

Annual Report

Legal Services Commission

2022-23

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



Legal Help for all South Australians

Acknowledgement

The Legal Services Commission acknowledges Aboriginal people's ongoing connection to the land and waters of South Australia. We recognise the importance of Country to Aboriginal identity, community and wellbeing. We pay our respects to Elders, past and present, and recognise the key role they play in caring for Country, community and culture.

Legal Services Commission offices

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

Adelaide

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T: 08 8111 5555

Elizabeth

Windsor Building, Elizabeth Shopping Centre,
Elizabeth SA 5112

T: 08 8111 5400

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Noarlunga House, Centro Colonnades Shopping Centre,
Noarlunga Centre SA 5168

T: 08 8111 5340

Port Adelaide

263 St Vincent Street, Port Adelaide SA 5015

T: 08 8111 5460

Port Augusta

34 Flinders Street, Port Augusta SA 5700

T: 08 8686 2200

Whyalla

17A Forsyth Street, Whyalla SA 5600

T: 08 8620 8500

45th Annual Report 2022-23

Legal Services Commission

www.lsc.sa.gov.au

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Chairperson's Letter

Chairperson's letter to the Attorney-General 2022-23

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

Dear Attorney,

I am pleased to present the Annual Report of the Legal Services Commission for the financial year ending 30 June 2023, pursuant to section 33 of the *Legal Services Commission Act 1977*. In compliance with its mandate, the Commission continues to provide high quality and efficient legal assistance services to the South Australian community.

Legal Services welcomes the continued funding support of State and Commonwealth governments. Maintaining an appropriate level of core funding from both State and Commonwealth governments remains a priority for the Commission.

This past year, the level of interest distributions received from the Law Society of South Australia pursuant to the *Legal Practitioners Act 1981* has increased due to the increase in prevailing interest rates. This contrasts with previous years when exceptionally low interest rates were having a materially negative impact on the level of interest distributions received. While maintaining a cautious and sustainable financial approach, we have taken the opportunity to examine means by which we can more effectively deliver services through regional South Australia, as well as applying additional funding to capital infrastructure works.

Our financial result this year is a \$12 million deficit, due to this year's State government funding being received in June 2022.

Legal Services undertook its functions in compliance with the *Legal Services Commission Act 1977*, and in this report we present audited accounts for the financial year 2022-23.

In reflecting on the organisation's key achievements over the last 12 months, I would like to reference a number of activities.

In 2022-23, over 155,000 client services were delivered, a slight increase on the previous year.

New grants of aid for legal representation totalled over 18,000, while work continued on a further 14,128 ongoing previously granted files.

The number of legal advice services delivered was over 75,000, while over 14,000 duty lawyer services were provided – all of which illustrate the significant reach of Legal Services in South Australia.

We remain confident about the quality of the legal work undertaken because of our robust panels system, and associated file audit processes. In addition, immediate attention is given to complaints if they arise – albeit these are relatively few when compared to the number of people we assist each year.

This year we released our *Aboriginal Engagement Strategy 2022-2024*. Our Aboriginal Engagement Strategy aims to build on our long history of working with Aboriginal clients and stakeholders in all areas of our service delivery. To coincide with the Strategy, we commissioned Aboriginal Contemporary Artist, Gabriel Stengle, to create a striking piece of Aboriginal art, which we are proud to display across our physical office locations and communications livery.

In keeping with our commitment to provide contemporary tools and technology that better serve the needs of our clients and practitioners, we introduced a new Online Legal Services (OLS) Portal. The OLS Portal is part of the broader Grants and Practice Management System project which is enhancing Legal Services' online service delivery.

Together with Legal Aid Commissions in the other states and territories, we joined with National Legal Aid to commission an economic analysis of the benefits of providing access to justice. This analysis estimated Legal Aid services deliver over \$600 million in benefit to the country each year – with a Benefit Cost Ratio (BCR) of 2.25:1 when considering the \$267 million in annual Commonwealth funding that Legal Aid Commissions around the country receive. This \$2.25 benefit for every dollar in funding presents a compelling case for governments to continue to invest in the legal assistance sector.

The high quality and hard work of the Director and all staff throughout the year in continuing to deliver exceptional services to the people of South Australia, frequently in challenging circumstances, must also be acknowledged.

I thank those 487 members of the private legal profession in South Australia who constitute our practitioner panels and provide legal assistance through grants of aid for representation. Funding in the order of \$27.1 million was provided to external solicitors on those panels.

I would like to express my gratitude to my fellow Commissioners for their diligence and commitment to the management of Legal Services. During the year we farewelled Ms Cathy Nelson, after serving as a Commissioner for eight years, and welcomed Ms Jane Abbey SC.

I thank you, Attorney, for your support and keen interest in the activities Legal Services undertakes, and I acknowledge the ongoing contribution of the Commonwealth Attorney-General to funding legal aid.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Slattery', with a stylized flourish at the end.

Peter Slattery
Chairperson

Overview

Who we are and what we do

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

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

Free community legal education, legal information, legal advice and duty lawyer services are available to anyone within the State. Those most in need may be eligible to receive a grant of aid for legal representation in courts and tribunals or lawyer assisted family dispute resolution. Applications are assessed against means and merit tests and funding guidelines to determine eligibility and client contribution.

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

The Legal Services Commission is the largest legal assistance organisation in South Australia with 222 staff members, 120 of whom are legal practitioners. Community legal education and legal information and advice are provided by inhouse legal practitioners. Legal representation and duty lawyer services are provided by both inhouse lawyers and 487 external lawyers who have been accepted onto our General Panel of legal practitioners.

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

Delivering more than 155,000 legal assistance services this financial year, the organisation plays a vital role in the justice

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

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

10—Functions of Commission

- (1) The Commission will—
 - (b) provide, or arrange for the provision of, legal assistance in accordance with this Act; and
 - (c) determine the criteria under which the legal assistance is to be granted; and
 - (d) conduct research with a view to ascertaining the needs of the community for legal assistance, and the most effective means of meeting those needs; and
 - (e) establish such offices and other facilities as the Commission considers necessary or desirable; and
 - (f) initiate and carry out educational programmes to promote an understanding by the public (and especially those sections of the public who may have special needs) of their rights, powers, privileges and duties under the laws of the Commonwealth or the State; and
 - (g) inform the public by advertisement or other means of the services provided by the Commission, and the conditions upon which those services are provided; and
 - (h) co-operate and make reciprocal arrangements with persons administering schemes of legal assistance in other States and Territories of the Commonwealth or elsewhere; and

- (hb) where it is practicable and appropriate to do so, make use of the services of interpreters, marriage guidance counsellors and social workers for the benefit of assisted persons; and
- (i) encourage and permit law students to participate, so far as the Commission considers practicable and proper to do so, on a voluntary basis and under professional supervision, in the provision of legal assistance by the Commission; and
- (j) make grants to any person or body of persons carrying out work that will in the opinion of the Commission advance the objects of this Act; and
- (k) perform such other functions as the Attorney-General may direct.

