinator to provide legal advice and referral.

- **amica Launch**

On 30 June 2020 the Commonwealth Attorney-General, the Hon Christian Porter MP, conducted a virtual launch of the new, national, online dispute resolution platform, *amica*. The service was developed by our Commission for use by all Australian legal aid commissions and was funded by the Commonwealth Attorney-General's Department to help separating couples reach amicable agreements. The project has been a great success, largely due to the hard work of our Commission staff over a prolonged period of time. They are deserving of congratulations, proving once again the Commission's capacity to think outside the square and embrace new technology for the benefit of our clients.

- **Commonwealth Family Violence and Cross-examination of Parties Scheme**

Since March 2019 the Commission has administered the national *Commonwealth Family Violence and Cross-examination of Parties Scheme* in South Australia on behalf of the Commonwealth Government. The purpose of the scheme is to provide legal practitioners to represent parties subject to a ban on personal cross examination in matters involving family violence in the family courts. In recognition of the scheme's benefits and high level of demand, funding has been increased and extended.

- **New National Legal Assistance Partnership Agreement**

In June 2020 the Commonwealth, States and Territories signed a new National Legal Assistance Partnership (NLAP) Agreement. For the first time this national funding agreement applies to all areas of the legal assistance sector- legal aid commissions, community legal centres, domestic violence services, family support services and Aboriginal and Torres Strait Islander legal services. The NLAP provides states and territories with over \$2 billion from 2020 to 2025 for distribution to the legal assistance sector. The Commission has received \$94.653 million over five years, a slight increase in funding from the previous national partnership agreement.

At the close of an extraordinary year, I thank the dedicated staff of the Legal Services Commission who have embraced enormous challenges with resourcefulness and dedication to service. I express my thanks to the private legal practitioners who act on grants of aid. The private profession represented 13 372 legally aided clients this year. I look forward to our continuing collaboration in delivering access to justice.

I acknowledge and thank the South Australian Attorney-General, the Hon Vickie Chapman MP and of the Commonwealth Attorney-General, the Hon Christian Porter MP for their ongoing commitment to funding legal assistance and access to justice in South Australia.

Gabrielle Canny

Director

Legal Services Commission

Summary of Services 2019-20

	2017-18	2018-19	2019-20
Information and referral			
Legal Chat online sessions	5 090	6 342	7 244
Telephone helpline	2 535	2 498	1 879
Client walk-ins	970	1 183	1 108
Total	8 595	10 023	10 231
Legal advice			
Telephone helpline	63 072	62 758	64 923
Telephone appointments	4 806	3 985	6 030
In person appointments	13 518	11 011	8 000
Total	81 396	77 754	78 953
Legal task	3 253	2 310	2 288
24Legal sessions (information accessed through a decision tree)	8 686	11 143	11 066
Community legal education			
Participants	6 576	7 055	*4 423
Sessions	235	227	*150
Duty lawyer services	13 751	12 804	12 706
Grants of aid for legal representation			
Assigned in-house	4 827	4 345	4 319
Assigned externally	10 990	11 818	13 372
Total	15 817	16 163	17 691
Other legal representation	372	484	471
Total client services (excluding website page views)	138 446	137 736	137 829
Distribution of publications	65 418	51 207	50 688
Law Handbook page views	2 521 500	2 297 545	2 064 460
Commission website page views	1 002 364	804 069	729 611
Applications for aid received	18 269	18 270	19 827
FDR conferences held	864	891	1 032
FDR conferences settled - percentage	83%	85%	85%
ICL appointments	274	297	325

*Due to COVID-19, most CLE sessions were unable to be held for the last 4 months of the financial year.

Our Clients

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“ Legal Aid...is about having a society where everyone can fight against oppression and injustice... Legal Aid is not about lawyers. It is not about criminals. It is not just about the most vulnerable in society. Legal Aid is about all of us.”

*Dean Jordan SC and Emmanuel Kerkyasharian,
NSW Bar Association Published in The Australian, 16
August 2019*

Commission Clients

Commission clients are among the most disadvantaged in our community. Of the clients who received legal representation, a legal advice appointment or a court based legal service—

- 63% were receiving a government benefit
- 18% were under 25 years of age
- 17% were from a culturally and linguistically diverse background*
- 16% self identified as having a disability or mental illness
- 13% were living in regional or remote South Australia
- 13% were in custody
- 11% identified as Aboriginal or Torres Strait Islander
- 6% were 65 years of age or over
- 5% required the assistance of an interpreter.

**Based on the ABS definition of people from culturally and linguistically diverse backgrounds.*

Strategies to improve services and access for people who fall within one of these priority client groups are regularly reviewed. The Commission assists clients to access services by providing—

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

- written information in community languages, including Braille
- video information for newly emerging new arrival communities in Arabic, Farsi, Liberian English, Nepali, Pashto, Sierra Leone Krio, Sudanese, Arabic and Swahili
- audio announcements on the website for newly emerging new arrival communities in Arabic, Dari, Dinka, Hindi, Mandarin, Nepali, Pashto, Swahili, and Vietnamese
- videos on legal topics for youth, people with disability and new arrivals
- dedicated community legal education projects for new arrivals (culturally and linguistically diverse), people with a disability, young people and community workers
- 'Easy English' legal information factsheets
- social media engagement
- guest appearances on community podcasts
- regional and remote areas radio interviews
- webinar legal training for community workers who assist priority groups
- video information in Auslan about our services and abuse prevention
- training for interpreters
- fortnightly e-mail to community worker networks on promoting legal resources on focused legal topics.

Number and type of service provided to each priority client group – 2019-20

Priority Client Group	Grant of Aid	Advice Appointment	Duty Lawyer Service	Total
Receives a government benefit	13 318	7 748	8 666	29 732
Disability or mental illness	4 102	1 264	3 012	8 378
In custody	5 140	480	2 294	7 914
Under 25 years of age	4 184	1 146	2 709	8 039
Lives in regional or remote SA	2 531	1 037	1 643	5 211
Aboriginal or Torres Strait Islander	3 045	414	2 167	5 626
Culturally and linguistically diverse	1 501	4 636	1 715	7 852
Requires and interpreter	453	1 727	490	2 670
65 years of age or over	152	1 762	202	2 116

Client Services

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Client Services

The Commission provides the following services for clients:

- **Prevention and Early Intervention Services**
 - Community Legal Education
 - Legal Information and Advice
- **Family Dispute Resolution Service**
- **Court Based Services**
 - Criminal Law Duty Solicitor Service
 - Family Advocacy and Support Service
 - Civil Law Court and Tribunal Services
- **Legal Representation Services**
 - Criminal Law
 - Family Law
 - Child Protection
 - Civil Law



Prevention and Early Intervention Services

Preventative and early intervention services consist of–

- **community legal education** sessions to specific cohorts of people to explain their rights and obligations under the law, and
- the provision of **legal information and advice** to individual clients to explain legal options at the earliest opportunity, reducing the likelihood of a legal problem escalating and, if possible, avoiding litigation.

Community Legal Education

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

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

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

Community Legal Education is delivered through the following programs:

Program	Description
Legal resource development and maintenance	The production of clear, plain English, explanations of the law for use by Commission legal advisers, duty lawyers, and the general public. As legislation is enacted, the law is analysed and resources updated.
Media and Communications	The Commission has an extensive online presence, including social media and digital platforms. <i>Law for Community Workers</i> is a free webinar based education program for community workers in all fields of community work.
Publications	The Commission produces online legal information, multimedia resources and printed publications (factsheets and legal information guides) covering many legal topics. Fact Sheets and resources are available for download from the Commission website, and are generally available in hard copy to members of the public.

Program	Description
Webinars	Educational webinars are delivered to other service providers and the public. These sessions draw on the specialist legal knowledge of Commission lawyers. Topics are selected primarily to address the issues that confront people who are facing disadvantage, as contemplated by the <i>National Partnership Agreement on Legal Assistance Services 2015-2020</i> .
Training & Information Sessions	<p>Commission advisers provide information sessions for professionals, community support workers and the public. In 2019-20 Commission staff participated in a number of community events, including the National Aborigines and Islanders Day Observance Committee (NAIDOC) Family Fun Day at Tarntanyangga (Victoria Square).</p> <p>The Commission participates in the Adelaide Women's Prison <i>Living Skills</i> program for inmates on <i>Keeping Safe Inside & Out</i> by providing information and contacts for participants. The program is designed to equip inmates with skills to assist them both within prison and on release back into the community.</p>
Outreach and collaboration	<p>The Commission's legal education officers engage in collaborative projects for hard to reach communities to increase their awareness of their rights and obligations under the law and the services that are available to them. In 2019-20 this included–</p> <ul style="list-style-type: none"> • assisting with the implementation of the <i>State Wide Bullying Prevention Policy</i> by delivering legal education sessions on this topic, and providing training for lawyers • representing the Commission as a member of the <i>Bullying Prevention Coalition</i> coordinated by the Department for Education • working with the South Australian Council of Intellectual Disability to present resource guides and legal information to people with intellectual disability, empowering them through knowledge of their rights • providing support for the development of information and resources for the <i>Your Story Disability Legal Support Service</i>, a National Legal Aid service providing legal assistance to people telling their story to the Disability Royal Commission • conducting weekly morning chats (via our specialist Consumer lawyer) on ABC Riverland, a service that has been in operation for the past 7 years • maintaining the <i>Migrant Information and Legal Education Program (MILE)</i> • producing "Keeping Connected" a fortnightly e-resource for workers in organisations, government departments, and education sites, with each edition focusing on one legal topic and highlighting useful links to relevant and existing publications, Law Handbook entries and other Commission resources.

Client feedback

Dear CLE Officer

Thank you very much for an educational and enlightening presentation to our students yesterday. It has certainly added great value to our programme. The students and I truly appreciated the opportunity to hear the insights from a highly experienced Community Legal Educator like you. The students have asked me to convey their thanks to you. They said that your talk was inspiring and could help them to be career-ready. Thank you for all your time and effort.

My sincere thanks also goes to A for organising this guest lecture. I hope we can make this event a regular one so our future interpreters are well prepared in this regard before they graduate.

Best regards,
Lecturer

Facts and figures

Community Legal Education	2017-18	2018-19	2019-20
Sessions	235	227	*150
Participants	6 576	7 055	*4 423

*Due to COVID-19, most CLE sessions were unable to be held for the last 4 months of the financial year

Website page views	2017-18	2018-19	2019-20
Law Handbook	2 521 500	2 297 545	2 064 460
Commission website	1 002 364	804 069	729 611

Top five online legal information topics by page views

2018-19	2019-20
Retaining walls	Criminal and traffic offences
Negligence	Negligence
Intent to sue	Retaining Walls
Criminal and traffic offences	Fences
Fences	Sex, Consent, Cyberbullying, Young People, and the Law

Top five publications distributed

2018-19	2019-20
Fences and the Law 7 986	Fences and the Law 6 928
Do not knock 4 825	Trees and the Law 4 096
Trees and the Law 4 516	Legal Helpline Business Cards 2 910
Power of Attorney 2 367	Do not knock 2 860
Family Law and You 2 248	Need Legal Help Brochure 1 445

Legal Information and Advice

The Commission provides free legal information and advice–

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

Telephone information and advice

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

In person advice appointments

If it is identified during a telephone call or the online Legal Chat service that further legal advice may be required, an appointment will generally be scheduled at one of the Commission offices or, where appropriate, through referral to a local community legal centre. In addition to the Commission offices in Adelaide, Elizabeth, Noarlunga, Port Adelaide, Port Augusta and Whyalla, legal advice appointments can be booked at–

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

Advice appointments involving issues of domestic violence may take place at other secure locations by special arrangement.

Commission advisers also 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. This commonly includes advice in relation to family law, child protection, debts and wills and estates.

For the last few months of this financial year, as a consequence of COVID-19, most legal advice appointments were converted to telephone appointments.

Online technology

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

- **Legal Chat** launched in September 2015 and is an online chat tool accessed through the Commission's website.
- **24Legal** is an online platform that has been available on the Commission's website since 2017. It provides legal information through a decision tree format that allows site visitors to find answers to legal questions by clicking on questions and answers.
- **PhotoLegal** is an encrypted digital service for clients to securely send photographs and documents to Commission legal advisers to assist in the provision of legal advice and information via the helpline.

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. Alleged domestic violence against provisional partner visa holders by their partners continues to be a leading cause for clients to seek our service. 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 being faced with deportation.

Consumer law and consumer credit law – A specialist legal adviser provides advice in consumer law and consumer credit law. This adviser regularly provides information on consumer issues on ABC radio.

Domestic Violence Unit – A domestic violence legal team based in Elizabeth provides legal information, advice and warm referrals to other support services and agencies for women suffering domestic violence.

In particular, specialist legal advice and support is provided in relation to–

- intervention orders
- family law
- debts/property
- tenancy/housing issues
- victims of crime compensation
- migration matters.

Child Support – Advice by specialist 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 if required. Representation is provided, subject to means and merit tests, where court applications or more substantial services are required.

Key achievements

- **Domestic Violence Unit and Health Justice Partnership** – The Commonwealth government confirmed the extended funding for this program and it has now become part of the Commission's core funding.
- **PhotoLegal** – The Law Foundation provided funding for the Commission to engage developers to create the PhotoLegal software. The software enables clients to securely send documents online to the Commission's advisers during a helpline call. The initiative won a national IT award in March 2020 in the category, Best State Government Project.

Facts and figures

In 2019-20 Commission advisers provided over **90 000** free legal information and advice services to the South Australian public. This included–

- legal information and advice in response to nearly **67 000** telephone helpline enquiries and more than **7 000** Legal Chat enquiries, and
- free legal advice to clients in nearly **14 000** appointments.

In addition, the online question and answer format of 24Legal was accessed by clients on **11 066** occasions to obtain legal information specific to their individual needs.

Number and type of most common information and advice matters by service type

Legal Chat		Telephone helpline		Advice appointments	
Law in general	747	Law in general	4 470	Property settlement	776
Documents - other	548	Fences / retaining walls	4 332	Contact - spends time with	706
Property settlement	475	Contact - spends time with	3 653	Intervention order	468
Contact - spends time with	456	Property settlement	2 719	Consumer problem	442
Fences/ retaining walls	279	Consumer problem	2 361	Motor vehicle property damage	399

The following tables indicate the type of law about which information and advice was provided to clients by Commission legal advisers.

Service type	Delivery method	Criminal Law	Family Law	Civil Law	Child Protection	Total
Information and referral	Legal Chat	1 331	1 754	4 134	25	7 244
	Telephone helpline	217	818	831	13	1 879
	Walk in	70	743	295	0	1 108
	Total	1 618	3 315	5 260	38	10 231
Legal advice	Telephone helpline	12 586	13 706	38 068	563	64 923
	In person appointment	1 135	1 920	4 864	81	8 000
	Telephone appointment	647	2 172	3 108	103	6 030
	Total	14 368	17 798	46 040	747	78 953
Legal task	In person appointment	87	145	1 113	27	1 372
	Telephone appointment	28	157	712	19	916
	Total	115	302	1 825	46	2 288
Total		16 101	21 415	52 855	831	91 472

Criminal law services – last three years

Service type	2017-18	2018-19	2019-20
Information and referral	1 329	1 571	1 618
Legal advice	12 998	12 830	14 368
Legal task	352	282	115
Total	14 679	14 683	16 101

Family law services – last three years

Service type	2017-18	2018-19	2019-20
Information and referral	2 229	3 113	3 315
Legal advice	19 392	18 326	17 798
Legal task	624	379	302
Total	22 245	21 818	21 415

Civil law services – last three years

Service type	2017-18	2018-19	2019-20
Information and referral	5 011	5 304	5 260
Legal advice	48 527	46 067	46 040
Legal task	2 255	1 634	1 825
Total	55 793	53 005	53 125

Child protection services – last three years

Service type	2017-18	2018-19	2019-20
Information and referral	26	35	38
Legal advice	479	531	747
Legal task	22	15	46
Total	527	581	831

Family Dispute Resolution Services

The Family Law Act 1975 requires that in most cases, prior to making an application to the court for a parenting order, parties must have attempted family dispute resolution. Consequently, if a party to a dispute has received a grant of legal aid the Commission will usually provide funding for the party to attend a lawyer assisted family dispute resolution conference, held at the Commission.

The conference is chaired by a family dispute resolution practitioner, who has both legal and family dispute resolution qualifications. The chairperson helps the parties to discuss their dispute and make decisions that are in the best interests of their children. The parties may attend with their lawyer.

Prior to the conference being held, screening is conducted to ensure that a conference is appropriate and that it is safe for the parties to attend. The role of the party's lawyer is to provide on the spot legal advice and assist and support their client to make decisions. A conference may be convened with everyone in the same room or, more commonly, with each party (and their lawyer) in a separate room during the negotiations.

Conferences can occur before a matter goes to court or after proceedings have commenced in the family law courts (a court ordered conference). Court ordered conferences often take place when family dispute resolution has not taken place prior to the filing of proceedings, generally due to urgency or some other factor that makes it inappropriate to conduct a conference at that stage, or if the court considers that the parties would benefit from the opportunity to reach an agreement rather than have their matter progress to a trial.

Court ordered conferences often involve more difficult factual situations, multiple parties, serious abuse or violence allegations and often the participation of an independent children's lawyer. A referral process has been established between the Commission and the family law courts, with dates for conferences specifically allocated to fit in with the management of the case through the court system.

For the 2019-20 financial year the settlement rate for both types of conference was greater than 80%. Even where a matter does not settle at a conference the process is valuable. It limits the areas in dispute and focuses the parties' minds on a settlement process. After further negotiation agreement may be reached at the next court hearing.

A conference will often result in an interim arrangement, allowing parties to assess the impact of the arrangement before further discussion about a final agreement at a later review conference.

Throughout the COVID-19 pandemic the Commission lawyer assisted family dispute resolution service continued to operate with all conferences being conducted electronically. The number of conferences held increased by 16% from last year to this year, and the rate that parties were able to reach agreement on their disputes was maintained. In some cases, the extra distance between parties as a consequence of the conferences being held electronically may have assisted in making vulnerable parties more comfortable with the process. A number of the initiatives introduced during this period have been successful and are likely to be incorporated into the new practice when restrictions are lifted.

Case study

The benefit of an **early intervention** family dispute resolution conference can be seen in the following case study:

Both parties agreed to attend an initial lawyer assisted family dispute resolution conference. After separation, the father had threatened the mother and young child with severe violence and the mother obtained an intervention order for her protection.

An extensive intake process was undertaken with both parties to determine if a conference could be safely held. The intervention order allowed mediation to take place. Significantly, both parties were legally represented and it was assessed that the conference could be held.

The mother vehemently opposed the child spending any time with the father but it was agreed that if the father undertook certain programs and obtained a medical report she would reconsider that position. A review conference was set up and it was established that the father had complied with these conditions. It was agreed that that the father would spend time with the child at a children's contact centre.

A third conference was held and the father provided a psychologist's report and a favourable report from the children's contact service. The mother was able to shift somewhat in her position and the matter settled on a final basis with a graduated regime to overnight/alternate weekend time, with a view to returning to community based family dispute resolution in the future to discuss arrangements once the child reached a certain age.

The matter was concluded by a written agreement and no court proceedings were necessary.

The benefit of a **court ordered** family dispute resolution conference can be seen in the following case study:

Jay and Kate* had been involved in litigation in the family law courts for some years. The matter had been set for trial. Kate opposed Jay spending a block of time in the school holidays with their daughter. The court had ordered that the parties attend a lawyer assisted family dispute resolution conference prior to trial.

Due to COVID-19, the conference was held by telephone. Both parties were legally represented. The conference was conducted initially by 'shuttle' telephone until the final stages when both parties agreed to hold it 'round table'. The parties were able to discuss their concerns with each other by phone and then finally reached agreement that the child live with Kate and spend alternate weekends with Jay from after school Friday to Monday. The parties also agreed to share school holiday time and other special occasion time. They agreed that they would respect the child's wishes if a problem occurred with these arrangements.

An agreement was drawn up and the matter was referred back to the court. The trial was cancelled and final consent orders were made.

*Names changed

New Initiatives



Throughout 2019-20 the Commission, with funding from the Commonwealth Attorney-General's Department, developed an online family dispute resolution service, *amica*. It was launched on 30 June 2020 by the Federal Attorney-General and assists separating couples to reach agreement about property settlements and parenting arrangements. These agreements are then recorded in plain language.

Users of *amica* communicate online with their former partner at their own pace, in their own time and from their own computer. They are guided through a step-by-step process, with the system offering information and support along the way to help them reach an agreement.

The tool assists parents develop a parenting plan for children and, through the use of artificial intelligence, suggests a division of assets, taking into account–

- the separating couple's assets and circumstances
- agreements commonly reached by other couples in similar situations, and
- how courts generally handle similar disputes.

It is expected that *amica* will reduce the legal costs of separation and the number of cases in the family law courts. Until the end of 2020 the tool will be free to use. From 1 January 2021 a nominal fee will be charged to fund ongoing maintenance and development of the service.

More information is available at amica.gov.au

Facts and figures

Settlement rates at family dispute resolution conferences are high and remain steady despite an increase in the number of conferences held.

	2017-18	2018-19	2019-20
Number of conferences	864	891	1 032
Settlement rate	83%	85%	85%

Court Based Services

The Commission provides duty lawyers at the Magistrates court, the family law courts and the Youth Court. Legal advisers are also available in the Adelaide Magistrates Court and at the Administrative Appeals Tribunal.

Criminal Law Duty Solicitor Service

Duty solicitors are present at all magistrates' courts in metropolitan Adelaide, in some country courts and in the Youth Court. In addition to providing assistance at court, duty solicitors see clients being held in the cells.

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

- conduct bail applications
- give legal advice, and
- conduct simple guilty pleas.

Many of these clients are vulnerable due to mental illness, substance abuse, family breakdown and homelessness. During the challenges presented by COVID-19, all stakeholders in the Magistrates Court jurisdiction have worked closely and co-operatively to facilitate the smooth processing of defendants in custody and to ensure that the Commission was able to continue to assist our most vulnerable clients. This included rostering to support efficient assistance for persons in custody over public holiday periods.

Facts and figures

In 2019-20, **10 261** criminal law duty solicitor services were provided. 9 946 of these services were provided by a Commission in-house duty lawyer, with the remaining 315 provided by private legal practitioners funded by the Commission.

Criminal law duty solicitor services by court type and work type

	Advice	Contested Bail Application	Hearing	Mention	Plea	Uncontested Bail Application	Other	Total
Supreme Court	0	2	1	0	0	0	0	3
District Court	1	14	1	1	1	0	2	20
Magistrates Court	1 087	5 198	53	1 487	563	836	140	9 364
Youth Court	51	201	8	374	103	132	5	874
Total	1 139	5 415	63	1 862	667	968	147	10 261

Criminal law duty solicitor services by location and work type

	Advice	Contested Bail Application	Hearing	Mention	Plea	Uncontested Bail Application	Other	Total
Adelaide	477	1 287	4	921	307	740	50	3 786
Berri	32	46	0	96	19	5	4	202
Ceduna	0	0	0	3	0	0	0	3
Christies Beach	55	612	0	186	84	5	7	949
Elizabeth	234	1 970	5	148	60	3	25	2 445
Leigh Creek	0	1	0	0	0	0	0	1
Millicent	2	0	0	13	4	0	0	19
Mimilli	1	0	0	0	0	0	0	1
Mount Barker	12	4	0	13	3	2	5	39
Mount Gambier	10	2	0	38	15	0	6	71
Murray Bridge	18	45	0	13	12	24	15	127
Port Adelaide	112	1 168	0	108	72	79	18	1 557
Port Augusta	87	198	24	211	59	104	13	696
Port Lincoln	1	0	1	0	0	0	0	2
Victor Harbor	0	0	0	6	0	0	2	8
Waikerie	3	0	0	7	3	0	0	13
Whyalla	95	82	29	99	29	6	2	342
Total	1 139	5 415	63	1 862	667	968	147	10 261

Family Advocacy and Support Service

The *Family Advocacy and Support Services (FASS)* program provides duty lawyers and social workers in the family law courts on each sitting day. The aim of the program is to assist families affected by family violence by integrating social support services with duty lawyer legal services. Duty lawyers and social workers are available at the family law courts in Adelaide, and also in Mount Gambier during the quarterly circuits of the Federal Circuit Court.

The social workers deliver risk assessment, referral and assistance services. One social worker is dedicated to assisting men who have accessed the FASS service. The duty lawyers provide legal advice and information and assist parties to manage their court appearance. In addition, assistance is provided with legal aid applications and, as appropriate, referrals to social worker services, private family law practitioners or other community services.

The duty lawyers at the Adelaide family law courts are provided by the Commission while the Commission has an agreement with Relationships Australia (South Australia) to provide the social support workers. In Mount Gambier the Commission partners with *Community Justice Services SA* for the provision of the duty lawyer service and with *ac.care (Anglican Community Care Inc)* to deliver the social support program.

Throughout the restrictions imposed by COVID-19 the duty lawyers and social support staff worked off-site, continuing to provide services by telephone or video. Despite the reduction in court services during this time, the number of clients seen by duty lawyers and social workers increased from the previous year.

Case study

The following is an example of the benefits of the legal part of this service:

Amy* was referred to the FASS service because her partner, Barry*, had issued court proceedings alleging Amy was in breach of existing court orders that their 10 year old child live with him. The client needed an interpreter so an appointment was made for the next day for her to see a duty lawyer with an interpreter.

Amy did not have the court documents, so the duty lawyer contacted Barry's solicitor who emailed the documents to FASS. Amy told the duty lawyer that the child was scared to return to Barry's home because Barry had arranged for the child to be looked after in his absence by other family members and that this was likely to be a long term arrangement. Amy said the child wanted to live with Amy on a full time basis.

The duty lawyer advised that for this to happen the existing court order would need to be altered. However, a temporary arrangement that the child stay with Amy might be able to be negotiated. A draft proposal was formulated and sent to Barry's lawyer to see if the matter could be resolved. No response was received.

The hearing took place by telephone. The duty lawyer made submissions on behalf of Amy but orders were made that the child be delivered up to Barry in accordance with the existing court order, although with a variation that the child spend more time with Amy. The case was adjourned and an independent children's lawyer ordered, with a request that the ICL meet with the child at the earliest opportunity.

The duty lawyer subsequently had a further telephone interview with Amy and an interpreter to make sure that she understood the terms of the order. Amy was encouraged to complete an application for legal aid for representation in the matter as soon as possible. The duty lawyer then liaised with our grants section for the application to be processed urgently, and funding was assigned to a lawyer to act for Amy with respect to the ongoing court proceedings concerning the future care arrangements for the child.

*Names changed

Case study

The benefits of the interaction between the legal and social support services are apparent in the following case study:

Carol* was referred to FASS by a SAPOL officer. The client had been in a long term relationship with her partner, Donald*. There was a long history of family violence and an intervention order had been put in place for Carol's protection.

A duty lawyer spoke with Carol and noted the extensive history of violence and that Carol had now left Donald and had with her the children of the relationship. She was uncertain whether she wished to reconcile as this was being pressed by Donald. She told the duty lawyer that she wanted the violence to stop.

The duty lawyer advised Carol with respect to her family law rights in regard to the children and also the interaction between the intervention order and any order that might be made by a family law court in relation to Donald's time with the children. The duty lawyer stressed the need to keep the children safe.

The duty lawyer advised Carol that she should return to FASS for further assistance if family law proceedings were issued. Because of her uncertainty about the relationship, and to make sure that she was aware of the safety and support services available to her, the duty lawyer referred her to a FASS social worker.

*Names changed

Facts and figures

Family law duty lawyer services by work type

Work Type	2019-20
Advice	1 623
Minor legal assistance	131
Mention	110
Explaining consent orders	5
Negotiations / draft terms	104
Urgent hearing	93
Referral	24
Legal aid application	10
Hearing	48
Other	11
Total	2 163

FASS information and referral services and social work services

	2017-18	2018-19	2019-20
Information and referral	692	1 163	1 287
Social work appointments	256	351	462

Civil Law Court and Tribunal Services

The Commission provides legal advisers in the precincts of both the Adelaide Magistrates Court and the Administrative Appeals Tribunal to assist clients with information and advice in civil law matters. This service includes–

- **Women's Domestic Violence Court Assistance Service (WDVCAS)** – Commission lawyers are available during hearings of the Family Violence Lists at the Adelaide, Elizabeth, Port Adelaide and Christies Beach Magistrates' Courts to assist unrepresented women affected by domestic and family violence. The Commission has completed the first year of this service, providing information, advice and assistance in court to more than 800 vulnerable women.
- **Adelaide Magistrates Court Information and Civil Advice Service** – Clients appearing without legal representation in the civil jurisdiction of the Adelaide Magistrates Court can access advice from legal advisers on the day of their appearance. This is sometimes 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.
- **Investigation Summons in the Adelaide Magistrates Court** – A specialist adviser in consumer law regularly attends the hearing of Investigation Summonses in the Adelaide Magistrates Court. The adviser is able to provide advice and assistance to unrepresented debtors, and make referrals to financial counselling services.
- **Administrative Appeals Tribunal** – A legal adviser situated at the Administrative Appeals Tribunal provides 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 reviews of National Disability Insurance Agency decisions that have affected their eligibility or entitlement under the Agency's Disability and Carer Support Program. Advice was provided from this Tribunal service in 213 matters during the 2019-20 financial year.

As a consequence of COVID-19 restrictions, these services continued via telephone appointments for the last few months of the financial year.

Facts and figures

Civil law duty lawyer services by court type and work type

	Advice	Mention	Hearing	Other	Total
Magistrates Court	77	61	17	117	272
Youth Court	1	0	2	7	10
Total	78	61	19	124	282

During 2019-20, 62% of these matters related to intervention orders.

Legal Representation Services

The Commission provides funding for legal representation in cases that meet the Commission's funding criteria. In general, a case will meet the funding criteria if–

- the Commission's means test is satisfied
- the case has merit, and
- the case falls within the guidelines under which legal assistance is granted.

Cases likely to fall within the guidelines are–

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

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

Practitioner Panels

If a case is assessed as falling within the Commission's funding criteria, the Commission will assign a legal practitioner to act in the matter. The legal practitioner may be an in-house lawyer or may be a private lawyer, either chosen by the applicant or, where the applicant does not indicate a preference, chosen by the Commission as an appropriate practitioner for the particular case.

To ensure the best possible representation for clients, the Commission requires a legal practitioner representing a legal aid client to be a member of the Commission's 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 legal practitioners employed by the Commission, and any private practitioner who wishes to act on a grant of legal aid involving a child, must obtain a Working with Children check from the Department of Human Services.

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

Facts and figures

Applications for legal aid

	2017-18	2018-19	2019-20
Received	18 269	18 270	19 827
Granted	15 805	16 161	*17 691

*Granted applications includes applications received in 2018-19 but granted in 2019-20.

Status of applications received in 2019-20

	Waiting assessment	Assigned externally	Assigned in-house	Refused	Withdrawn	Total
Criminal Law	9	10 309	2 890	1 342	19	14 569
Family Law	10	2 242	690	543	19	3 504
Child Protection	2	748	495	51	2	1 298
Civil Law	5	9	231	210	1	456
Total	26	13 308	4 306	2 146	41	19 827

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

(including applications received in 2018-19 but not granted until 2019-20)

	Assigned externally	Assigned in-house	Total
Criminal	10 346 (78%)	2 907 (22%)	13 253
Family	2 265 (77%)	686 (23%)	2 951
Child Protection	751 (60%)	495 (40%)	1 246
Civil	10 (4%)	231 (96%)	241
Total	13 372 (76%)	4 319 (24%)	17 691

Reason for refusal of applications received 2019-20

	Criminal	Family	Child Protection	Civil	Total
Autofinalise	2	0	0	0	2
Guidelines	788	150	13	178	1 129
Guidelines and means	90	38	2	9	139
Means	417	287	12	4	720
Means and merit	0	9	1	3	13
Means, merit and guidelines	0	0	2	1	3
Merit	41	24	3	9	77
Merit and guidelines	4	13	13	6	36
No jurisdiction	0	22	5	0	27
Total	1 342	543	51	210	2 146

Criminal Law Legal Representation

The Criminal Law Practice Division of the Commission comprises the largest criminal law defence practice in South Australia. The practice is divided into a number of teams, which provide a duty solicitor service, a Youth Court service and a general and specialist Magistrates Court service. Additionally, the most experienced practitioners represent clients in complex and high profile trials and sentencing cases before the District and Supreme Courts.

Superior court litigation is co-ordinated between the major indictable solicitor team and the counsel team. Members of the counsel team also provide representation to clients appealing convictions and sentence to the Court of Criminal Appeal and the High Court of Australia, working closely with the Commission's Chief Counsel.

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

Specialist court representation

The Commission has a strong commitment to assisting the most disadvantaged and vulnerable people in the South Australian community. Specialist criminal law services are provided to children and young people charged with criminal offences before the Youth Court, including representation for minor and serious criminal offending and legal services for children detained in youth detention facilities. A solicitor assigned to the Youth Court jurisdiction provides mentoring and guidance to other Commission solicitors and counsel who practice in that jurisdiction from time to time. The Commission

also provides a dedicated frontline service to youths who are taken into custody to ensure they are expeditiously brought before the presiding judge or Youth Court magistrate.