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

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

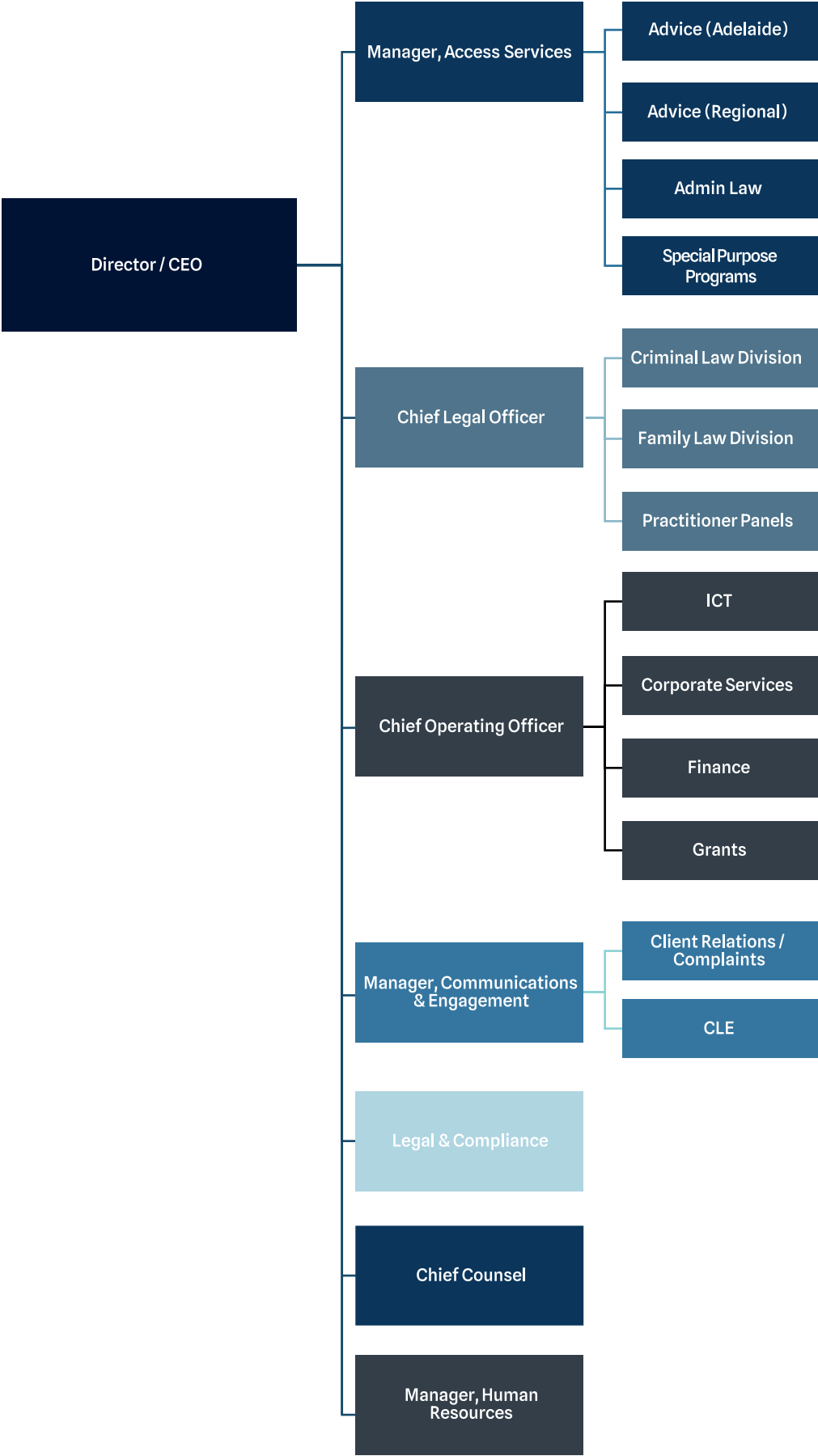
Our Strategic Plan 2021-2024 contains four goals–

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

The plan adopts the public sector values of–

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

Organisational chart as at 30 June 2023



OUR YEAR

Highlights

Director's Report

Snapshot of Services

Highlights 2022-23

Some of our Achievements

1

Delivery of more than **155,000** legal assistance services.

2

New funding for the provision of the following:

- *Resolution of Status Program (ROS)*
- education and advice on sexual harassment in the workplace
- to support the national expansion of the Federal Circuit and Family Court of Australia Lighthouse Program
- in collaboration with the State government, a community education campaign on coercive control.

3

Extension of funding for the following services:

- *Safe and Well Kids Program*
- *Family Violence and Cross-examination of Parties Scheme*
- *Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial*
- the representation of defendants in the *Magistrates Court Treatment Intervention Program*
- legal assistance for attendees before the *Royal Commission into Defence and Veteran Suicide*.

4

Development of **amica^{one}**, a version of the amica online separation tool for use by an individual.

5 |

Development of our *Aboriginal Engagement Strategy 2022-2024*.

6 |

The launch of an online communication portal for clients and legal practitioners.

7 |

A review of regional and metropolitan service delivery.

8 |

Successful independent reviews of the following:

- National economic analysis of the benefits of providing access to justice – BCR of 2.25:1 (Price Waterhouse Coopers)
- Australian Institute of Family Studies review of the *Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial*, resulting in ongoing funding
- positive government response to the review of the *Family Violence and Cross-examination of Parties Scheme*.

Director's Report

2022-23

The Legal Services Commission ('Legal Services') has experienced a year of change and growth. During 2022-23, we received a substantial increase in receipts from the legal practitioners' fund, pursuant to the *Legal Practitioners Act 1981*, following an improvement in interest rates and the local economy recovering from the impact of the pandemic.

This increase enabled Legal Services to pass on a 2% fee scale increase to practitioner professional fees and disbursements.

In the Federal Budget for this year a number of significant programs in the family law jurisdiction received welcome funding, including the *Family Violence and Cross-examination of Parties Scheme*, the *Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial*, the national expansion of the *Lighthouse Program*, and funding to meet the costs of the FCFCOA new case management system.

This funding will continue to support the delivery of timely and effective family law services and enable improved access to legal assistance for Australian families experiencing disadvantage.

With increasing awareness of the problem of workplace sexual harassment, Legal Services received special, one off funding from the Commonwealth to provide education and advice on workplace sexual harassment for our staff and as part of our legal advice services.

During the year, longstanding Commissioner Ms Cathy Nelson retired from the Commission. A specialist in family law, Cathy had been a Commissioner since 2014 and was nominated by the Attorney-General to represent the interests of assisted persons. She played a key role in audit and finance and in the improvement of our office accommodation. I thank Ms Nelson for her significant contribution to the governance of Legal Services.

Ms Jane Abbey SC was appointed as Ms Nelson's replacement on the Commission. Ms Abbey has extensive experience representing defendants in criminal law proceedings.