Specialist legal representation is also available to clients with addiction illnesses who have been accepted into therapeutic rehabilitation programs, such as in the Treatment Intervention Court. Clients participating in this court program will typically have pleaded guilty to less serious criminal offences and are given the opportunity to take part in a structured and intensive court ordered program of drug 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 also provided to clients with mental illness or impaired cognitive function. Many Commission clients suffer from chronic mental illnesses such as schizophrenia, bi-polar disorder, major depression and post traumatic stress disorder. In many cases the client's mental illness has contributed to the offending behaviour, raising the questions of fitness to plead and mental competence to commit the offence. These matters must be explored and determined by the court with the assistance of expert psychiatric and psychological opinion.

The work can be demanding and complex. Practitioners are often confronted with clients incapable of providing instructions charged with very serious offences, including murder.

Magistrates Court representation

Commission lawyers represent clients 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 section. Counsel members represent legally aided clients charged with the most serious criminal offences before the District Court, Supreme Court and High Court. A benefit of in-house counsel is that it allows early briefing, resulting in expert advice, better client outcomes and a more timely finalisation of cases.

Whyalla and Port Augusta

The criminal law practitioners located in the Commission 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, including murder. Commission lawyers also provide comprehensive Youth Court representation and regularly attend the Port Augusta prison to assist clients in custody.

Since 2014 the in-house counsel section has provided counsel services for trials and guilty pleas in the District Court and Supreme Court sitting on circuit in Port Augusta. In-house counsel are instructed by the Port Augusta and Whyalla office criminal law practitioners in addition to receiving briefs from private 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 has brought a closer consultation and understanding between the main stakeholders of the criminal justice system in South Australia, something that was necessary across all criminal jurisdictions nationally. The courts, the Commission, South Australian Police, the Director of Public Prosecutions and the Department for Correctional Services, in particular, have worked in conjunction with one another to ensure that the criminal jurisdiction continued to operate relatively smoothly during the ongoing COVID-19 pandemic. The Criminal Law Practice Division, working closely with the Legal Practice Manager and Grants Manager, has made a major contribution to the ongoing functioning of the criminal jurisdiction in this state during this very challenging time. An example of this is the direct dialogue with senior SAPOL prosecutions managers that now occurs on an ongoing 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 Commission clients.

Responding to the needs of the Court

The in-house practice regularly provides assistance to unrepresented clients appearing before all criminal courts. The co-ordinated multi-team structure of the in-house 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 will provide immediate representation to individuals arrested on bench warrants on notification by the Higher Courts Registry.
- Experienced in-house 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.

Case study

D, who has an intellectual disability, was charged with maintaining an unlawful sexual relationship. Experienced Commission Counsel was able to utilise Communication Partners, an organisation that provides access to professionals trained to assist defendants with communication difficulties through the court process from taking instructions to giving evidence at trial. This assistance allowed the client to understand and comprehend the trial process where he would otherwise have been at a distinct disadvantage.

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, and the serious repeat offender provisions of the Sentencing Act 2017 requiring a mandatory four fifths non parole period. In-house lawyers, private practitioners and other professionals are finding it increasingly difficult to gain adequate access to clients in custody. This has been amplified during COVID-19.

Another concern is the number of people with mental health problems coming before the criminal courts who are being sentenced to terms of imprisonment. Often they are placed within the mainstream prison population because there are insufficient facilities available to accommodate them in James Nash House (the South Australian forensic detention facility).

The introduction in March 2018 of amendments to the Criminal Procedure Act 1921 and the new Sentencing Act 2017 have not delivered 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 in order to negotiate the speedy resolution of cases with the prosecuting authority.

The high rate of methamphetamine use 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 such as the Treatment Intervention Court, the Family Violence Court and the Gambling Court. However, the resources to support these programs remain scarce, reducing the desired positive outcomes of lowering recidivism and rehabilitating offenders back into the community.

Facts and figures

Grants of aid in criminal law cases

	2017-18	2018-19	2019-20
Assigned externally	8 863	9 157	10 346
Assigned In-house	3 670	3 352	2 907
Total	12 533	12 509	13 253

Private practitioners received **78%** of the grants of legal aid for criminal law cases in 2019-20, an increase from 73% in 2018-19 and 71% in 2017-18.

Family Law Legal Representation

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

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

Legal representation of parties

Family law representation services include legal representation in relation to the more complex parenting disputes and financial matters. Clients may be assisted in court proceedings as well as through representation at lawyer assisted family dispute resolution where clients are assisted to resolve their disputes either before litigation has commenced or during litigation.

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 family law courts. These lawyers are involved at all stages of the case, including family dispute resolution conferences and trial. During the course of proceedings the ICL–

- meets with and facilitates the involvement of the child in the case, as appropriate
- ensures any views of the child are made known to the court
- arranges for appropriate evidence to be called
- seeks to broker an appropriate agreement between the parties
- 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.

Case study

The following case illustrates the role of an ICL.

There were 2 children of the relationship, aged 8 and 6. The case had been litigated for a number of years and there had been a range of issues and allegations which prompted the court to appoint an ICL to represent the best interests of the children.

The children were living with their mother but there was no final agreement about the time they were to spend with their father. Any time the father had with the children was supervised. Prior to the case going to trial, the ICL recommended to the court that there be a lawyer assisted dispute resolution conference. It was suggested that prior to the conference, the elder child meet with a child expert (a psychologist) to ascertain the child's views on resuming contact with the father.

Because of COVID-19, the conference took place by phone. The expert provided valuable feedback to the parties about the elder child's wishes. Based on this feedback, the parties were able to agree to a substantial increase in time for the father to spend time with the child, namely each alternate weekend and half school holidays, with a review conference to be arranged at a future date to discuss an increase in time on an ongoing basis.

Client feedback

Feedback received during the financial year highlights the valuable role of the ICL–

Please also pass on to (ICL) that my client spoke of him very highly. His input was extremely valuable...(because he) clearly, concisely and accurately expressed (child's) wishes to the Court.

Child support

Commission family lawyers also 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. Skilled advice in this particularly difficult area is often especially helpful to clients.

Case study

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

Mary rang the child support advice line and spoke with a lawyer about issues she was having with her former partner, Fred, who wasn't paying child support. There had been a court order which ordered that Fred have shared care of their child but Mary said that Fred was interstate and had not seen the child for some time.

The lawyer advised that she should apply to the Department and provide proof of the actual amount of care that Fred was having and request that, notwithstanding the order, the "actual care" times be used. This would have the effect of Centrelink increasing the amount of Family Tax Benefit (A) she was receiving. She was also advised that as Fred was in paid employment the Department could ensure that the child support payments be garnisheed from his wages.

Key achievements

COVID-19

A major achievement this year has been continuing to provide a complete suite of services to clients despite the restrictions imposed by the COVID-19 pandemic. Since the COVID-19 restrictions were put in place, all staff have worked off-site for periods of time maintaining their practices virtually.

Commission in-house lawyers continued to act for their clients and take on new cases during this time. Personal attendances at our offices were unable to occur and meetings with clients had to be undertaken by either telephone or video. This was not without difficulty but in the midst of the family law uncertainties the clients faced this enabled them to have some form of normality and confidence. Those solicitors acting as independent children's lawyers continued to meet with children as best they could under these arrangements.

The family law courts were not open for general business and trial hearings were also curtailed. Court hearings were staggered and they were conducted in the main by telephone or by Microsoft Teams if appropriate.

Only a handful of cases were conducted in person, and under strict restrictions. All documentation was filed electronically in the court and special dispensation was made to allow the practice to continue, despite the lack of face to face contact with clients. For example, the court accepted e-filing of documents without the usual witnessing requirements.

The courts encouraged parties to comply with the spirit of court orders when it may have been tempting to rely on COVID-19 to exacerbate disputes or not comply with existing court orders. The courts also created a specific National COVID-19 Urgent Parenting Matter list to deal quickly with cases which needed to be dealt with as a direct result of COVID-19. A national registry was established and new cases were heard electronically by available judges, even if not in the state where the proceedings had been filed.

Case study

Jim instructed that under the terms of a court order the child was to spend time with him on alternate weekends. Kay sent a message to Jim saying that she and the child were self-isolating and he was not attending school. As a result Kay would not be complying with the order. Jim was able to produce evidence from the school that this was not correct, and photos showing that the child had been attending events outside of school. The lawyer made application under the COVID-19 protocols to the court which listed the case within three days. The court accepted Jim's evidence and found that Kay had been deliberately frustrating the order. The court ordered that time with the child resume and that there be extra periods to make up for the time lost.

The prohibition of direct cross examination in the family law courts of victims of family violence

As a result of changes to the Family Law Act 1975, in certain cases involving family violence parties are no longer able to personally cross-examine each other at trials or defended hearings. In these cases, a party can apply to the Commission for legal representation for the cross examination under the Commonwealth Family Violence and Cross-examination of Parties Scheme.

The scheme is fully funded by the Commonwealth and the Commission administers this scheme on behalf of the Commonwealth. The first case to be granted assistance under the scheme was in July 2019, and in this financial year 56 parties were assisted with legal representation.

New initiatives

Information sharing

A project initiated by the Commonwealth government this financial year was the co-location of state and territory family safety officials in the family law courts. Officers from both SAPOL and the Department for Child Protection now sit in the court registry to assist in the flow of information between the courts and their respective agencies. This assists the work of the independent children's lawyers and the FASS program. The Commission is represented on the Co-located Information Sharing Steering Committee which is responsible for the implementation of the co-located information sharing initiative.

Lawyer assisted family dispute resolution in small pool property cases

The Commonwealth Government has provided two years funding under the Women's Economic Security Package to the Commission for new dispute resolution services to help separating families resolve their family law property disputes. It is a pilot project that runs until 30 June 2022 and is limited to 100 cases.

Funding has been provided to enable parties with small property pools, who do not otherwise qualify for a grant of legal aid, to access lawyer assisted family dispute resolution conferences at the Commission and, if appropriate, make application to the Federal Circuit Court.

The National Legal Aid Family Law Working Group is monitoring the program and broad national guidelines and policies have been settled and agreement reached for the evaluation of the program by the Australian Institute of Family Studies (AIFS).

Client feedback

Dear _____,

I would like to thank you for your efficiency and care regarding our parenting agreement...

May you accept my compliment of being "a great lawyer"

Kind Regards,

Facts and figures

Grants of legal aid in family law cases

	2017-18	2018-19	2019-20
Assigned externally	1 623	2 088	2 265
Assigned In-house	799	601	686
Total	2 422	2 689	2 951

	2017-18	2018-19	2019-20
ICL appointments	274	297	325

Private practitioners received **77%** of the grants of legal aid for family law cases in 2019-20, a slight decrease from 78% in 2018-19 and an increase from 67% in 2017-18.

Child Protection Legal Representation

The Commission—

- is responsible for the representation of all children who are the subject of care and 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, funds legal practitioners to provide legal representation to the parents or guardians of those children and young people.

The Commission provides representation for all children and young people who are the subject of child protection proceedings in the Youth Court of South Australia.

In these cases, the Department for Child Protection takes proceedings to secure the safety of children who are identified as being at risk. These children do not directly participate in the proceedings (except in certain exceptional cases). All children over the age of 5 are interviewed as part of the process of representation and every child's views are conveyed to the court (and as a result of their involvement in the process, to their families).

The child protection jurisdiction is a very complex area in which to work. The vast majority of children wish to remain with their parents. Invariably they do not have a full appreciation of the factors that lead to the Department's intervention, nor do they appreciate the short and long term implications of those problems.

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

Typical problems within families that come in contact with the child protection system include general neglect, potential drug use and domestic violence. The issues of drug use and violence are specific problems in their own right and often lead to issues of neglect. However, simple neglect and poor parenting can be problems in their own right. By the time the Department becomes aware of these problems and intervenes they have often become very serious.

There is no typical child protection case. There has been an increase in the number of parents affected by methamphetamine use and the regular occurrence of poor parenting practices manifesting in poor school attendance and the development of specific conditions, such as global development delay, speech problems and problems with fine and/or gross motor skills. Although difficulties such as autism and ADHD are not caused by poor parenting practices, the ability of children to achieve their maximum potential is often compromised and can result in irremediable long term effects.

The Child Protection Team lawyers are all encouraged to complete Independent Children's Lawyer (ICL) training. Most of the team have undertaken the Commission's in house advocacy training program and mediation training is also being looked at in order to further enhance the specific skills required in this jurisdiction.

Key achievements

Administrative overhaul

Administratively, the Child Protection team has been through a number of significant changes during this financial year. The team's operating method has been examined and altered to do everything possible to maximise efficiency, necessary due to the very high demands placed on team members.

Stakeholder engagement

Over the past financial year, stakeholder discussions have been undertaken with the Department for Child Protection, the Crown, the Youth Court and with advocates for parents. We have been involved in a number of cases in allied jurisdictions including working with the Guardian for Children and Young People in Care.

Facts and figures

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

	2017-18	2018-19	2019-20
Applications	890	1 000	1 298
Granted	831	944	*1 246

*Granted applications includes applications received in 2018-19 but granted in 2019-20

	2017-18	2018-19	2019-20
Assigned externally	482	560	751
Assigned In-house	349	384	495
Total	831	944	1 246

Private practitioners received **60%** of the grants of legal aid for child protection cases in 2019-20, a slight increase from 59% in 2018-19 and 58% in 2017-18.

Status of new matters as at 30 June 2020

	Waiting assessment	Assigned externally	Assigned in-house	Refused	Withdrawn	Total
Adult	1	641	2	49	2	695
Child	1	107	493	2	0	693
Total	2	748	495	51	2	1 298

- 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, the application may relate to multiple children.

Civil Law Legal Representation

The Commission provides legal representation in some civil law cases 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, Commission lawyers and private practitioners funded by the Commission represent clients in the Civil Division of the Magistrates Court, the South Australian Civil and Administrative Tribunal (SACAT) and the Administrative Appeals Tribunal (AAT).

Through the Women's Domestic Violence Court Assistance Service, representation may be provided to eligible women in the Civil Division of the Magistrates Court to apply for a private intervention order as a consequence of family violence.

Representation at SACAT may occur in a case under the following South Australian legislation:

- *Mental Health Act 2009*
- *Guardianship and Administration Act 1993*
- *Advance Care Directives Act 2013*
- *Consent to Medical Treatment and Palliative Care Act 1995*
- *Children and Young People (Safety) Act 2017*
- *Residential Tenancies Act 1995*.

In particular, the Commission is responsible for the scheme of legal representation available to a client–

- 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 may also be provided to women seeking relief from residential tenancy obligations when they are forced to vacate the premises due to family violence.

Case study - Review of a treatment order under the Mental Health Act 2009

A level 1 Community Treatment Order had been made against Joe*, who had been diagnosed with a number of mental health disorders. Joe rejected the diagnosis and wanted the Order revoked. A Commission lawyer appointed to represent Joe submitted to the Tribunal that Joe was seeking a second opinion on his diagnosis, and that he wanted to be treated by a psychologist rather than a psychiatrist. The Order was challenged on the basis that various criteria under the Act were not established. The Tribunal found that on balance the criteria were no longer established and the Order was revoked.

*Name changed

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)
- Centrelink debt
- migration.

Case study - NDIS

A middle aged client with an intellectual disability, hearing loss, some mobility issues and a disease that induced attacks that left her unable to move for hours at a time, sought review of a plan that only provided a support worker for 5-7 hours per week.

Her parents had been assisting her, covering the shortfall of the plan but were no longer able to do so. She required more support worker hours and an increase in therapy.

After representation by a Commission lawyer, a new plan was approved that allowed for about 20 hours per week with a support worker and a number of overnight care hours if she had an attack. A personal alarm was also funded in the plan. The total amount of the initial plan was about \$26,500.00. The amount under the new plan was \$148,000.00.

Client feedback

Thank you for sending the draft plan, I went through the plan with X on the weekend and we are very grateful for the plan.

We also want to sincerely thank you for all the help and support you gave us, I think X's life will be much happier and she will have a lot more confidence in trying things that were not possible before.

Once again THANK YOU

Facts and figures

In 2019-20, the following civil law cases were funded by the Commission for legal representation.

Administrative law	1
Centrelink	7
Domestic Violence Unit	20
Immigration	2
Miscellaneous	5
Women's Domestic Violence	206
Court Assistance Service	
Total	241

In addition, the following cases were funded for legal representation under particular schemes with specific funding.

Guardianship and Administration and Mental Health	407
National Disability Insurance Scheme	64
Total	471

Our Performance

Annual Report 2019-20

Legal Services Commission of South Australia

www.lsc.sa.gov.au

- Snapshot of Financial Performance
- Reporting–
 - Agreements with Government
 - Reporting against our Statutory Functions
 - Reporting against our Corporate Plan
- Public Benefit
- Partnerships

Snapshot of Financial Performance

The Commission ended the 2019-20 financial year with a consolidated comprehensive result of \$20.3 million deficit. This compares to a consolidated comprehensive result of \$5 384 000 surplus for the 2018-19 financial year. This year's deficit is due to a timing issue as the State government reverted to paying the Commission its contribution in the year that it is scheduled to receive it. This is a change from the previous two years. But for this change, the Commission ended the financial year with a small surplus.

The 2019-20 financial statements record the following:

Income	
Commonwealth government sourced grants and funding	\$20 110 000
State government grant funding	\$250 000
Reimbursement under the State Expensive Criminal Cases Funding Agreement (see Appendix)	\$470 000
Reimbursement under the Commonwealth Expensive Criminal Cases Funding Agreement	\$590 000
Funding from the Law Society of South Australia pursuant to the Legal Practitioners Act 1981	\$170 000
Other income	\$4 440 000
Total income	\$26 030 000

Expenditure	
Private practitioner payments	\$18 420 000
Other payments	\$27 880 000
Total expenses	\$46 300 000

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

Reporting

Agreements with Government

The Commission receives funding under various Agreements with both the Commonwealth and State governments. Each Agreement requires the Commission to report to the funder against specified benchmarks and key performance indicators. The most significant Agreement is the *National Partnership Agreement on Legal Assistance Services 2015-2020*, through which the Commission receives the majority of its Commonwealth funding.

National Partnership Agreement on Legal Assistance Services 2015-2020

The current *National Partnership Agreement on Legal Assistance Services 2015-2020* (NPA) commenced on 1 July 2015 for a five year term. It is an agreement between the Commonwealth and all states and territories under which the Commonwealth government provides funding for each legal aid commission and community legal centre.

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

As a prerequisite to continued Commonwealth government funding, the performance benchmark established under the NPA must be met. This benchmark requires that 95% or more of representation services delivered by the Commission must be to people experiencing financial disadvantage. The means test that is applied by the Commission to each applicant for representation ensures that this target is met every year.

In addition to the benchmark, the NPA requires six monthly reports against performance indicators. Amongst other things, this requires the Commission to report on–

- the proportion of representation services delivered to priority clients, defined as children and young people, people experiencing financial disadvantage, indigenous Australians, older people, people experiencing, or at risk of, family violence, people residing in rural or remote areas, people who are culturally and linguistically diverse and people with a disability or mental illness
- the number of family dispute resolution conferences held by the Commission and the settlement rate of those conferences, and
- the number of legal assistance services delivered, comprising legal information and referral, legal advice, legal task, duty lawyer services, family dispute resolution conferences, legal representation and community legal education.

The new *National Legal Assistance Partnership Agreement* (NLAP), which replaces the NPA, commences on 1 July 2020. Similarly to the NPA, it is an agreement between the Commonwealth and all states and territories under which the Commonwealth funds each legal aid commission and community legal centre. In addition, the NLAP includes the Aboriginal and Torres Strait Islander Legal Services. The objective of the NLAP is to support integrated, efficient, effective and appropriate legal assistance services across legal aid commissions, community legal centres, family advocacy and support services and Aboriginal and Torres Strait Islander Legal Services.

Other Agreements

In addition to the NPA, during the financial year the Commission was required to report to the State and Commonwealth governments under various Agreements in accordance with specified requirements. This included Agreements in relation to–

- Adoption representation services
- Community Legal Centres – triage and referrals
- Domestic Violence Unit and Health Justice Partnership
- Drug Court representation services
- Family Advocacy and Support services
- Family Violence and Cross Examination of Parties Scheme
- Legal Assistance Family Dispute Resolution – Small Property Claims pilot
- National Disability Insurance Scheme
- Return to Work SA
- Representation at SACAT under the *Guardianship and Administration Act 1993* and *Mental Health Act 2009*
- Women's Domestic Violence Court Assistance Service.

Under many of these Agreements reports are required multiple times a year, often with differing obligations.

Reporting against our Statutory Functions

The *Legal Services Commission Act 1977* establishes the statutory functions of the Commission. During the 2019-20 financial year each statutory function was undertaken as follows:

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

This financial year the Commission delivered over **137 000** legal assistance services to clients. This included—

- providing legal representation in **17 691** cases
- undertaking **12 706** duty lawyer services
- holding over **1 000** family dispute resolution conferences
- providing over **100 000** prevention and early intervention services, including through the new technology services of 24Legal and Legal Chat.

Determine the criteria under which legal assistance is to be granted

The Commission regularly reviews the criteria under which legal representation is granted, with the means test last reviewed in September 2018 to ensure it reflected the cost of living in South Australia. In general, the criteria include means, merit and guideline tests. Where the Commission enters into an Agreement with government to provide a particular service with specific funding, criteria particular to the Agreement are developed. For example, in the 2019-20 financial year the Commonwealth government provided funding to enable parties with small property pools who do not otherwise qualify for a grant of legal assistance to access lawyer assisted family dispute resolution conferences at the Commission and, if appropriate, make application to the Federal Circuit Court. Particular criteria were developed to ensure this funding was channeled to the most appropriate recipients.

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

At two stages of the development of its online family dispute resolution tool, *amica*, the Commission employed the services of a market research company to ascertain the needs of the community. In the initial stage of *amica*'s development, likely key users were identified to ensure a thorough and detailed understanding of the target groups. At the conclusion of the testing phase, a user survey was conducted to independently assess the viability of *amica* and to identify the longer term funding implications. The subsequent report provided a clear and robust base for decision making in addressing the key areas for consideration in the development of *amica*, determining the profile of the market, pricing of *amica* and projected user uptake.

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

During the early stages of the COVID-19 pandemic in South Australia the Commission was compelled to close its physical offices. A business continuity plan was deployed and staff were assisted with appropriate technologies to provide the full range of legal assistance services from virtual Commission offices while working from home.

In the course of the financial year the Commission entered into Agreements with two GP Clinics to deliver legal advice services at their premises.

Initiate and carry out educational programs to promote an understanding by the public (and especially those sections of the public who may have special needs) of their rights, powers, privileges and duties under the laws of the Commonwealth or the State

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

This year, the Commission's community legal education team developed two new film resources to help women and girls with a disability know their legal rights and the available services to assist them if they are experiencing, or at risk of, family violence. The films were designed with a high level of accessibility and include Auslan, captions and transcripts. They are presented in a muted style, suitable for people with a cognitive or sensory impairment.

As a consequence of COVID-19 restrictions, the Commission's community legal education team developed a new resource called *Keeping Connected* to provide ongoing education and information to community contact groups with whom it would normally have face to face contact. *Keeping Connected* is a fortnightly e-resource for workers in organisations, government departments and education sites. It serves as a new innovative way of providing the community with up-to-date legal information and the knowledge of how to access further help. The resource has been shared widely by recipients.

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

The Commission promotes its services to the public through traditional advertising, the Commission website, social media platforms, press releases and media opportunities. This financial year the Commission was featured or mentioned in over 240 news media reports (excluding court cases). The coverage spanned print, online, radio and television. In addition, there were approximately 181 Commission social media posts across Facebook and Twitter. These posts were displayed to social media users about 400 000 times. Highlights included the Commission's Women's Domestic Violence Court Assistance Service post which reached 88 000 people on Facebook, and the ABC promotion on Facebook of the Commission's Auslan videos (this post was viewed more than 26,000 times and shared or liked on more than 500 occasions). On Twitter, Annabel Crabb promoted the Commission's 40th anniversary event to her half-a-million followers.

Of particular note was the publicity surrounding the launch of the Commission's online dispute resolution tool, *amica*. There was strong media interest across Australia and in parts of Europe, Asia, India, Africa and the United States. This included coverage on Sunrise (channel 7 and 35 regional TV networks), the Channel 10 news, CBS News America (which ran the Channel 10 report), ABC TV news, News Corp metropolitan daily and regional newspaper sites, ABC radio and commercial radio networks. The story was also covered by Xinhua (one of the world's largest news agencies) and its report was published in news sites in various overseas locations.

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, a co-operative body of all Australian legal aid directors, the Commission participates in establishing and administering various Commonwealth schemes of legal assistance to ensure consistency and best practice across the country.

The Commission has a reciprocal arrangement with all other Australian legal aid commissions to ensure cases crossing state and territory boundaries are conducted in the appropriate jurisdiction with the least inconvenience to parties and the courts.

The Commission has a Memorandum of Understanding with the Aboriginal Legal Rights Movement that reflects their joint commitment to assist the indigenous people of South Australia to have improved access to the legal system.

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

The Commission funds interpreters for clients in receipt of a grant of aid, for legal advice interviews and for duty lawyer sessions. This year the Commission provided interpreters on 2 947 occasions.

In addition to spoken language interpreters the Commission makes extensive use of persons skilled in communicating in Auslan, the sign language of the hearing impaired.

As part of the duty lawyer service in the family law courts, social workers are available to assist clients. In the last

financial year, 462 clients received a service from a social worker, with 70% of those clients experiencing family violence.

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

The Commission offers four paid summer clerkships for law students, at least two of which are for indigenous law students. In 2019-20 all four summer clerkships were undertaken. The Commission also provides six week placements for students participating in practical legal training courses. In 2019-20, 2 students participated in this program. The COVID-19 pandemic impacted on the Commission's ability to offer these regular opportunities in the second half of the financial year, with no placements possible since January 2020.

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

The Commission's information sharing partnership with the Women and Children Protection and Family Planning Office of West Java has continued to flourish with two senior Commission legal practitioners visiting the West Java office this year. In addition, the ongoing exchange of information between that office and the Commission's Access Services section has continued.

Perform such other functions as the Attorney-General may direct










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

Reporting against our Corporate Plan – 2019-22



The current three year Commission Corporate Plan is available on the About Us section of the Legal Services Commission website. The KPIs contained within the Plan measure the Commission's progress against self-identified major initiatives in line with our objectives and strategies. Our Vision, to provide quality, independent legal assistance to South Australians, remains unchanged from our previous corporate plan.

The Corporate Plan comprises four reporting areas of clients, people, stakeholders and resources. The following is a report against each KPI.






Our Clients

-  Develop and introduce a simplified means test
-  Develop and launch a system of online dispute resolution in family law matters
-  Streamline the process for granting aid, including in Family Dispute Resolution matters
-  Digitise the legal aid application process and phase out paper forms
-  Upgrade the 24Legal online service
-  Demonstrate client satisfaction with services through survey results
-  Investigate the use of technology to help us gather information and instructions from clients
-  Review how we audit legal aid files and how we identify audit issues in those files
-  Implement new Commonwealth Government initiatives in our Family Law Practice

Key

-  Completed
-  Work in progress

Our People

-  Explore the introduction of an online Learning Management System to assist LSC staff with their education needs and professional development requirements
-  Publish and maintain all staff professional development policies on the Commission's intranet
-  Further develop a workforce that is skilled, accomplished and valued by implementing a staff succession and promotion policy
-  Transition HR processes to an online format
-  Invest in programs that promote the mental and physical wellbeing of our staff.

Our Stakeholders

- Maintain and promote innovative, fair and equitable ways of delivering services
- Increase the scope of our legal assistance services where funding permits
- Develop reporting templates that capture data and information to demonstrate the value and quality of legal assistance services.
- Deliver successful Commission Conferences in 2021 and 2023
- Negotiate and implement the terms of the new National Legal Assistance Partnership Agreement
- Respond to significant reviews which impact on our services

Our Resources

- Identify and secure new accommodation for our Port Augusta office
- Refurbish accommodation for our offices in Elizabeth and Noarlunga
- Investigate and establish new outreach services at Mount Barker
- Provide secure interview rooms for all LSC offices
- Review the ICT Plan by 2020
- Ensure Practice Management tools are in place
- Review our security arrangements
- Update our client data management system

Public Benefit

Through the Commission's unique and extensive experience in criminal, family and civil law matters we are able to assist stakeholders and the community in developing policy and law reform relevant to justice issues. In 2019-20 this involved participating in forums, consultations and reviews undertaken by State and Commonwealth governments, the South Australian Law Reform Institute (SALRI), the Australian Law Reform Commission and the Australian Institute of Family Studies.

During the financial year, the Commission, along with other Commissions around Australia, delivered various Commonwealth government national legal assistance projects. This included the Commonwealth *Family Violence and Cross Examination Scheme* and the *Legal Assistance Family Dispute Resolution - Small Property Claims* pilot.

In the course of 2019-20 the expertise of Commission staff was sought by a number of bodies, including—

- National Legal Aid
- Bullying Prevention Coalition, South Australia
- Criminal Justice Agency Committee
- Elder Abuse National Plan Consultation Group
- World Elder Abuse Awareness Day
- Settlement Action Network South Australia
- Adult Safeguarding Advisory Group, South Australia
- Australian Guardianship and Administration Council
- National Client Services Forum
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC), legal consultation, Victoria
- Joint Select Committee of Parliament on Australia's Family Law System.

Commission staff responded to many requests for comment from both the State and Commonwealth governments in relation to matters of public relevance.

These submissions included responses to the following legislative proposals, inquiries and reviews:

- Senate Legal and Constitutional Affairs Committee: The Commission responded to seven requests for comment on proposed amendments to Commonwealth legislation in 2019-20
- SALRI Powers of Attorney Roundtable
- Model Uniform Bill: Tendency and Coincidence Evidence
- Statutes Amendment (Attorney-General's Portfolio) Bill 2020
- Consultation on draft Aged Care Visitor Access Code (SA)
- Statutes Amendment (Sentencing) Bill 2020
- Criminal Law (Legal Representation) (Reimbursement of Commission) Amendment Bill 2020
- Supreme Court (Court of Appeal) Amendment Bill 2019
- Public Trustee (Public Trustee and Guardian) Amendment Bill 2019
- Evidence (Domestic Violence Proceedings) Variation Regulations 2019 and Intervention Orders (Prevention of Abuse) (Recorded Evidence) Variation Regulations 2019
- Commonwealth House of Representatives Standing Committee on Social Policy and Legal Affairs: Inquiry into Family, Domestic and Sexual Violence
- Legislative Review Committee of the South Australian Parliament: Spent Convictions (Prescribed Exclusions) Variation of Regulations 2019
- Review of Secure Therapeutic Residential Care
- Police Complaints and Discipline Act 2016, review
- Children and Young People (Safety) Act 2017, interim review
- Youth Treatment Orders Program - Model of Care.

In particular, a significant amount of work was devoted to contributing to family law reform. In March 2019 the Commonwealth Attorney-General released a comprehensive review of the family law system, undertaken by the Australian Law Reform Commission (ALRC). The review was broad and far reaching and the Commonwealth is considering the implementation of the recommended reforms. In addition, two parliamentary inquiries were held this financial year - the Joint Select Committee on Australia's Family Law System, and the House of Representative's Inquiry into family, domestic and sexual violence. The Commission provided detailed responses to both.

Commission lawyers regularly attend a range of meetings with government organisations to improve delivery of services for the public across the justice sector.

In 2019-20 this included working with—

- the Office of the Director of Public Prosecutions
- SA Police, including police prosecution
- SA Courts Administration Authority
- Attorney-Generals' Departments, State and Commonwealth
- Family Court of Australia
- Federal Circuit Court
- Office of the Chief Psychiatrist
- Office for Ageing Well
- Office for the Public Advocate
- Public Trustee
- Aged Rights Advocacy Service
- Women's Safety Services (SA)
- Department for Education
- Department for Child Protection, including youth justice
- SA Health, including the disability inclusion branch.

To help improve and make more efficient the operation of the South Australian criminal justice system, senior staff attended regular meetings with judges, magistrates, tribunal members, police prosecutors, representatives of the DPP, Courts Administration Authority and private legal practitioners to discuss current issues impacting on the criminal courts.

Similarly, senior staff attended regular meetings with judges and officials of the Federal Circuit Court and Family Court to discuss new developments and emerging issues in family law, with the aim of improving the client experience of the family law system. In particular, the Director of the Commission worked closely with the Chief Justice of the Family Court on the promotion of the online dispute resolution tool, amica.

The Commission shares its knowledge and expertise with community organisations involved in the provision of legal services and in access to justice. Examples of this include involvement with—

- Committees of the Law Society
- Court and Tribunal user groups
- South Australian Family Law Pathways Network, which consists of representatives of all the major organisations in South Australia involved in family law
- Community Legal Centres
- JusticeNet SA
- SACOSS
- Anglicare
- Women's Information Service
- Women's Safety Service South Australia
- Aboriginal Legal Rights Movement, including community legal education
- Family Violence Legal Service
- Youth Law Australia
- Disability advocacy services.