This year saw the retirement of our Access Services Manager, Mr Christopher Boundy. Chris first joined Legal Services from private legal practice in 2010. He was an exceptional manager with a strong commitment to access to justice. Our Access Services Division is the front door to our work with the South Australian community. Access Services provides free legal advice to all persons in the State and until recently delivered our community legal education programs. Chris was always seeking new opportunities for the provision of legal assistance and was proactive in forming relationships with other justice sector agencies to deliver services collaboratively. One of his most important contributions was the establishment of our domestic violence unit and our health/justice partnerships at two major hospitals. During Chris' time as manager, Legal Services received many awards and accolades for the work of our Access Services branch, including the Law Society's Justice Award for our Women's Domestic Violence Court Assistance Services.

Highlights and Achievements

High Court Appeal

Appearing in the highest court in the land is a significant milestone in a legal career. This year, two of our senior criminal lawyers supported a successful appeal to the High Court as junior counsel and instructing solicitor. Their colleagues in our criminal law practice division contributed to the appeal by assisting with drafting submissions and the necessary procedural requirements of a High Court appeal. The appeal concerned an important point of principle regarding liability for murder. Our involvement in this particular matter, which required swift and coordinated action on behalf of our client, demonstrates that our staff are steadfast in

driving our objectives of increasing access to justice and being responsive to our clients and community.

Coercive Control Campaign

Legal Services has delivered a public awareness campaign to educate the South Australian community about coercive control. We received funding from the Attorney-General's Department to couple this campaign activity with a community legal education program on coercive control. Our Communications and Engagement team worked on both the campaign and the education program concurrently. There is a great deal of work to be done to combat this insidious form of abuse, and raising the community's awareness through education is an important starting point.

New Online Portal

As part of the ongoing modernisation of our operational systems, Legal Services has launched a new OLS Portal to improve the way in which our clients and legal practitioners who deliver services on our behalf engage with Legal Services.

The Portal went 'live' on Friday 16 June. The new Portal provides access to forms regularly used by legal practitioners and creates a central hub for their communications with Legal Services. Our clients will be able to use the Portal to lodge applications for legal aid, including uploading accompanying documents to support their applications and to receive communications about the progress of their application.

amica^{one}

In June 2020, Legal Services launched amica, a national, online family dispute resolution tool for separating couples. Since 2020, the uptake of amica has been impressive. It is playing an important role assisting couples to separate amicably, and helping to avoid costly and protracted legal proceedings, as well as alleviate court backlogs.

Following on from the success of amica, in January we

launched **amica^{one}**, a new single-sided version of the amica online separation tool. The new tool is designed for use by individuals. **amica^{one}** is a game changer for people considering separating, particularly women experiencing domestic violence or those staying in broken relationships in fear of the financial implications of separating. The single-sided version of amica offers privacy and confidentiality for persons considering separation but not yet separated.

Developed in response to market research and client feedback, **amica^{one}** will help to empower single users by letting them know where they stand and what a division of money and property might look like when separating, without the need to involve their partner.

amica is an important initiative of National Legal Aid, delivered by Legal Services, with the support of the Australian Government.

Aboriginal Stakeholder Engagement

Legal Services has a long and proud history of working with Aboriginal clients and stakeholders in all areas of our service delivery. During the year we worked closely with the Aboriginal Legal Rights Movement to assist them with demand for services. We have launched an Aboriginal Engagement Strategy complete with an action plan overseen by a working group. The goal of our Strategy is to ensure that we remain a place where Aboriginal South Australians can work and seek our services in an atmosphere of cultural safety, respect and understanding. To this end, all our staff have undertaken practical cultural awareness training.

In February, we commissioned a striking piece of Aboriginal art by Ngarrindjeri, Narungga, and Kurna woman Gabriel Stengle. The work was unveiled by the South Australian Minister for Aboriginal Affairs and Attorney-General at our Adelaide office in front of a gathering of Aboriginal justice sector stakeholders. It was an important opportunity to reaffirm Legal Services' longstanding resolve to be an active

participant in Australia's Reconciliation journey. Copies of the art are displayed at all our offices and utilised in our communications with the public.

This year, we were delighted and honoured by the appointments of two Legal Services' lawyers, Lana Chester, and Natalie Browne, as South Australia's first Aboriginal Magistrates. Lana has more than 25 years' experience in criminal law working with Legal Services, with an extensive background in the Supreme, District and Youth Courts. Natalie has almost 20 years' experience in criminal law, having commenced in private practice in 2003 before starting with Legal Services, firstly as a Senior Duty Solicitor, then working in our Criminal Law Practice Division and as a Senior Solicitor in our Grants section.

Regional and Remote Service Delivery Review

During the year, Legal Services commenced a review of its regional and metropolitan service delivery to ensure we continue to deliver best practice services that support the needs of both metropolitan and regional staff and clients. The review is looking at new options for the delivery of services to areas of the state where we do not currently have an office presence and opportunities for alternative service delivery methods or expanded outreach to those areas.

Organisational Delivery Model

A review of the delivery model for our Access Services function was undertaken this year to ensure that our services remain efficient and effective as we move into the future. We consolidated the existing Communications and Engagement team and the Community Legal Education Officers from Access Services into one division under the Manager, Communications and Engagement. Our current Domestic Violence Unit, Women's Domestic Violence Court Assistance Service, Safe and Well Kids and Health Justice Partnership programs were incorporated into the Family Law Practice

division. This realignment will allow us to provide more holistic services to our clients and increase staff development and advancement opportunities.

We live in a world of rapidly changing technology and increasing awareness of human rights leading to higher volumes of legislation being passed by our parliaments. This means that our staff must keep up to date with new developments in order to deliver the high standard of assistance the community expects. We are committed to ensuring our staff receive regular training on the skills they need, and we provide both online and face to face training opportunities. To this end, during the year, two new, fully equipped training rooms were constructed within our existing library area at the Adelaide office.

Acknowledgements

I thank our hard-working staff for their commitment to Legal Services this year. They displayed flexibility and determination to continue to provide high-quality legal assistance to all South Australians. Their dedication to the guiding principles of Legal Services has been amply demonstrated.

I express my thanks to the external legal practitioners who continued to act on grants of aid throughout a changing economic climate. The private profession represented 77% of legally aided clients this year. I look forward to our future collaboration in delivering justice services. My thanks also go to the Legal Practitioners Reference Committee who provide advice on Legal Services' legislative functions.

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

Gabrielle Canny
Director and CEO

Snapshot of Services 2020-21 to 2022-23

Client Services

	2020-21	2021-22	2022-23
Grants of aid for legal representation	18 745	17 116	18 056
Additional grants*	545	526	460
Ongoing previously granted files	15 408	13 872	14 128
Dispute Resolution services			
clients represented at a FDR conference	2 019	2 126	2 079
amica parties**	5 892	3 944	3 430
Duty lawyer services	13 397	12 891	14 022
Legal task	2 255	1 955	2 616
Legal advice	78 645	76 098	75 191
Information sessions	9 302	9 696	10 003
24Legal sessions (online legal information)	9 987	10 220	8 810
Community legal education participants	***3 323	5 251	5 898
Social support services	663	901	1 157
Total client services	160 181	154 596	155 850

*Under the Guardianship and Administration Act 1993 and the Mental Health Act 2009

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

*** This number is low due to COVID-19 and lockdowns.

Snapshot of Services 2020-21 to 2022-23

Supporting Client Services

	2020-21	2021-22	2022-23
Applications for aid received	21 562	20 076	20 440
Grants of aid for legal representation–			
assigned inhouse	4 099	4 244	4 117
assigned externally	14 646	12 872	13 939
ICL appointments	451	416	452
Lawyer assisted family dispute resolution			
conferences organised	1 715	1 710	1 407
conferences held	1 211	1 254	1 184
conferences settled - percentage	84%	83%	82%
AI assisted family dispute resolution – amica (Australia wide)			
suggested asset divisions	*700	585	584
property or parenting agreements	*500	339	405
Community legal education sessions	**175	**214	373
Referrals for further service			
Information	1 607	1 479	1 090
Advice/legal task	15 023	15 401	16 768
Duty lawyer	11 379	11 365	10 932
Total	28 009	28 245	28 790
Law Handbook page views	1 865 114	1 816 996	1 465 154
Legal Services website page views	814 352	1 022 460	1 166 079
Distribution of publications	***25 506	***17 952	31 527

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

** These numbers were low due to COVID-19 and lockdowns.

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

OUR CLIENTS

All South Australians are eligible to receive free–

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

South Australians most in need may be eligible to receive–

- a grant of aid for legal representation
- lawyer assisted family dispute resolution



Our Clients

All South Australians are entitled to seek legal assistance from the Legal Services Commission. Legal information, advice and duty lawyer services are provided to all members of the public for free. Some people are also able to access grants of aid for legal representation. These people are usually the most disadvantaged in our community.

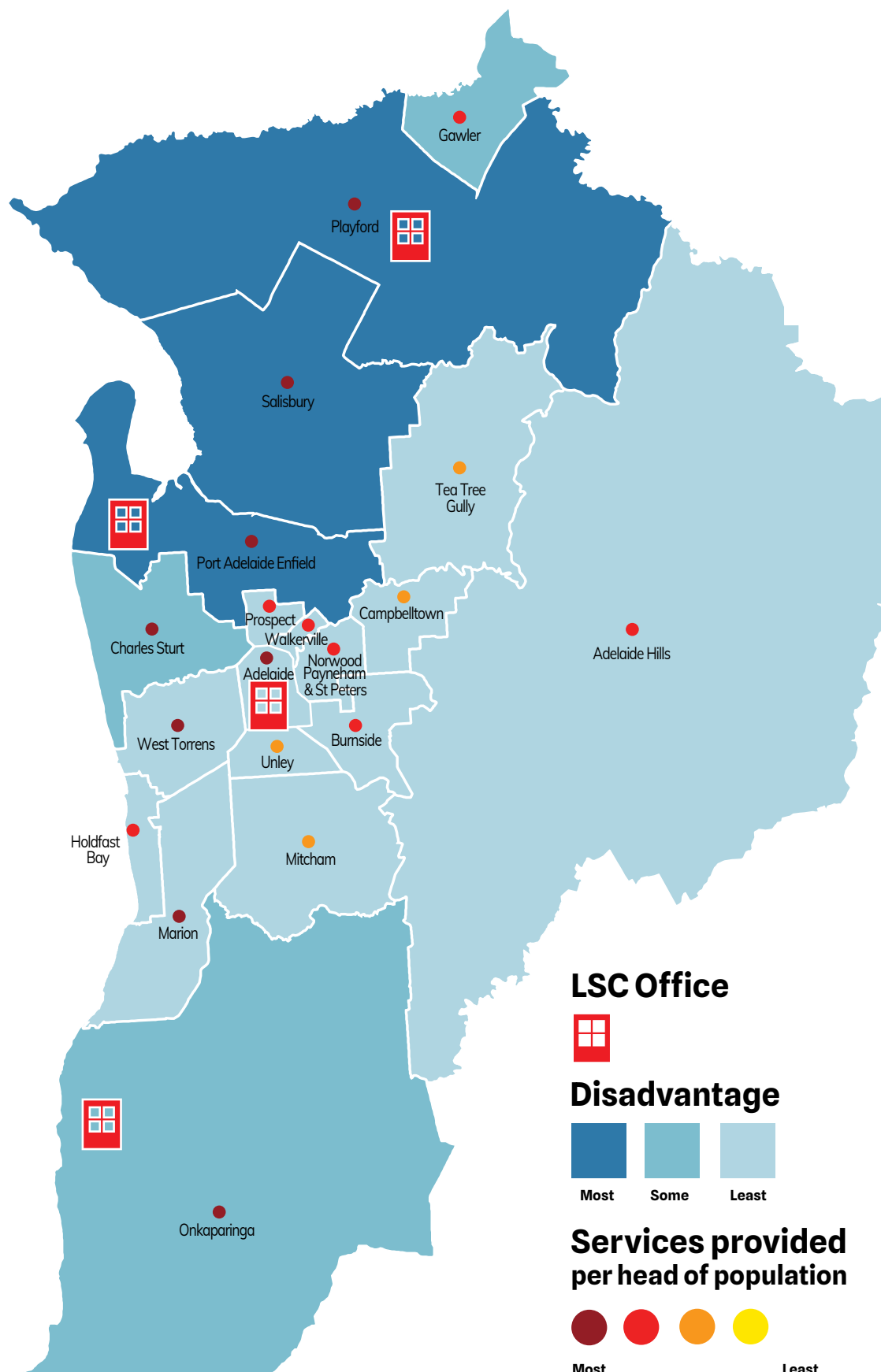
The maps on the following pages indicate—

- the total number of information, legal advice, duty lawyer and grants of aid for legal representation services delivered in each local government area during 2022-23, as a percentage of the total population of that area, and
- as a subset of the figures above, the number of grants of aid for legal representation services delivered in each local government area during 2022-23, as a percentage of the total population of that area.