The broader community is also served through the provision of legal education sessions to the public, community workers and the legal profession. Due to the impact of COVID-19, the community legal education team developed innovative ways to continue its services, including a new resource called *Keeping Connected* to provide ongoing education and information to community contact groups with whom it would normally have face to face contact.

In celebration of the State's 125 year anniversary of Women's Suffrage in December 2019, the Commission put together a video snapshot of the many women who have held prominent positions throughout the Commission's 40 year history which ran on its web page.

The Commission has continued to show its commitment to the South Australian community through fund raising activities for charities such as Cancer Council, JusticeNet, Catherine House, OARS Community Transitions, Visit A Farmer and the South Australian Bushfire Appeal. The Commission sponsors a team of staff members to participate in the annual Corporate Cup.

Partnerships

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

National Legal Aid

National Legal Aid is the representative body for all legal aid commissions in Australia. It meets regularly and is attended by Directors of all Commissions. It provides an overall view of the Australian legal aid sector, and the likely demands on local and national resources.

Staff members contribute to working groups established by National Legal Aid, including the Family Law Working Group, the Family Law Dispute Resolution Working Group, the Criminal Law Working Group, the 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 formal submissions in response to the Joint Select Committee on Australia's Family Law System, and the House of Representative's *Inquiry into family, domestic and sexual violence*.

Australian Legal Assistance Forum

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

South Australian Legal Assistance Forum

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

In response to the COVID-19 pandemic, SALAF met on a fortnightly basis to provide support and assistance to members in maintaining legal assistance services in the constrained environment imposed by the pandemic.

Private Practitioners

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

In the 2019-20 financial year private practitioners received \$18 420 000. They performed 78% of legal aid grants in criminal law cases, 77% of legal aid grants in family law cases, 58% of legal aid grants in civil law cases and 60% of legal aid grants in child protection cases. Private practitioners also assist in delivering duty lawyer services at a number of courts across South Australia.

Management of our Organisation

Annual Report 2019-20

Legal Services Commission of South Australia

www.lsc.sa.gov.au

- Corporate Governance
- Staff
- Support Services
- Complaints
- Legislative Compliance

Corporate Governance

Governing legislation

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

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

The Director is responsible to the Commission for the provision of legal assistance in accordance with the Act. Accordingly, the Director oversees the daily management of the Commission. A panel of persons, with appropriate qualifications and experience, 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 2019-20 the Commission comprised–

- **Michael Abbott AO QC LLB** – Chairperson, appointed 12 December 2013, retired 19 January 2020
- **Jason Karas LLB** – Chairperson, appointed 20 January 2020
- **Alison Lloyd-Wright BA (Hons), LLB** – appointed 12 December 2013, retired 27 August 2019
- **Catherine Nelson LLB** – appointed 29 May 2014
- **Debra Contala FCPA** – appointed 1 May 2019
- **Lucinda Byers LLB** – appointed 28 August 2019
- **Gabrielle Canny LLB** — Director, appointed 2 August 2012.

The Commissioners determine the broad policies and strategic priorities of the organisation. In the 2019-20 financial year 11 Commission meetings were held. The Commission is advised on specific matters by a number of committees. In 2019-20 these included the–

- Accommodation Committee
- Audit, Compliance and Risk Committee
- Budget Committee
- ICT Infrastructure and Management Implementation Project Steering Committee
- Legal Profession Reference Committee
- Panels Appeal Committee
- Staffing and Remuneration 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 Commission
- the findings of the external audit conducted by the Auditor General
- risk management strategies and exposures as they arise, and
- any other matters referred to it by the Commission.

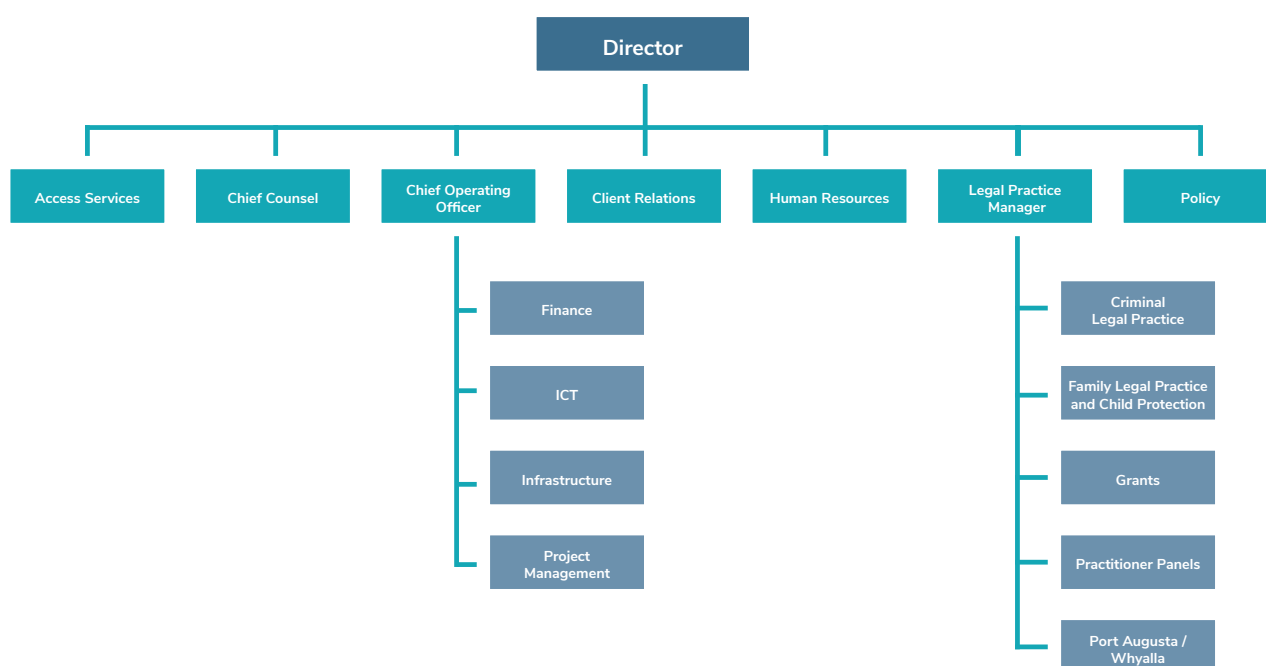
A comprehensive risk management and internal audit program is in place and overseen by the Committee. Strategic and operational risk assessments have been undertaken and regular reports provided to the Committee on audit findings, risk management strategies and actions taken.

The financial management of the Commission is in accordance with applicable Australian Accounting Standards, Treasurer's Instructions and Accounting Policy Statements. To minimise the potential for fraud, fraud awareness training was conducted during the year. 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 2019-20 financial year.

Organisational Structure

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



Staff

As at 30 June 2020, the Commission employed 182 people (both legal and non-legal) to carry out its functions under the Act. This is an increase of 1 from the same time last year and a reduction from 216 at 30 June 2018 as a consequence of funding cuts that impacted from 1 July 2018. Similarly to last year, 78% of all staff are female.

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, 19% of staff worked part time and 46% of staff took advantage of flexi time.

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. The Commission supports staff 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.

Employee numbers, status and gender at 30 June 2020

Number of employees	Total
Persons	182
Full-time equivalent	172.59

Gender	% Persons	% FTE's
Male	21.98	23.06
Female	78.02	76.94

Number of staff during the 2019-20 financial year who –
separated from the Commission - 24
were recruited to the Commission - 28
were on leave without pay at 30 June 2020 – 6

Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0 - \$59 999	2	31	33
\$60 000 - \$74 999	6	31	37
\$75 000 - \$94 999	6	49	55
\$95 000 - \$99 999	3	2	5
\$100 000 +	23	29	52
Total	40	142	182

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	29.00	3.00	7.80	0.00	39.80
Female	98.64	30.15	4.00	0.00	132.79
Total	127.64	33.15	11.80	0.00	172.59

Persons	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	29	3	8	0	40
Female	106	32	4	0	142
Total	135	35	12	0	182

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	1	3	75.00%	1	25.00%	4
Executive B	0	0	2	1	2	66.66%	1	33.33%	3
Executive C	0	0	0	1	0	0.00%	1	100%	1
Executive D	0	0	1	0	1	100%	0	0.00%	1
Total	0	0	6	3	6	66.66%	3	33.33%	9

Average days leave per full time equivalent employee

Leave Type	2015-16	2016-17	2017-18	2018-19	2019-20
Sick leave	5.98	6.68	8	8.64	6.63
Family Carer's leave	1.02	1	1.02	1.21	1.03

Aboriginal and/or Torres Strait Islander employees

Salary Bracket	Aboriginal Employees	Total Employees	% Aboriginal Employees
\$0 - \$59 999	0	33	0.00%
\$60 000 - \$74 999	1	37	0.55%
\$75 000 - \$94 999	1	55	0.55%
\$95 000 - \$99 999	0	5	0.00%
\$100 000 +	2	52	1.10%
Total	4	182	2.20%

Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	0	0	0.00
20 - 24	0	3	3	1.65
25 - 29	4	13	17	9.34
30 - 34	8	17	25	13.74
35 - 39	3	13	16	8.79
40 - 44	4	20	24	13.19
45 - 49	5	20	25	13.74
50 - 54	3	25	28	15.38
55 - 59	5	19	24	13.19
60 - 64	7	10	17	9.34
65+	1	2	3	1.65
Total	40	142	182	100

Cultural and linguistic diversity

Employees	Male	Female	Total	% of Agency
Number of employees born overseas	7	25	32	17.58%

Total number of employees with disabilities (according to Commonwealth DDA definition)

Employees	Number
Male	0
Female	1
Total	1
% of Agency	0.55%

Type of disability (where specified)

Disability	Male	Female	Total	% Agency
Requiring workplace adaptation	0	0	0	0 %
Physical	0	1	1	0.55 %
Intellectual	0	0	0	0 %
Sensory	0	0	0	0%
Psychological/ Psychiatric	0	0	0	0%

Voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	0	1	1
Flexi time	8	75	83
Compressed weeks	0	2	2
Part-time	1	33	34
Job share	0	0	0
Working from home*	0	0	0

*This does not include staff working from home as a consequence of COVID-19.

2019-20

*Performance review discussions 12%

*The number of performance review discussions held this year was affected by COVID-19.

Work health, safety and return to work

Workplace injury claims	2019-20	2018-19	% change
Total new workplace injury claims	Nil	2	-50%
Fatalities	Nil	Nil	0
Seriously injured workers*	Nil	Nil	0
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000FTE)	Nil	Nil	0

*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	2019-20	2018-19
Number of notifiable incidents (WHS Act 2012, Part 3)	Nil	Nil
Number of provisional improvement, improvement and prohibition notices (WHS Act 2012, ss90, 191, 195)	Nil	Nil

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

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

For workers compensation purposes the Commission has been assessed as a low risk employer and accordingly pays a low workers compensation premium. For 2019-20, the premium cost was 0.42% of total salary remuneration. This amounted to \$80 200 for the 2019-20 financial year.

Support Services

Information and communication technology

The Commission supports operational and client needs through the use of appropriate technology. The significant ICT achievements of 2019-20 include—

- enabling the entire workforce to operate from home as a consequence of the COVID-19 pandemic
- tendering for ICT infrastructure replacement and management services resulting in—
 - the implementation of Data Centre hosted ICT infrastructure and the transition of services to the data centre
 - the transition to the new outsourced ICT service provider
 - the implementation of dark fibre based network, connecting metropolitan offices and the data centre
- implementing a new forms system with integration to existing business systems
- improved automation of business processes.

Records management

The Commission is required to comply with the State Records Act 1997 which mandates the care, management and disposal of official records. Focus on achieving 100% compliance with the State Records Act 1997 has continued during 2019-20, with—

- the finalisation of a new contract for off-site storage services, and
- the development of new and updated business procedures to align with changes arising from COVID-19.

Library

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

Complaints

The Commission employs a client relations coordinator to liaise with members of the public.

This financial year the client relations coordinator received 405 queries from the public, as compared to 562 last financial year. The majority of these matters related to whether there was an entitlement to legal aid and why aid was refused.

Of the 405 queries, 36 were complaints relating to Commission services, equating to 0.03% of the 124 476 services* provided to members of the public by the Commission. This was a decrease of 17 from the 53 complaints in relation to Commission services in the 2018-19 financial year. Most complaints were resolved by

providing a full explanation of the Commission's processes and procedures.

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

During 2019-20, 32 complaints were made in relation to private legal practitioners, equating to 0.2% of the 13 372 services provided to members of the public by the private profession. This was an increase from 24 complaints in the 2018-19 financial year. Most of these complaints were resolved by clarifying the role of a private legal practitioner acting on a grant of legal aid and by informing the complainant that unsatisfactory service provision by lawyers in South Australia is dealt with by the Legal Profession Conduct Commissioner.

Client Relations Contacts - July 2019 – 30 June 2020

Reason for contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all contacts
Refusal of aid	2	0	0	53	32	8	0	95	23.46
Entitlement to legal aid	6	4	0	100	19	3	0	132	32.59
Child representation	0	0	0	3	0	0	0	3	0.74
Commission services	0	5	1	11	12	7	0	36	8.89
Statutory charge	0	0	0	1	2	0	0	3	0.74
Private practitioner services	2	4	0	20	6	0	0	32	7.90
Discrimination	0	0	0	0	0	2	0	2	0.49
Conditions of aid (other than statutory charge)	0	0	2	12	13	0	0	27	6.67
Cap	0	0	0	0	0	0	0	0	0.00
Complaint to MP, Ombudsman etc	0	0	0	1	3	5	0	9	2.22
Other	0	0	3	11	30	20	2	66	16.30
TOTAL	10	13	6	212	117	45	2	405	100%

Legislative Compliance

Freedom of Information

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

- **A description of the structure and function of the agency** - This information can be found in this report in the sections headed *Snapshot – Who we are and what we do* and *Corporate Governance*.
- **How the functions affect the public** - The Commission provides legal representation to applicants who meet the Commission's means, merit and guidelines tests. Additionally, Commission staff provide free legal information and advice and a free duty lawyer service to all members of the public. The public can also access online legal information through an online Legal Chat platform and the Commission's 24Legal decision trees. Free publications on legal issues, an online Law Handbook and various community legal education programs are also available. Commission staff regularly provide input into legislative changes and government reviews.
- **Arrangements enabling members of the public to participate in the formulation of policy and exercise of functions** - Many Commission staff are members of community organisations, both legal and non-legal. This community engagement promotes two way communication and feedback. 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 the Commission** - The Commission has a computerised record management system and database that records details of accounts, clients, legal representation and legal advice and duty lawyer attendances. During 2017-18 an EDRMS was introduced. Legal aid files created since the implementation of the EDRMS are maintained on that system. Hard copy files are maintained for each external grant of aid file created prior to the EDRMS and for some in-house files. The location of these files is recorded in the computerised record management system. Management and administrative files created prior to the implementation of the EDRMS are also maintained in hard copy, with their location recorded on a manual system.
- **Access to documents** - The Commission's Freedom of Information Officer administers the FOI Act and facilitates, subject to exemptions and exceptions, access to documents and amendments to personal information held by the Commission. Arrangements can be made to inspect or purchase documents available under the FOI Act at 159 Gawler Place, Adelaide between 9.00 am and 5.00 pm on working days. Copies may be purchased for 50 cents per page, which may be waived in appropriate cases. By prior arrangement with the Freedom of Information Officer, these documents may also be inspected and copies purchased at any of the Commission's offices.

In the 2019-20 financial year, 11 applications for information were processed under the FOI Act. Eight of the applications were from the same applicant. Full release of the requested material was provided in all applications. During the reporting period two internal reviews occurred. In both, the original decision was confirmed. 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*.

Commission Finances

Annual Report 2019-20

Legal Services Commission of South Australia

www.lsc.sa.gov.au

Finance

Income

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

In 2019-20 the State government provided funding to the Commission of \$250 000, a decrease from \$22.94 million in 2018-19. The State government also provided \$470 000 in reimbursements under the *State Expensive Criminal Cases Funding Agreement*.

The Commonwealth government, through the *National Partnership Agreement on Legal Assistance Services* 2015-20 (the NPA) provided funding to the Commission of \$17.2 million, an increase from \$16.8 million in 2018-19. In addition, the Commonwealth government provided \$3.8 million in funding grants tied to particular services or projects and \$590 000 in reimbursements under the *Commonwealth Expensive Criminal Cases Funding Agreement*.

The Commission received a further \$1.7 million from the Law Society pursuant to sections 56 and 57A of the *Legal Practitioners Act 1981*.

State government funding is largely used for matters involving State criminal law and child protection applications. The income from the Law Society is also used for State law related matters. Commonwealth funding is mostly used for family law matters, although it may be used to fund any matter under Commonwealth law.

The Commission generated income 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 payable

to the Commission are secured by a charge on land – a statutory charge. During 2019-20 the Commission recovered \$384 390 in statutory charges, and imposed charges in 130 matters, a decrease from 149 in 2018-19. The Commission actively pursues other funding, 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 2019-20 was \$46.3 million, down from \$46.45 million in 2018-19. Private legal practitioner payments totaled \$18.4 million, up from \$17.6 million in 2018-19.

The Commission completed the 2019-20 financial year with a consolidated comprehensive result of \$20.3 million deficit. This is due to a timing issue as the State government reverted to paying the Commission its contribution in the year that it is scheduled to receive it. This is a change from the previous two years. But for this change, the Commission ended the financial year with a small surplus.

Commonwealth government funding as at 30 June 2020

Financial year	2015-16 \$'000	2016-17 \$'000	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000
Core funding	15 699	16 250	16 644	16 801	17 161

State government funding as at 30 June 2020

Financial year	2015-16 \$'000	2016-17 \$'000	2017-18 \$'000	2018-19 \$'000	2019-20 \$'000
Core funding	21 423	21 848	*44 545	**22 940	***250

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

** During 2018-19 the State government paid \$22 940 000 in advance to the Commission for the 2019-20 financial year

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

Consultants

The following is a summary of external consultants engaged by the Commission, the nature of work undertaken and the actual payments made for work undertaken during the financial year.

Consultancies with a contract value below \$10 000 each

Consultancy	Purpose	\$ Actual payment
All consultancies below \$10,000 each - combined	Various	\$7 665

Consultancies with a contract value above \$10 000 each

Consultancy	Purpose	\$ Actual payment
Nil		Nil

Contractors

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



Government of South Australia

Auditor-General's Department

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Our ref: A20/111

30 September 2020

Mr J Karas
Chairperson
Legal Services Commission
GPO Box 1818
ADELAIDE SA 5001

Dear Mr Karas

Audit of Legal Services Commission for the year to 30 June 2020

We have completed the audit of your accounts for the year ended 30 June 2020. Two key outcomes from the audit are the:

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

1 Independent Auditor's Report

We are returning the financial statements for Legal Services Commission, with the Independent Auditor's Report. This report is unmodified. The *Public Finance and Audit Act 1987* allows me to publish documents on the Auditor-General's Department website. The enclosed Independent Auditor's Report and accompanying financial statements will be published on that website on Tuesday, 13 October 2020.

2 Audit management letter

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

Significant matters related to the EFT payment file not being appropriately restricted during working from home arrangements. We understand that Legal Services Commission have established a policy and implemented a procedure to improve controls in this area.

We have received responses to our letter and will follow these up in the 2020-21 audit.

What the audit covered

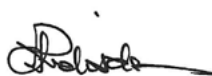
Our audits meet statutory audit responsibilities under the *Public Finance and Audit Act 1987* and the Australian Auditing Standards.

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

- employee benefits
- expenditure including private practitioner expenditure
- revenue including grants
- cash
- financial accounting including general ledger and journals
- governance.

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

Yours sincerely



Andrew Richardson
Auditor-General

enc



Government of South Australia

Auditor-General's Department

Our ref: A20/111

30 September 2020

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Mr J Karas
Chairperson
Legal Services Commission
GPO Box 1818
ADELAIDE SA 5001

Dear Mr Karas

Auditor's independence declaration

As you are aware the *Australian Charities and Not-for-profits Commission Act 2012* (section 60-40) requires a registered entity to obtain a written declaration each year from its auditor stating that either:

- there have been no contraventions of the auditor independence requirements as set out in any applicable code of professional conduct in relation to the audit;
- or in the case that there have been contraventions, specific details of those contraventions need to be provided.

The *Public Finance and Audit Act 1987* establishes the independence of the Auditor-General. The applicable codes of professional conduct are APES 110 *Code of Ethics for Professional Accountants* (including Independence Standards) and *Code of Ethics for the South Australian Public Sector*.

A declaration of independence for the audit of the Legal Services Commission for the year ended 30 June 2020 is attached.

Yours sincerely

Andrew Richardson
Auditor-General



Government of South Australia

Auditor-General's Department

Our ref: A20/111

30 September 2020

Ms J Karas
Chairperson
Legal Services Commission
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Dear Mr Karas

Independence declaration

I am responsible for the audit of the Legal Services Commission for the year ended 30 June 2020, and I declare that, to the best of my knowledge and belief, during the year there have been

- i. no contraventions of the auditor independence requirements of any applicable code of professional conduct in relation to the audit.

This declaration is in respect of the Legal Services Commission and the entities it controlled during the period.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Richardson".

Andrew Richardson
Auditor-General

INDEPENDENT AUDITOR'S REPORT



Government of South Australia

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To the Chairperson Legal Services Commission

Opinion

I have audited the financial report of Legal Services Commission for the financial year ended 30 June 2020.

In my opinion, the accompanying financial report has been prepared in accordance with the 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 Commissions Act 2012*, and Australian Accounting Standards including:

- a) giving a fair and true view of the financial position of the Legal Services Commission as at 30 June 2020, 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 Regulations 2013

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2020
- a Statement of Financial Position as at 30 June 2020
- a Statement of Changes in Equity for the year ended 30 June 2020
- a Statement of Cash Flows for the year ended 30 June 2020
- notes, comprising significant 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 issued under the provisions of the *Public Finance and Audit Act 1987* and the Australian Accounting Standards, and for such internal control as management determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

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

Auditor's responsibilities for the audit of the financial report

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 2020.

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

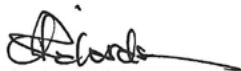
As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Legal Services Commission internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director

- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

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

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



Andrew Richardson

Auditor-General

30 September 2020



Legal Services Commission of South Australia

**Financial Statements
for the year ended
30 June 2020**

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 over its financial reporting and its preparation of the financial statements have been effective throughout the financial year.



Chinh Dinh-Pham
Manager, Finance
29 September 2020



Gabrielle Canny
Director
29 September 2020



Jason Karas
Chairperson
29 September 2020

Legal Services Commission of South Australia**Statement of Comprehensive Income***for the year ended 30 June 2020*

	Note	2020 \$'000	2019 \$'000
Income			
State Government grant funding	4.1	719	24 941
Commonwealth-sourced grants and funding	4.2	20 697	20 463
Legal Practitioners Act 1981 revenues	4.3	1 666	3 243
Statutory charges		1 017	1 314
Interest	4.4	295	512
Costs recovered and contributions	4.5	246	294
Other income	4.6	1 391	1 069
Total income		26 031	51 836
Expenses			
Employee benefits expenses	2.3	19 058	21 395
Private Practitioner services		18 416	17 555
Supplies and services	3.1	7 817	6 840
Depreciation and amortisation	3.2	646	579
Borrowing costs	3.3	12	-
Other expenses	3.4	349	81
Total expenses		46 298	46 450
Net result		(20 267)	5 386
Total comprehensive result		(20 267)	5 386

The accompanying notes form part of these financial statements. The net result and total comprehensive result are attributable to the SA Government as owner.

Legal Services Commission of South Australia

Statement of Financial Position

as at 30 June 2020

	Note	2020 \$'000	2019 \$'000
Current assets			
Cash and cash equivalents	6.1	7 779	37 051
Receivables	6.2	3 092	4 361
Other financial assets	6.3	7 806	-
Total current assets		18 677	41 412
Non-current assets			
Property, plant and equipment	5.1	4 471	3 464
Intangible assets	5.4	1 470	414
Statutory charge debtors	6.4	8 967	8 361
Total non-current assets		14 908	12 239
Total assets		33 585	53 651
Current liabilities			
Legal payables		824	745
Payables	7.1	421	615
Financial liabilities	7.2	133	-
Employee benefits	2.4	1 451	1 583
Other liabilities	7.3	233	233
Total current liabilities		3 062	3 176
Non-current liabilities			
Payables	7.1	207	202
Financial liabilities	7.2	594	-
Employee benefits	2.4	3 828	3 879
Other liabilities	7.3	1 634	1 867
Total non-current liabilities		6 263	5 948
Total liabilities		9 325	9 124
Net Assets		24 260	44 527
Equity			
Retained earnings		24 211	44 478
Asset Revaluation Surplus		49	49
Total Equity		24 260	44 527

The accompanying notes form part of these financial statements. The total equity is attributable to the SA Government as owner.

Legal Services Commission of South Australia**Statement of Changes in Equity***for the year ended 30 June 2020*

	Note	Asset revaluation surplus \$'000	Retained earnings \$'000	Total Equity \$'000
Balance at 30 June 2018		49	39 273	39 322
Adjustment on initial adoption of AASB 9		-	(110)	(110)
Adjustment to asset capitalisation threshold		-	(71)	(71)
Restated balance at 1 July 2018		49	39 092	39 141
Total comprehensive result for 2018-19		-	5 386	5 386
Balance at 30 June 2019		49	44 478	44 527
Total comprehensive result for 2019-20		-	(20 267)	(20 267)
Balance at 30 June 2020		49	24 211	24 260

The accompanying notes form part of these financial statements. All changes in equity are attributable to the SA Government as owner.

Legal Services Commission of South Australia

Statement of Cash Flows

for the year ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
Cash flows from operating activities			
<u>Cash inflows</u>			
Receipts from State Government funding		719	24 911
Receipts from Commonwealth-sourced grants and funding		17 749	16 867
Legal Practitioners Act 1981 receipts		2 190	3 329
Costs recovered and contributions		233	309
Statutory charge receipts		429	396
Interest received		318	511
GST recovered from the ATO		2 605	2 181
Other receipts		5 879	2 467
Cash generated from operations		30 122	50 971
<u>Cash outflows</u>			
Employee benefits payments		(19 251)	(21 841)
Payments for supplies and services		(9 845)	(7 527)
Private Practitioner services		(20 283)	(19 416)
Cash used in operations		(49 379)	(48 784)
<u>Cash flows from investing activities</u>			
<u>Cash outflows</u>			
Purchase of property, plant & equipment and intangibles		(1 887)	(294)
Purchase of financial assets		(8 000)	-
Repayment of leases		(128)	-
Net cash used in investing activities		(10 015)	(294)
Net (decrease)/increase in cash and cash equivalents		(29 272)	1 893
Cash and cash equivalents at the beginning of the period		37 051	35 158
Cash and cash equivalents at the end of the period	6.1	7 779	37 051

The accompanying notes form part of these financial statements.

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1. About the Legal Services Commission of South Australia

The Legal Services Commission of South Australia (the Commission) is a body corporate and not-for-profit. 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 with reduced disclosure requirements.

For the 2019-20 financial statements, the Commission adopted AASB 15 -*Revenue from Contracts with Customers*, AASB 16-*Leases* and AASB 1058- *Income of Not-for-Profit Entities*. Further information is provided in note 9.

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.

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 principals of the Commission are set out in section 10 and 11 of the Act.

1.3. Impact of COVID-19 pandemic on the Commission

The COVID-19 pandemic has had a minor financial impact on the operations of the Commission. The Commission received \$1.2m in Commonwealth-sourced funding.

2. Board, committees and employees

2.1. Key management personnel

Key management personnel of the Commission in 2019-20 include the Director, six Commissioners, the Chief Operating Officer and the Legal Practice Manager. In 2018-19, it included the Director, five Commissioners, the Chief Operating Officer and the Legal Practice Manager.

Total compensation for key management personnel was \$0.89m in 2019-20 and \$0.85m in 2018-19.

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 are associated with members of the Commission. Payments made to these firms are in accordance with the Commission's scale of fees and are payments that apply to practitioners generally. Accordingly, unless otherwise disclosed, transactions between members are on conditions no more favourable than those that it is reasonable to expect the entity would have adopted if dealing with the related party at arm's length in the same circumstances.

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

2.2. 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 2020 financial year were:

Michael Abbott (retired January 2020)	Chair
Jason Karas (appointed January 2020)	Chair
Gabrielle Canny *	Ex Officio
Alison Lloyd-Wright * (retired August 2019)	
Catherine Nelson	
Debra Contala	
Lucinda Byers (appointed August 2019) *	

*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

The number of members whose remuneration received or receivable falls within the following bands:	2020 No.	2019 No.
\$0 - \$19 999	7	5
\$20 000 - \$39 999	-	1
Total number of members	7	6

The total remuneration received or receivable by members was \$48 000 (2019: \$47 000).
Remuneration of members includes sitting fees, superannuation contributions, salary sacrifice benefits, fringe benefits and related fringe benefits tax.

2.3. Employee benefits expenses

	2020 \$'000	2019 \$'000
Salaries and wages	15 033	14 652
Targeted voluntary separation packages	56	2 303
Long service leave	289	788
Annual leave	1 444	1 374
Skills and experience retention leave	93	94
Employment on-costs - superannuation	1 614	1 623
Employment on-costs - other	405	429
Commission members' fees	44	43
Workers compensation	80	89
Total employee benefits expenses	19 058	21 395

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.

Executive remuneration

	2020 No.	2019 No.
The number of employees whose remuneration received or receivable falls within the following bands:		
\$154 001 to \$174 000	5	5
\$174 001 to \$194 000	-	1
\$194 001 to \$214 000	2	2
\$214 001 to \$234 000	-	2
\$234 001 to \$254 000	2	2
\$254 001 to \$274 000	1	-
\$274 001 to \$294 000	-	1
\$294 001 to \$314 000	1	2
\$314 001 to \$334 000	1	-
Total	12	15

The total remuneration received by these employees for the year was \$2.62m (2019: \$3.23m).

The table includes all employees who received remuneration equal to or greater than the base executive remuneration level during the year. Remuneration of employees reflects all costs of employment including salaries and wages, payments in lieu of leave, superannuation contributions, salary sacrifice benefits and fringe benefits and any fringe benefits tax paid or payable in respect of those benefits.

Targeted voluntary separation packages

The number of employees who received a TVSP during the reporting period was one (2019: 33).

	2020 \$'000	2019 \$'000
Amount paid to separated employees:		
Targeted Voluntary Separation Packages	56	2 303
Leave paid to separated employees	21	748
Recovery from the Department of Treasury and Finance	-	(1 051)
Net cost to the Commission	77	2 000

2.4. Employee benefits liability

	2020 \$'000	2019 \$'000
Current		
Accrued salaries and wages	-	341
Annual leave	1 100	916
Long service leave	256	244
Skills and experience retention leave	95	82
Total current employee benefits	1 451	1 583
Non-current		
Long service leave	3 828	3 879
Total non-current employee benefits	3 828	3 879
Total employee benefits	5 279	5 462

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 as note 11.1.

3. Expenses

Employee benefits expenses are disclosed in note 2.3.

3.1. Supplies and services

	2020 \$'000	2019 \$'000
Accommodation	2 982	3 038
Information technology expenses	2 547	1 815
Telecommunications	540	359
Periodicals and subscriptions	273	278
Interpreter fees	177	146
Legal fees and disbursements	176	166
Practising certificates and membership	136	118
Travel	124	141
Office supplies and consumables	116	115
Audit fees - Auditor-General's Department	79	77
Consultancy fees	8	22
Other	659	565
Total supplies and services	7 817	6 840

Accommodation

Most of the Commission's accommodation is provided by the Department of Planning, Transport and Infrastructure under Memoranda of Administrative Arrangement (MoAA) issued in accordance with Government-wide accommodation policies. MoAA do not meet the definition of lease set out in AASB16.

In prior years, expenses associated with MoAA have been classified as operating lease payments. Expenses associated with MoAA have been reclassified as accommodation expenses for both the current year and the comparative. Further details about this reclassification are set out in note 9.1.

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.	2020 \$'000	No.	2019 \$'000
Below \$10 000	2	8	1	3
\$10 000 or above	-	-	1	19
Total	2	8	2	22

3.2. Depreciation and amortisation

	2020 \$'000	2019 \$'000
Plant and equipment	219	246
Leasehold improvements	225	223
Right-of-use accommodation	134	-
Right-of-use vehicles	8	-
Intangible assets	60	110
Total depreciation and amortisation	646	579

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.

The Commission revalued its leasehold improvements and fixtures and fittings downwards on 1 July 2019. Future depreciation expense will reduce by \$3 250 per annum as a result.

3.3. Borrowing costs

	2020	2019
	\$'000	\$'000
Interest expense on lease liabilities	12	-
Total borrowing costs	12	-

The Commission does not capitalise borrowing costs.

3.4. Other expenses

	2020	2019
	\$'000	\$'000
Statutory charge bad debts and impairment loss on receivables	109	76
Bad debts	17	5
Loss on Funds SA investment	194	-
Loss on revaluation of assets	29	-
Total other expenses	349	81

4. Income

4.1. State Government grant funding

	2020 \$'000	2019 \$'000
Grant funding	250	22 940
Recovery from the Department of Treasury and Finance	-	1 051
Expensive Cases - reimbursement	469	950
Total State Government grant funding	719	24 941

State Government grant funding is recognised on receipt.