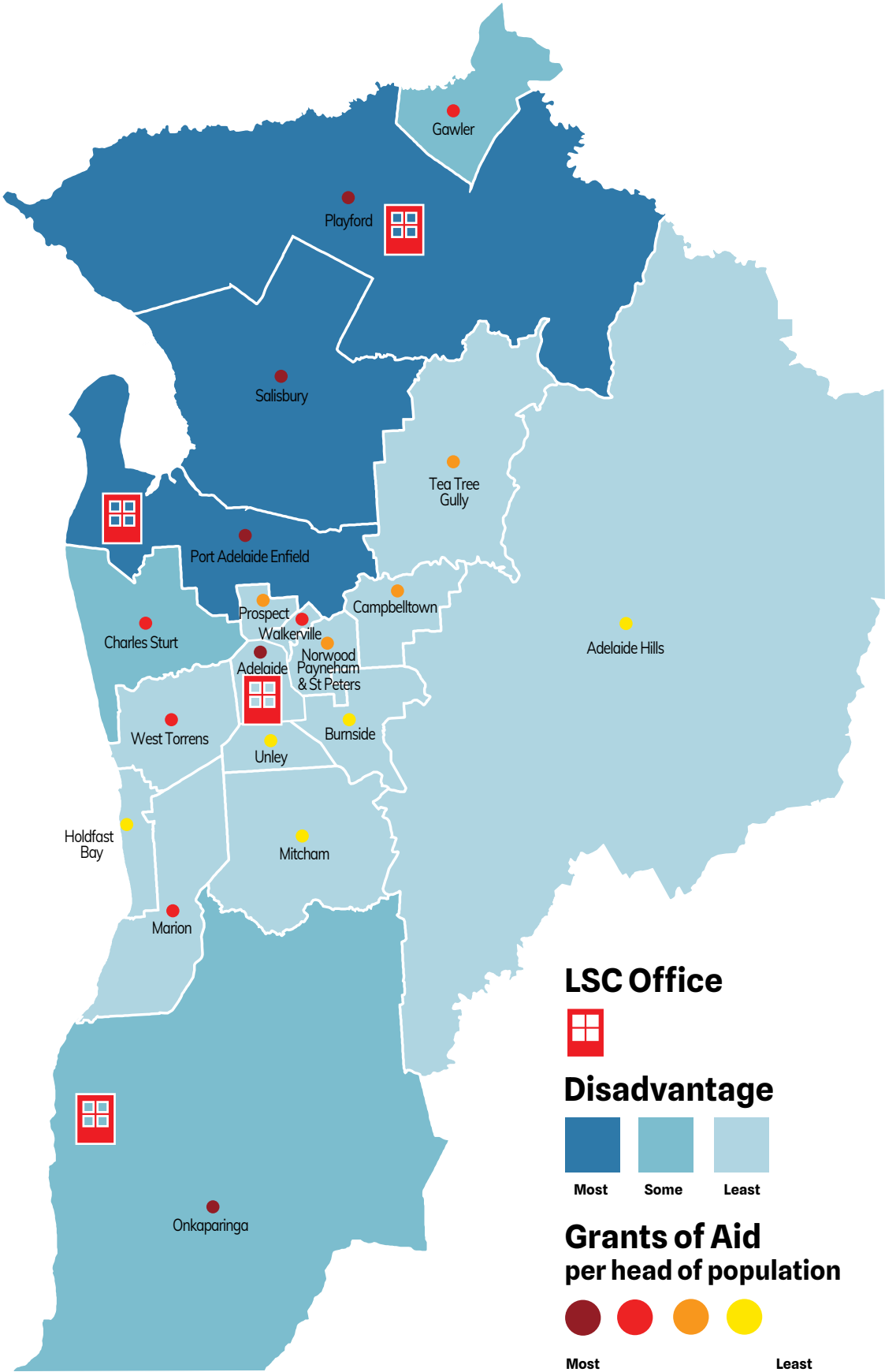
Coloured dots indicating these service numbers are overlaid on maps indicating the relative socio-economic disadvantage of each local government area, as determined by the Australian Bureau of Statistics Local Government Area Index of Relative Socio-economic Disadvantage, 2016.

**We seek to take
the law to the
people who most
need it.**

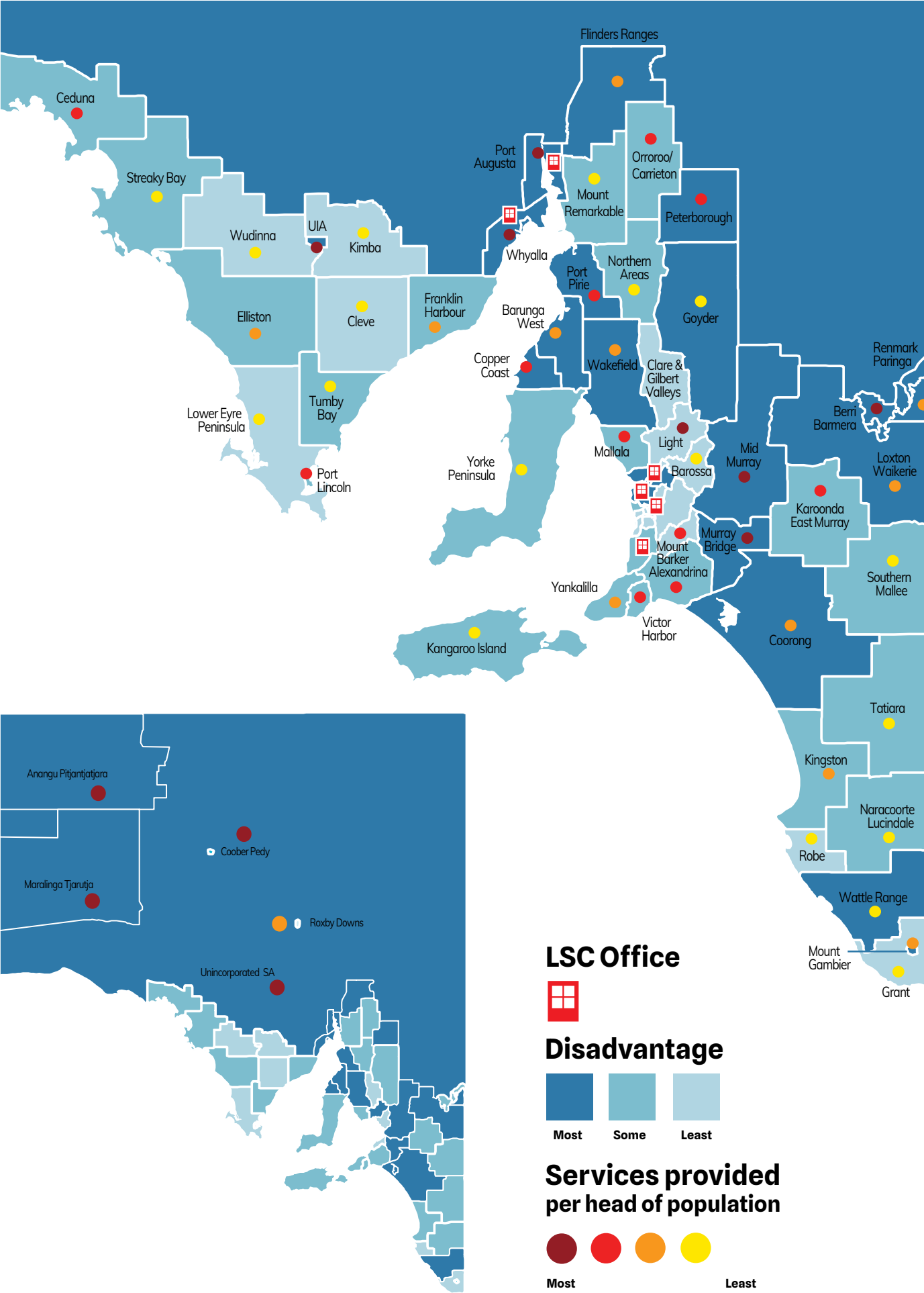
2022-23 All Services –Metropolitan Adelaide



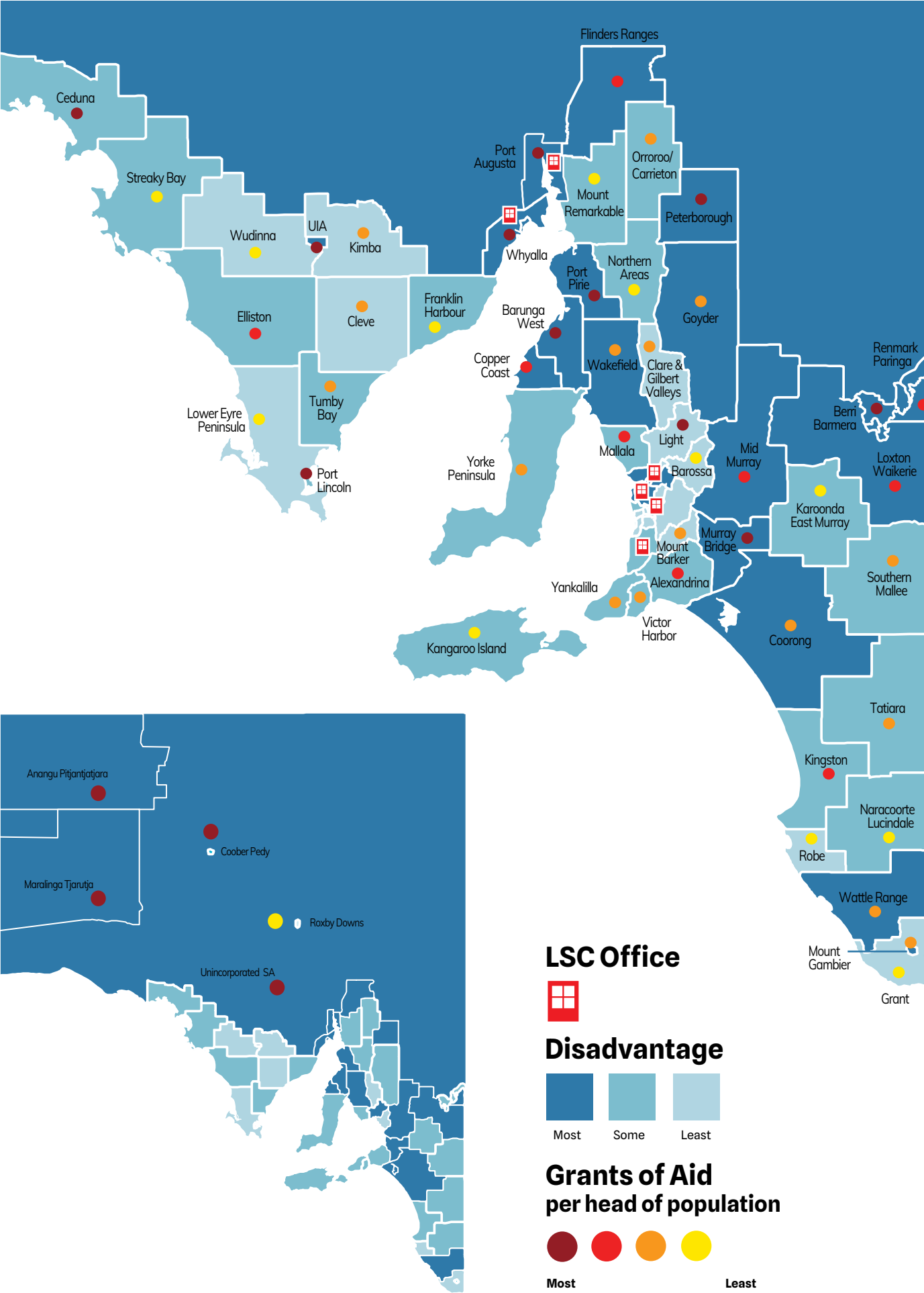
2022-23 Grants of Aid–Metropolitan Adelaide



2022-23 All Services-Regional and Rural



2022-23 Grants of Aid–Regional and Rural



Priority Clients

The National Legal Assistance Partnership Agreement 2020-25 (NLAP), under which we receive Commonwealth funding, identifies groups of people who, because of particular characteristics, experience greater disadvantage than others when dealing with legal issues or accessing legal assistance. These client groups were also identified in the 2012 Legal Australia Wide Survey as being amongst those most vulnerable to having unresolved legal problems. People who fall within these groups are considered to be priority clients and our services are targeted accordingly.

Of the clients who received a grant of aid for legal representation, a legal advice appointment or a court based legal service during 2022-23, the following percentage fell within NLAP priority client groups:

NLAP Priority Client Group

Receives a government benefit	61%
Child or young person (≤ 24 years)	18%
Disability or mental illness - self identified	18%
Culturally and linguistically diverse*	18%
In custody	14%
Victim of family violence - self identified (80% of clients who received a grant of aid for legal representation in a family law matter had experience family violence (lawyer identified))	14%
Lives in regional or remote South Australia	14%
Aboriginal and Torres Strait Islander people	15%
Older person (≥65 years or >50 years for Aboriginal and Torres Strait Islander people)	6%
Requires an interpreter	5%

*Born overseas

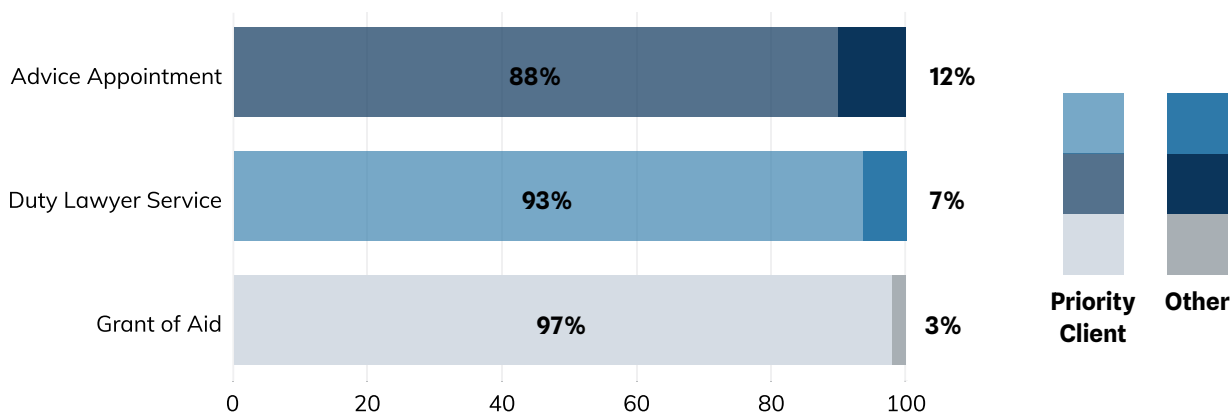
Number and type of service provided to each priority client group – 2022-23

Priority Client Group	Grant of aid	Duty lawyer service	Advice appointment	Total
Receives a government benefit	13 016	9 538	7 412	29 966
Under 25 years of age	4 479	3 008	1 176	8 663
Disability or mental illness	4 559	3 712	1 678	9 949
Culturally and linguistically diverse	1 713	1 852	4 827	8 392
In custody	5 412	4 319	308	10 039
Victim of family violence	1 499	699	4 156	6 354
Lives in regional or remote SA	2 957	2 202	1 142	6 301
Aboriginal and Torres Strait Islander people	4 396	3 476	530	8 402
Older person (65+ years of age or 50+ for Aboriginal and Torres Strait Islander people)	473	457	1 749	2 679
Requires an interpreter	627	603	1 573	2 803