In 2020 the State Government contributed funding of \$0.25m (2019: \$22.9m) and is deposited with SAFA. The State Government reverted to paying the Commission its contribution in the year that it is scheduled to receive it, payable in three instalments. As such, there is a deficit in the 2019-20 financial year as funding for 2020-21 year will not be paid until the next financial year.

This is a change from the previous two financial years.

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 \$0.47m (2019: \$0.95m) for approved expensive cases that exceeded the Commission funding cap of \$50 000 in the case of one party being aided and \$100 000 in the case of more than one party, irrespective of the number being aided. These matters are separately funded by the State Government.

4.2. Commonwealth-sourced grants and funding

	2020 \$'000	2019 \$'000
National Partnership Agreement funding	16 326	16 191
COVID-19 Relief funding	1 206	-
Online Dispute Resolution System	-	2 649
Family Advocacy and Support Service funding	835	610
Expensive Cases reimbursement	588	66
Women's Domestic Violence	551	450
Family Violence and Cross-Examination of Parties Scheme	395	129
Disability and Carer Support Program	329	368
Legally Assisted Financial Dispute Resolution - Small Property Claims	316	-
National Legal Advisory Service for the Disability Royal Commission	77	-
Bushfire Relief funding	74	-
Total Commonwealth-sourced grants and funding	20 697	20 463

Commonwealth-sourced grants and funding are recognised on receipt.

A National Partnership Agreement on Legal Assistance Services between the Commonwealth of Australia and States and Territories is effective from 1 July 2015 to 30 June 2020. Amounts from the Commonwealth are received via the Attorney-General's Department.

4.3. 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.

	2020 \$'000	2019 \$'000
Statutory interest account	640	1 265
Interest on Legal Practitioners Trust Account	1 026	1 978
Total Legal Practitioners Act 1981 Revenue	1 666	3 243

4.4. Interest revenues

	2020 \$'000	2019 \$'000
Short-term deposits with SAFA	294	511
Cash and cash equivalents	1	1
Total interest revenues	295	512

4.5. Costs recovered and contributions

	2020 \$'000	2019 \$'000
Costs recovered	79	62
Contributions *	167	232
Total costs recovered and contributions	246	294

* In addition, contributions of \$0.98m (2019: \$0.86m) in relation to referred cases were paid or are payable directly to private practitioners by clients.

4.6. Other income

	2020 \$'000	2019 \$'000
Women's Domestic Violence Court Assistance Service funding	476	-
Community Legal Service Eligibility, Triage and Referral Services	320	320
Drug Court funding	155	151
Return to Work SA funding	106	124
Law Foundation Grant funding	-	32
Other	334	442
Total other income	1 391	1 069

5. Non-financial assets

5.1. Property, plant and equipment

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

	2020 \$'000	2019 \$'000
<u>Accommodation and leasehold improvements</u>		
Accommodation and leasehold improvements	4 170	4 168
Accumulated depreciation	(2 328)	(2 103)
Total accommodation and leasehold improvements	1 842	2 065
<u>Plant and equipment</u>		
Plant and equipment	5 032	4 402
Accumulated depreciation	(3 483)	(3 264)
Total plant and equipment	1 549	1 138
<u>Right-of-use office accommodation</u>		
Right-of-use office accommodation	831	-
Accumulated depreciation	(134)	-
Total right-of use office accommodation	697	-
<u>Right-of-use vehicles</u>		
Right-of-use vehicles	19	-
Accumulated depreciation	(8)	-
Total right-of use vehicles	11	-
<u>Library</u>		
Library	261	261
Total library	261	261
<u>Work in progress</u>		
Work in progress	111	-
Total work in progress	111	-
Total property, plant and equipment	4 471	3 464

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 (2019: \$1 000) 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 11.2.

The asset capitalisation threshold increase from \$1 000 to \$5 000 was applied retrospectively. Comparatives have been amended and adjustments were made against opening balances of equity for the earliest prior period presented to deal with items which relate to financial years earlier than the comparative year.

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 and are subject to regular revaluation.

Reconciliation 2019-20

	Accommodation and Leasehold improvements	Plant and equipment	Library	Work in Progress	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at 1 July 2019	2 065	1 138	261	-	3 464
Acquisitions	6	655	-	111	772
Depreciation	(225)	(219)	-	-	(444)
Transfer between asset classes	16	(16)	-	-	-
Revaluation decrement	(20)	(9)	-	-	(29)
Carrying amount at 30 June 2020	1 842	1 549	261	111	3 763

5.3. Property, plant and equipment leased by the Commission

Property, plant and equipment leased by the Commission is recorded at cost. Additions to leased property, plant and equipment during 2019-20 was \$0.85m.

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 3.1.

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 (60,000km) up to 5 years (100,000km). No contingent rental provisions exist with the lease agreements and no option exist to renew the leases at the end of their term.
- Non-Department of Planning, Transport and Infrastructure office leases include the Port Adelaide and Whyalla offices.

The lease liabilities related to the right-of-use assets are disclosed in note 7.2. The Commission's maturity analysis of its lease liabilities is disclosed in note 11.3. Expenses related to leases, including depreciation and interest expenses, are disclosed in note 3. Cash out flows related to leases are disclosed in note 8.2.

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

	2020 \$'000	2019 \$'000
Computer software		
Computer software	3 133	2 031
Accumulated amortisation	(1 663)	(1 617)
Total computer software	1 470	414

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 (2019: \$1 000). There was no financial impact due to the increase in capitalisation threshold from \$1 000 to \$5 000.

Reconciliation 2019-20

	Computer software \$'000	Total \$'000
Carrying amount at 1 July 2019	414	414
Acquisitions	1 115	1 115
Amortisation	(59)	(59)
Carrying amount at 30 June 2020	1 470	1 470

6. Financial assets

6.1. Cash and cash equivalents

	2020 \$'000	2019 \$'000
Short-term deposits with SAFA	7 838	36 688
Cash on hand	(59)	363
Total cash and cash equivalents	7 779	37 051

In 2019-20, the State Government reverted to paying the Commission its contribution in the year that it is scheduled to receive it. On 20 January 2020, the Commission invested \$8 million with Funds SA following approval by the Treasurer. Details about the Commission's investment with Funds SA are set out in note 6.3. As such, the balance of funds held with SAFA is much less than the previous financial year.

6.2. Receivables

	2020 \$'000	2019 \$'000
Current		
Prepayments	890	351
Accrued revenues	1 210	78
Legal Practitioners Act 1981 debtors	207	731
Client debtors	165	142
Impairment loss on receivables	(30)	(30)
Other debtors	282	2 787
GST input tax recoverable	368	302
Total current receivables	3 092	4 361

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

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. The net amount of GST payable to the ATO is included as part of receivables.

6.3. Other financial assets

	2020 \$'000	2019 \$'000
Current		
Investment with Funds SA - amortised cost	7 806	-
Total current investment	7 806	-
Total investment	7 806	-

On 20 January 2020, the Commission invested \$8m in Funds SA's Capital Defensive (taxable fund) strategy. Funds under management as at 30 June 2020 resulted in the unrealised loss on financial assets of \$0.19m due to the COVID-19 pandemic, interrupted supply chains and the negative impact on global economic growth. This is disclosed in note 3.4.

For further information on risk management refer to note 11.3.

6.4. Statutory charge debtors

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

	2020 \$'000	2019 \$'000
Statutory charge debtors	9 157	8 561
Impairment loss on Statutory charge receivables	(190)	(200)
Total statutory charge debtors	8 967	8 361

7. Liabilities

Employee benefits liabilities are disclosed in note 2.4.

7.1. Payables

	2020 \$'000	2019 \$'000
Current		
Trade payables	159	342
Accrued expenses	79	77
Employment on-costs	183	196
Total current payables	421	615
Non-current		
Employment on-costs	207	202
Total non-current payables	207	202
Total payables	628	817

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.

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

Employment on-costs

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

The Commission contributes to several State Government and externally managed superannuation schemes. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the respective superannuation schemes. The only liability outstanding at reporting date relates to any contributions due but not yet paid to the South Australian Superannuation Board.

As a result of an actuarial assessment performed by the Department of Treasury and Finance, the proportion of long service leave taken as leave has changed from 41% to 42% and the average factor for the calculation of employer superannuation cost on-costs remains unchanged at a rate of 9.8%. These rates are used in the employment on-cost calculation. The net financial effect of the changes in the current financial year is immaterial.

Paid parental leave scheme

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

7.2. Financial liabilities

	2020 \$'000	2019 \$'000
<u>Current</u>		
Lease liabilities	133	-
Total current other borrowings	133	-
<u>Non-current</u>		
Lease liabilities	594	-
Total non-current other borrowings	594	-
Total borrowings	727	-

The Commission measures financial liabilities at amortised costs.

All material cash outflows are reflected in the lease liabilities disclosed above.

Refer to note 5.3 for details regarding property, plant and equipment leased by the Commission.

7.3. Other liabilities

	2020 \$'000	2019 \$'000
Current		
Accommodation incentive	233	233
Total current other liabilities	233	233
Non-current		
Accommodation incentive	1 634	1 867
Total non-current other liabilities	1 634	1 867
Total other liabilities	1 867	2 100

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 transferred to retained earnings when an asset is derecognised.

8.2. Cash flow

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

Leases

	2020 \$'000	2019 \$'000
Property, plant and equipment	128	123
Total cash outflow for leases	128	123

9. Changes in accounting policy

9.1. AASB 16 Leases

AASB 16 sets out a comprehensive model for lessee accounting that addresses recognition, measurement, presentation and disclosure of leases. Lessor accounting is largely unchanged. AASB 16 *Leases* replaces AASB 117 *Leases and related interpretations*.

The adoption of AASB 16 *Leases* from 1 July 2019 resulted in adjustments to the amounts recognised from a lessee perspective in the financial statements:

- AASB 117 *Leases* only required the recognition of an asset and lease liability in relation to finance leases. AASB 16 *Leases* applies a comprehensive model to all leases. Applying AASB 16 will result in leases previously classified as operating leases having right-of-use assets and related lease liabilities being recognised in the Statement of Financial Position.

- AASB 117 *Leases* resulted in operating lease payments being recognised as an expense under Supplies and Services. AASB 16 *Leases* largely replaces this with depreciation expenses that represents the use of the right-of-use asset and borrowing costs that represent the cost associated with financing the right-of-use asset.

Impact on retained earnings

The total impact on the department's retained earnings as at 1 July 2019 is as follows:

	\$'000
Closing retained earnings 30 June 2019 – AASB 117	44 527
<u>Assets</u>	
Property, Plant and Equipment	850
<u>Liabilities</u>	
Financial liabilities	(850)
Opening retained earnings 1 July 2019 – AASB 16	44 527

The Commission disclosed in its 2018-19 financial report total undiscounted operating lease commitments of \$25.1 million under AASB 117.

The Commission has accommodation with both the private sector and the Department of Planning, Transport and Infrastructure (DPTI). Accommodation arrangements with DPTI are under the Memoranda of Administrative Arrangement (MoAA) issued in accordance with Government-wide accommodation policies.

These MoAA do not meet the definition of a lease set out either in AASB 16 or in the former standard AASB 117. Accordingly, the 2018-19 discounted operating lease commitments should have been disclosed as \$0.89m under AASB 117. There is no material difference between revised operating lease commitments when discounted and the financial liabilities as at 1 July 2019.

Commitments related to accommodation services provided by DPTI are included in note 10.1.

The misclassification did not impact on the Statement of Comprehensive Income or the Statement of Financial Position in prior years. This misclassification impacted items within supplies and services expenses line. Note 3.1 applies the correct classification for both the current and comparative years.

These adjustments did not impact on the Statement of Comprehensive Income or the Statement of Financial Position in prior years.

Accounting policies on transition

AASB 16 sets out accounting policies on transition in its transitional provisions. The *Treasurer's Instructions (Accounting Policy Statements)* requires certain choices in those transitional provisions to be taken. The Commission has adopted the following accounting policies:

- to apply AASB 16 retrospectively. The cumulative effect of initially applying the Standard was recognised at 1 July 2019. Comparatives have not been restated.
- at 1 July 2019 AASB 16 was applied only to contracts that were previously identified as containing a lease under AASB 117 and related interpretations.
- the initial measurement of lease liability was the present value of the remaining leases payments discounted using the relevant incremental borrowing rate published by the Department of Treasury and Finance rate as at 1 July 2019 based on the SA Government's cost of borrowing. The average weighted incremental borrowing rate for vehicles was 1.87% and for accommodation was 1.63%.

- the initial measurement of right-of-use assets has been calculated as an amount equal to the lease liability on transition adjusted for prepaid or accrued lease payments and lease incentive liabilities.
- the initial measurement of lease liabilities and right-of-use assets excludes all leases that ended by 30 June 2020, except for vehicles leased from SAFA.

Ongoing accounting policies

The *Treasurer's Instructions (Accounting Policy Statements)* specify required accounting policies for public authorities in applying AASB 16. These requirements are reflected in the Commission's accounting policies as follows:

- AASB 16 is not applied to leases of intangible assets.
- right-of-use assets and lease liabilities are not recognised for leases of low value assets, being assets which have a value of \$15 000 or less, nor short-term leases, being those with a lease term of 12 months or less.
- the Commission, in the capacity of a lessee, does not include non-lease components in lease amounts.
- right-of-use assets are not measured at fair value in initial recognition for leases that have significantly below market terms and conditions principally to enable the public authority to further its objectives.
- right-of-use assets as subsequently measured applying a cost model.

Significant accounting policies related to the application of AASB 16 are disclosed under relevant notes and are referenced at note 5.3.

9.2. AASB 15 Revenue from Contracts with Customers

AASB 15 *Revenue from Contracts with Customers* establishes a revenue recognition model for revenue arising from contracts with customers. It requires that revenue be recognised at an amount that reflects the consideration to which an entity expects to be entitled in exchange for transferring goods or services to a customer.

AASB 15 supersedes AASB 111 *Construction contracts*, AASB 118 *Revenue* and related interpretations and applies to all revenue arising from contracts with customers.

Accounting policies on transition

On transition, there was no impact on retained earnings.

9.3. AASB 1058 Income of Not-for Profit Entities

AASB 1058 *Income of Not-for-Profit Entities* establishes new income recognition requirements for not-for-profit entities. Its requirements apply where the consideration to acquire an asset, including cash, is significantly less than fair value principally to the entity to further its objectives. AASB 1058 also contains requirements for the receipt of volunteer services. AASB 1058 supersedes income recognition requirements in AASB 1004 *Contributions*, AASB 118 *Revenue* and AASB 111 *Construction Contracts*. However, elements of AASB 1004 remain in place, primarily in relation to restructures of administrative arrangements and other contributions and distribution by owners.

Accounting policies on transition

On transition, there was no impact on retained earnings.

9.4. Presentation of Financial Statements

Treasurer's Instructions (Accounting Policy Statements) issued on 1 June 2020 removed the previous requirements for financial statements to be prepared using the net cost of services format. The net cost of services is the total cost of services less any revenue retained by public authorities involved in the provision of services but does not include items classified as revenues from and payments to the South Australian Government.

Presentation of the Statement of Comprehensive Income on an 'income and expense' basis allows for information to be presented in such a way that eliminates potential confusion as to the source of funding for the Commission. As well as changes to the format of the Statement of Comprehensive Income, there are presentational changes to remove the net cost of services format from the Statement of Cash Flows. These statements now show income before expenses, and cash receipts before cash payments. Related disclosures also reflect this changed format

10. Outlook

10.1. Unrecognised contractual commitments

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

Legal expense commitments

	2020 \$'000	2019 \$'000
Within one year	10 922	7 509
Total expenditure commitments	10 922	7 509

As at 30 June 2020, the Commission has disclosed a commitment on all outstanding amounts raised since 1 January 2020 (i.e. previous six months).

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

Expenditure commitments

	2020 \$'000	2019 \$'000
Within one year	2 779	67
Later than one year but not longer than five years	11 746	159
Later than five years	9 627	-
Total expenditure commitments	24 152	226
Representing:		
Accommodation	23 971	-
Electronic Document and Record Management System (EDRMS)	181	226
Total expenditure commitments	24 152	226

The Commission's expenditure commitments are for agreements for:

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

Operating lease commitments

	2020 \$'000	2019 \$'000
<u>Commitments in relation to operating leases contracted for at the reporting date but not recognised as liabilities are payable as follows:</u>		
Within one year	-	2 673
Later than one year but not longer than five years	-	10 862
Later than five years	-	11 588
Total operating lease commitments	-	25 123
Representing:		
Cancellable operating leases	-	719
Non-cancellable operating leases	-	24 404
Total Operating lease commitments	-	25 123

There are no purchase options available to the Commission.