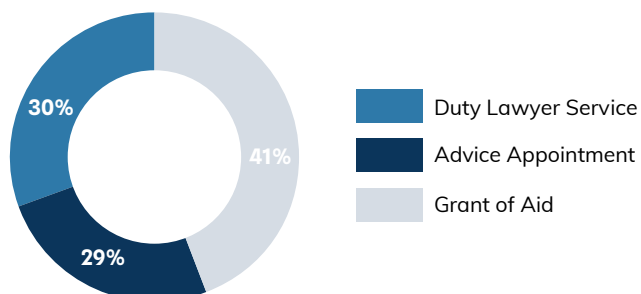
Services to priority clients

	Services to priority clients	Services to non-priority clients
Grant of aid	17 548	508
Duty lawyer service	13 038	984
Advice appointment	12 214	1 855
Total	42 800	3 347

% of services to priority clients



Type of service accessed by priority clients



Culturally and linguistically diverse clients

Clients from a culturally and linguistically diverse (CALD) background experience particular challenges when dealing with legal issues or accessing legal services. These challenges may include–

- English as a second language,
- an unfamiliarity with our legal system and our laws,
- cultural differences,
- racism or discrimination, or
- past trauma.

The legal education, information and advice we provide to CALD clients spans all areas of civil, criminal, and family law, informing the client (perhaps for the first time) on relevant aspects of the Australian legal system. To assist in overcoming language barriers we engage interpreters when necessary, at no charge to the client.

Our free legal advice service is promoted to CALD clients through short MP3 audio recordings on our website. These recordings are available in Arabic, Dari, Dinka, Hindi, Mandarin, Nepali, Pashto, Swahili and Vietnamese.

Migration law expertise is maintained within our Civil Law group. From time to time government funding is received to assist clients.

In relation to a specific migration program. In the last financial year, this has included–

- the Resolution of Status Program, allowing us to assist clients to transition from temporary visas to permanent visas, and
- the Afghanistan Evacuee Program, where we received specific funding to assist evacuees from Afghanistan to secure permanent visas.

Who we help

Our client, a migrant on a temporary visa, was experiencing physical, verbal and financial abuse from her former partner when she made contact with our domestic violence unit. She was under significant financial hardship and was having difficulty communicating with Centrelink due to the language barrier.

Having had an appointment with our domestic violence lawyer, she was referred to one of our migration solicitors to assist with her temporary visa and potential payments from Centrelink. She also received an appointment with our social worker, who assisted her to deal with Centrelink and to contact foodbank.

Soon after her appointments with us she sent a very positive text to our social worker stating that she had received her first payment from Centrelink, her family tax benefit application was approved, meaning she could now apply for parenting payment, and she had received a voucher from foodbank. The text finished with “My children are so happy, they have lots of food!”.

Through the collaborative assistance of her lawyers and social worker, our client now feels physically safe, more in control of her personal and financial autonomy, and better connected to essential services.

Who we help

Migration matters can cause anxiety for clients. As well as dealing with the challenges inherent in arriving in a new country, they are often under the stress of waiting to hear whether they have been granted a visa.

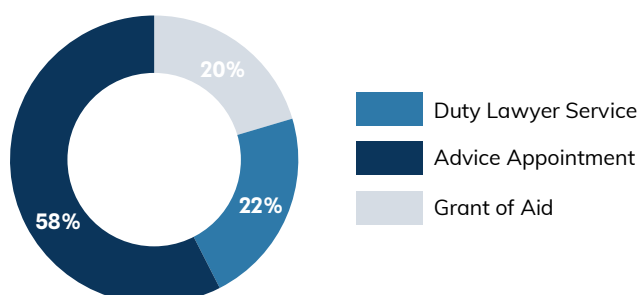
A client advised by our lawyer that they had been granted a permanent partner visa provided this feedback:

"Thank you so much for your support and kindness. I can't thank you enough. I'm literally in tears while writing this, words can't express my feelings right now. Again, thank you so much."

In the 2022-23 financial year, CALD clients received **7,456** legal assistance services comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 304 wrap-around social support services. 972 CALD clients indicated they required an interpreter. In the last financial year, we assisted CALD clients from 132 different countries, with the largest number of people originating from India, Afghanistan and Iran.

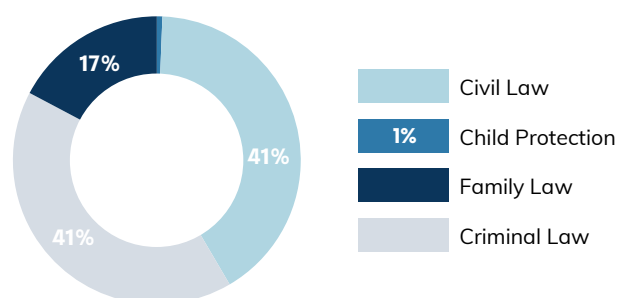
Grant of aid	Duty lawyer service	Advice appointment	Total
1 416	1 685	4 355	7 456

Type of service accessed by CALD clients



During 2022-23, 8% of all grants of aid, 12% of all duty lawyer services and 31% of all advice appointments were to CALD clients. CALD clients received **3,038** criminal law services, **1,227** family law services, **3,140** civil law services and 51 child protection legal services.

Services to CALD clients by law type



Examples of CALD community legal education initiatives include–

Legal Education for New Migrants

Since 2004 a specialised program of legal education, developed through consultation with multicultural communities, has been provided to people from new and emerging migrant communities. Each session is tailored to the specific audience and is facilitated through multicultural associations. For people facing the complex challenges of resettling in Australia, legal education promoting awareness of rights and responsibilities under Australian law, and information about accessing legal services, can significantly reduce the risks of hardship and social isolation.



Legal education session for new migrants

Law For You

Law For You is a straightforward guide to the law for new migrants living in South Australia. It is intended to help non-English speakers learn key laws and find out about services available to assist people with legal problems. It is available in 14 community languages.



Law For You

What's the Law

Our What's the Law education kit consists of 10 simple English photo stories about common legal problems that new migrants may encounter. It is accompanied by activity and answer sheets, including notes for those co-ordinating the use of the kit.

During this financial year regular CALD legal information sessions were delivered to–

- new arrivals through Adult Multicultural Education Services (Australia),
- students undertaking the Adult Migrant English Program at Tafe SA, and students in the New Arrivals Program at Thebarton Senior College,
- clients of the Australian Refugee Association, and
- members of the City of Salisbury migrant social groups.

Aboriginal and Torres Strait Islander clients

Aboriginal and Torres Strait Islander people are significantly overrepresented in South Australian prisons and face particular barriers to accessing the law and legal services. These barriers include–

- socio-economic disadvantage,
- communication issues,
- cultural differences,
- lack of education,
- racism or discrimination, and
- geographic isolation.