Operating lease commitments is provided for the comparative year only as AASB 16 *Leases* does not distinguish between operating and finance leases for the lessee. The comparative amount does not include commitments for the Memoranda of Administrative Arrangements with the Department of Planning, Transport and Infrastructure for accommodation. This has been reclassified and included under expenditure commitments. For more details about the reclassification see note 9.1.

10.2. 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.

10.3. COVID-19 pandemic outlook for the Commission

The Commission expects the COVID-19 pandemic may have minor financial impact on its operations during 2020-21. The Commission expects to receive \$1.1m in Commonwealth-sourced funding in 2020-21.

10.4. 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.

11. Measurement and risk

11.1. 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 decreased from 2019 (1.25%) to 2020 (0.75%).

This decrease 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 actuarial assessment performed by the Department of Treasury and Finance has decreased the salary inflation rate from 4% to 2.5% for 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 \$313 000 and employee benefits expense of \$313 000. 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 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.

11.2. 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 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 as at 1 July 2019. The independent valuer arrived at fair value based on the actual cost of the assets. The impact of this is a net revaluation decrement of \$0.03m which has been included as part of other expenses, in note 3.4.

Plant and equipment

All items of plant and equipment 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. Plant and equipment has not been revalued in accordance with APS 116.D. The carrying value of these items are deemed to approximate fair value.

11.3. 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 *Risk Management Policy Statement* issued by the Premier and Treasurer and the principles established in the Australian Standard *Risk Management Principles and Guidelines*.

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

Impairment of financial assets

Loss allowances for statutory charge 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, statutory charge 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 debtor 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 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.

Statutory charge debtors are written off when there is no reasonable expectation of recovery. Indicators that there is no reasonable expectation of recovery include the failure of a debtor to enter into a payment plan with the Commission and a failure to make contractual payments.

Funds SA investments at amortised cost is considered to have low credit risk and the consideration of expected credit loss was limited to 12 months expected losses. For further information on the unrealised loss, refer to note 6.3.

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.

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

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	2020 Carrying amount (\$'000)	2020 Contractual maturities Within 1 year (\$'000)	1-5 years (\$'000)	More than 5 years (\$'000)
Financial assets					
Cash and equivalent					
Cash and cash equivalent	6.1	7 779	n/a	n/a	n/a
Fair value through profit and loss					
Investments	6.3	7 806	-	7 806	-
Financial assets at amortised cost					
Receivables	6.2	1 492	n/a	n/a	n/a
Total financial assets		17 077	-	7 806	-
Financial liabilities					
Financial liabilities at amortised cost					
Payables	7.1	159	159	-	-
Lease liabilities	7.2	727	133	481	113
Total financial liabilities		886	292	481	113

Category of financial assets and financial liabilities	Note	2019 Carrying amount (\$'000)
Financial assets		
Cash and equivalent		
Cash and cash equivalent	6.1	37 051
Financial assets at amortised cost		
Receivables	6.2	2 865
Total financial assets		39 916
Financial liabilities		
Financial liabilities at amortised cost		
Payables	7.1	342
Total financial liabilities		342

Receivables and payables

The receivable and payable amounts disclosed here exclude amounts relating to statutory receivables and payables (e.g. Commonwealth, State and Local Government taxes, fees and charges, and Auditor-General's Department audit fees). In government, certain rights to receive or pay cash may not be contractual and therefore, in these situations, the requirements will not apply. Where rights or obligations have their source in legislation such as levies, tax and equivalents, they would be excluded from the disclosure. The standard defines contract as enforceable by law. All amounts recorded are carried at cost.

The receivables amount disclosed here excludes prepayments as they are not financial assets.

Prepayments are presented at note 6.2.

Appendix

Annual Report 2019-20

Legal Services Commission of South Australia

www.lsc.sa.gov.au

State Expensive Criminal Cases Funding Agreement

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ANNEXURE A THE PRINCIPAL AGREEMENT

CSO 55888 / 0820743 / Final

PXPIO / 1/12/04

DATED 2nd DAY OF December 2004


DEED OF AMENDMENT

BETWEEN

THE HONOURABLE MICHAEL ATKINSON,
ATTORNEY-GENERAL
FOR THE STATE OF SOUTH AUSTRALIA
("Attorney-General")

-AND-

THE LEGAL SERVICES COMMISSION
("Commission")


CROWN SOLICITOR
Level 9, 48 Pirie Street, Adelaide SA 5000

2. RECITALS

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

3. OPERATION OF AMENDMENTS

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

4. AMENDMENT TO CLAUSE 6

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

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

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

5. COSTS AND STAMP DUTY

- 5.1 Each party hereto shall bear its own costs incurred in respect of the negotiation, preparation and execution of this Deed.
- 5.2 The Commission shall be responsible for and pay any stamp duty assessed or charged in respect of this Deed.

CSO 55888 / 0820743 / Final

FXPHO / 1/12/04

THIS DEED is made the SECOND day of DECEMBER 2004.

BETWEEN:

THE HONOURABLE MICHAEL ATKINSON, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA of 45 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")

RECITALS:

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

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

THE PARTIES AGREE AS FOLLOWS:**1. DEFINITIONS AND INTERPRETATION**

- 1.1 Words and expressions defined in the Principal Agreement have the same meanings in this Deed unless the contrary is clearly intended.
- 1.2 Rules for the construction and interpretation of the Principal Agreement also apply in the construction and interpretation of this Deed.

CSO 55888 / 0820743 / Final

FXPHO / 1/12/04

6. CONFIRMATION OF PRINCIPAL AGREEMENT

Subject only to the amendments contained in this Deed, the parties hereto confirm the terms and conditions of the Principal Agreement in all other respects.

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE

MICHAEL ATKINSON,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of:

Witness

(Print Name: Susan Deane)

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereto affixed in the presence of:

CHAIRMAN, CAROLINE HARRIS, B.L.S.C.
Chairperson, Commission

(Print Name:

Director

(Print Name: Helen James Curran)

Director/Secretary

(Print Name: 11/11/2002)

CSO 55888 / 08/20/43 / Final

PXPIO / 11/20/4

EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

AGREEMENT dated

29th January

2002

BETWEEN:

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

RECITALS:

- The State of South Australia has enacted the Criminal Law (Legal Representation) Act 2001 ("the Act") to ensure that legal representation is available for persons charged with serious offences, and for other purposes.
- Section 18 of the Act provides that an Expensive Criminal Cases Funding Agreement is to be made between the Commission and the Attorney-General governing the approval of case management plans for cases to which the Act applies.
- The parties wish to enter into this Agreement in order to give effect to section 18 of the Act.

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CSO 21537

15 November 2001

COPY

AGREED TERMS:**1.****DEFINITIONS**

In this Agreement unless a contrary intention is evident:

- 1.1 "Act" means the Criminal Law (Legal Representation) Act 2001;
- 1.2 "Agreement" means this Expensive Criminal Cases Funding Agreement and includes the Schedules;
- 1.3 "approved case management plan" means a case management plan, including any variations to that plan, which has been approved by the Attorney-General in accordance with clause 5 of this Agreement;
- 1.4 "case management plan" or "plan" means a case management plan prepared by the Commission in accordance with clause 6 of this Agreement;
- 1.5 "certificate of commitment" or "certificate" means a certificate, incorporating an invoice, issued by the Commission to the defendant's lawyer, authorising him or her to provide a level of legal assistance up to the gross cost specified in the certificate;
- 1.6 "Commencement Date" means the date upon which the Act came into operation;
- 1.7 "Commission" means the Legal Services Commission, established pursuant to the Legal Services Commission Act 1977;
- 1.8 "defence proposal" means the report prepared by the defendant's lawyer on the scope and nature of the proposed defence containing the information described in Schedule 1;
- 1.9 "Treasurer" means the Treasurer of the State of South Australia.

2.**INTERPRETATION**

- 2.1 In this Agreement unless a contrary intention is evident:
- 2.1.1 words and expressions defined in the Criminal Law (Legal Representation) Act 2001 shall have the same respective meanings herein;
- 2.1.2 the clause headings are for convenient reference only and they do not form part of this Agreement;

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- 2.1.3 a reference to a clause number is a reference to all of its sub-clauses;
- 2.1.4 a reference to a clause, sub-clause, schedule or annexure is a reference to a clause, sub-clause, schedule or annexure of this Agreement;
- 2.1.5 a word in the singular includes the plural and a word in the plural includes the singular;
- 2.1.6 a word importing a gender includes any other gender;
- 2.1.7 a reference to a person includes a partnership and a body corporate;
- 2.1.8 a reference to legislation includes legislation repealing, replacing or amending that legislation; and
- 2.1.9 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings.
- 2.2 This Agreement incorporates the attached schedule.
3. **TERM**
- The term of this Agreement commences on the Commencement Date and shall continue to operate for so long as an Expensive Criminal Cases Funding Agreement is required under section 18 of the Act.
4. **AGREEMENT OPERATES AS A DEED**
- This Agreement operates as a deed between the Attorney-General and the Commission.
5. **APPROVAL OF A CASE MANAGEMENT PLAN**
- 5.1 For the purposes of section 18 of the Act, the Attorney-General shall approve a case management plan or a proposal to vary a case management plan if it complies with this Agreement.
- 5.2 Approval is effected by the Attorney-General returning a signed copy of the approved plan or approved variations to the plan to the Commission.

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6. CASE MANAGEMENT PLANS

6.1 A case management plan must be submitted to the Attorney-General by the Commission in writing as soon as possible after the Commission becomes aware that the costs of the case may exceed the legal aid funding cap AND as soon as practicable either after the defendant has been arraigned or after a direction of the court pursuant to section 8(3) of the Act.

6.2 A case management plan must contain:

6.2.1 the names of the legal representative(s) (solicitors, lead counsel, junior counsel (if one is to be engaged) to whom the Commission has assigned this case;

6.2.2 a defence proposal in the terms set out in Schedule 1;

6.2.3 a statement that it is anticipated that the costs of legal assistance will exceed the legal aid funding cap and identifying those parts of the defence proposal which the Commission proposes to be funded under the plan;

6.2.4 a memorandum:

- (a) identifying measures taken or to be taken to minimise costs or reduce the length of the trial; and
- (b) addressing any part of the defence proposal which might make the proposed plan non-compliant in terms of clause 6.3;

6.2.5 the Commission's estimate, on the information reasonably available to it, of:

- (a) the cost of each separate item proposed to be funded, including solicitors' fees, counsel fees, disbursements for expert evidence, disbursements for travel, fees for pre-trial applications, other disbursements, including how each is calculated; and
- (b) the extent to which these estimated costs will in total exceed the legal aid funding cap and require reimbursement under the Act.

6.3 A case management plan will not comply with this Agreement if it proposes:

- 6.3.1 to use expert evidence from outside Australia; or
- 6.3.2 to require repeat forensic testing or examination of evidence already so tested or examined; or

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

6.3.4 to prove formally any aspect of the defence case which the prosecution will agree, or

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

unless the Attorney-General is satisfied, on the basis of the explanations given in the defence proposal, that this course of action is necessary for the defence and is a responsible use of public funds.

6.4 The Commission may from time to time submit in writing to the Attorney-General a proposal to vary an approved case management plan to reflect developments in the case which may affect its cost.

6.5 While the Attorney-General may approve expenditure retrospectively, the Commission is to use its best endeavours to avoid this by presenting proposals for variation as soon as possible after it becomes apparent that variation is necessary.

6.6 A proposal to vary a plan will:

6.6.1 describe how the plan is proposed to be varied, and the reasons for the proposed variation(s);

6.6.2 if any aspect of the proposed variation might be thought to make the plan non-compliant in terms of clause 6.3, include a memorandum to the Commission from defence counsel giving the reasons why this is necessary for the defence;

6.6.3 include an estimate, on the information reasonably available to the Commission, of the cost of each separate new item proposed to be funded, including counsel fees, disbursements for expert evidence, disbursements for travel, other disbursements, and solicitor's fees, including how each is calculated; and

6.6.4 if the variation proposes a change in defence counsel, a written undertaking from the new defence counsel in terms of clause 5 of Schedule 1.

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7. COMMISSION'S OBLIGATIONS

- 7.1 The Commission shall manage each case for which a case management plan is approved, efficiently and effectively, and shall ensure that the management and cost of the case are kept under constant review.
- 7.2 The Commission shall make it a term of the assignment of a serious criminal case that should the case become subject to a case management plan, the assisted person's assigned solicitor (whether a legal practitioner in private legal practice or employed by the Commission) will provide to the Commission, on a monthly basis following approval of the plan:
- 7.2.1 an indication of and explanation for any current or anticipated expenditure that may exceed the estimates of expenditure in the approved case management plan; and
- 7.2.2 any information that may suggest that the trial will last longer than the estimated time given in the approved case management plan.
- 7.3 Where the Commission has terminated legal assistance in accordance with section 6(4) of the Act, all obligations pursuant to the case management plan will cease to exist and the Commission may seek reimbursement of the cost of providing legal assistance prior to the termination of that assistance.

8. REIMBURSEMENT OF COSTS

- 8.1 If the Commission seeks reimbursement of the cost of providing legal assistance, it shall submit to the Attorney-General:
- 8.1.1 a copy of the relevant invoices signed by the defendant's lawyer;
- 8.1.2 a memorandum explaining any increase in the costs of the case from the estimates provided in the approved case management plan;
- 8.1.3 a report detailing the outcome of any investigation or enquiry into the financial affairs of the assisted person or a financially associated person, and the contribution that the Commission has received or has a reasonable prospect of recovering from the assisted person or a financially associated person.
- 8.2 In the case of an exceptionally long trial, the Commission may seek interim reimbursements of the cost of providing legal assistance.

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9. APPLICATION OF CONTRIBUTIONS

A contribution received or recovered by the Commission from the assisted person or a financially associated person shall be applied as follows:

- 9.1 the Commission shall be entitled to retain the contribution up to the amount of the funding cap, plus the amount of any costs incurred by the Commission in investigating the financial affairs of an assisted or financially associated person, plus the amount of any costs incurred by the Commission in recovering any contribution, including court costs;
- 9.2 the balance of the contribution received (if any) or recovered shall be paid by the Commission to the Treasurer.

10. CONFIDENTIALITY

- 10.1 The Attorney-General may disclose the anticipated cost of the case, including legal fees, expert's fees, and any other associated costs, in order to secure funding for the trial under the terms of an approved case management plan.
- 10.2 Except as provided in Clause 10(1), the Attorney-General must not disclose any information received pursuant to this Agreement without the consent of the assisted person.

11. AUDIT

Nothing in this Agreement derogates from the powers of the Auditor-General under the Public Finance and Audit Act 1987 (South Australia).

12. NO ASSIGNMENT

The Commission must not assign or encumber any of its rights and obligations under this Agreement.

13. SURVIVAL

The clauses of this Agreement relating to confidentiality survive the expiry or termination of this Agreement and continue to apply unless the Commission notifies

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SCHEDULE 1

Contents of Defence Proposal

A defence proposal shall contain the following material:

1. A copy of the Information upon which the defendant has been arraigned.
2. The name of the court in which the matter is to be heard.
3. The following information:
 - (a) the number of witnesses who have provided declaration statements;
 - (b) whether any expert testing and evidence will be needed, and if so, in relation to what issues and for what purpose;
 - (c) if it is proposed to use an expert witness whose fees or expenses exceed Commission scale fees and expenses, or who is from outside South Australia, the reasons why this is necessary;
 - (d) if the case entails the use of an expert witness from outside Australia, an account of the enquires made to identify any expert within Australia and the reasons why any identified expert is not available to the defence;
 - (e) where documentary evidence is significant, an indication of its volume;
 - (f) a preliminary estimate as to the length of pre-trial proceedings and the trial;
 - (g) any legal issues which are considered likely to impact upon the length of the trial;
 - (h) if the case requires senior or multiple counsel, the reasons;
 - (i) whether the case requires travel, additional reading time, conference time and viewing time or has any other features likely to add to the cost; and
 - (j) if the case entails travel outside South Australia, the reasons.

4. If it is proposed:

- (a) to use expert evidence from outside Australia; or
- (b) to require repeat forensic testing or examination of evidence already so tested or examined; or

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- (c) to proof distant expert witnesses other than by telephone, video-link email or other methods of long distance communication; or
 - (d) to prove formally any aspect of the defence case which the prosecution will agree, or
 - (e) to call evidence in person where the prosecution will agree to the tender of documentary evidence to the same effect, and this is permitted by the rules of evidence;
- transcript of anything said by the court about this course of action, and the reasons why such course of action is necessary for the defence.

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

K'voed Avramis (02/20) 7 June

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