In recognition of this, we work with the community, other legal assistance providers and government agencies to provide services, resources and support to this client cohort.

Over the past financial year, our staff undertook practical cultural competency training to assist us to provide legal assistance to each Aboriginal or Torres Strait Islander client in an appropriate and respectful manner, and to ensure a culturally safe and inclusive place for Aboriginal and Torres Strait Islander people to access our services.

In addition to receiving grants of aid for legal representation in mainstream courts, Aboriginal and Torres Strait Islander clients are provided with legal representation in the Nunga Courts and the Aboriginal Community Courts, and for matters listed in the Aboriginal and Torres Strait Islander Family Law List in the Federal Circuit and Family Court of Australia. In addition, Aboriginal Legal Rights Movement clients are provided with a lawyer to participate in our lawyer assisted family dispute resolution program.

To increase cooperation and collaboration in the provision of legal assistance services to Aboriginal and Torres Strait Islander people, regular meetings are held between the Director of the Legal Services Commission and the Chief Executive of the Aboriginal Legal Rights Movement.

Who we help

Our client was an intellectually disabled Aboriginal man who was detained indefinitely, having already served ten years more than the sentence that had been imposed for his offending.

Whilst in custody he undertook several courses directed to assisting him to understand the reasons for his offending and showing him ways in which he could reduce his risk of reoffending. He had also vastly improved his literacy and numeracy skills. Despite these attempts for rehabilitation, the psychiatric evidence was that he continued to present a risk to the public.

Initially, the Supreme Court refused his application for release on licence. The Court of Appeal then refused his appeal. The High Court ruled that the Supreme Court had misinterpreted the relevant legislation and sent the case back to the Supreme Court. At the rehearing the Supreme Court heard further evidence and ordered the release of our client. Strict licence conditions were imposed, including extensive supervision and support from Corrections, and working with Aboriginal and other organisations, including the NDIS.

Without our service it is likely this client would still be detained.

Who we help

An Aboriginal man from the Anangu Pitjantjatjara Lands was charged with the manslaughter of his son, to which he pleaded guilty.

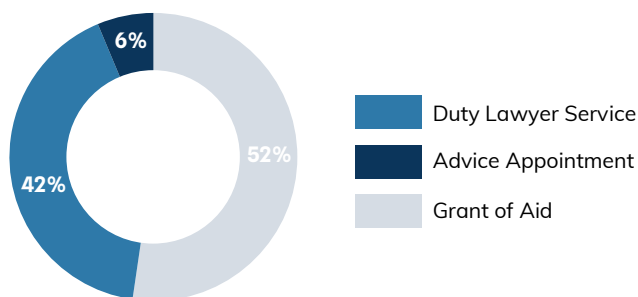
Our Senior Counsel represented him at an Aboriginal sentencing conference in the District Court. He presented the very difficult circumstances of the client's life, including socio-economic disadvantage, homelessness, unemployment and alcohol and drug addiction that he had overcome prior to the crime. The immediate circumstances surrounding the offence, including the lack of services and support for the client and his son, was also put to the Court, along with the impact of incarceration on an Aboriginal person and the client's value as an elder in his community. At the sentencing conference our client expressed his contrition and regret, in his language, directly to the victim's family. They accepted his remorse and his apology and offered him their support on his release from custody.

Not only did the advocacy for this client result in a reduced sentence, but the process assisted the family to heal and assisted in the client being accepted back into his community.

In the 2022-23 financial year, Aboriginal and Torres Strait Islander clients received **8,402** legal assistance services comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 59 wrap-around social support services. 171 Aboriginal and Torres Strait Islander clients indicated they required an interpreter.

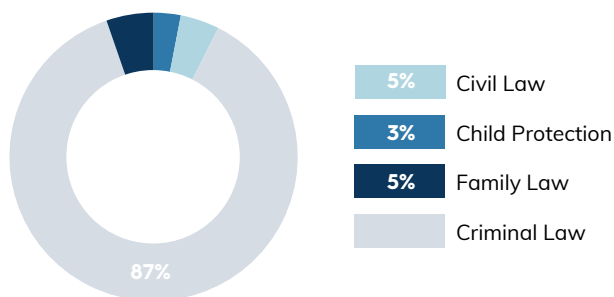
Grant of aid	Duty lawyer service	Advice appointment	Total
4 396	3 476	530	8 402

Type of service accessed by Aboriginal and Torres Strait Islander clients



During 2022-23, 24% of all grants of aid, 25% of all duty lawyer services and 4% of all advice appointments were to Aboriginal and Torres Strait Islander clients. These clients received **7,334** criminal law services, **445** family law services, **368** civil law services and **255** child protection legal services.

Services to Aboriginal and Torres Strait Islander clients by law type





Closing the Gap Day – March 2023

To promote our services to the Aboriginal and Torres Strait Islander community, and to share information and resources, our community legal education officers liaise regularly with officers from the Aboriginal Legal Rights Movement.

Some examples of community legal education initiatives for Aboriginal and Torres Strait Islander people that occurred this financial year include–

- Publishing our [Legal Health Check Up](#), an easy read guide for Aboriginal and Torres Strait Islander people that uses visual art to help explain key legal concepts.
- Attending NAIDOC week in Victoria Square / Tarntanyangga, and the Closing the Gap Day at the Adelaide showgrounds, to promote our services, distribute information and respond to legal questions from the many attendees.

- Updating the Law Handbook and circulating it through our [Keeping Connected e-resource](#) to include information about the proposed Voice to Parliament (Federal) and the new South Australian Voice to Parliament.

In keeping with our commitment to this priority client group, during the financial year we developed an [Aboriginal Engagement Strategy 2022-2024](#). The strategy acknowledges that Aboriginal people have endured past injustices and was developed to reflect our commitment to our relationship with Aboriginal clients and communities.

The strategy contains an artwork created by Aboriginal Contemporary Artist, Gabriel Stengle.



Artwork created by Aboriginal Contemporary Artist, Gabriel Stengle

In Gabriel's words–

The Legal Services Commission is represented as the centre meeting place connected to Journey Lines. The journey represents the Legal Services Commission journey as well as its staff and people who seek and need legal help.

The surrounding waterholes represents the many locations the Legal Services Commission is accessed where people have equal access to justice wherever they may be.

The symbols (U) represent the people, the people who represent the Legal Services Commission as well as the people in the many diverse communities across South Australia.

Throughout this piece there are kangaroo prints that represent the Legal Services Commission mission to always move forward and never backwards, to keep growing and being a voice for the community.

Clients with a disability

Clients living with a disability face a variety of challenges when accessing the law and legal services. To mitigate this as far as possible our services are designed to assist client access through measures such as–

- Readspeaker on our website,
- digitally accessible web resources to enable access by people with vision impairment or who, because of a physical impairment, are unable to use a mouse,
- legal factsheets and service contact information in Braille and large print,
- factsheets in easy read English, both in printed form and available on our website,
- the production of specialised videos specifically for people with disability on issues such as how we may be able to help and on legal topics including elder abuse, family violence, arrest rights and victim rights,
- the production of videos in Auslan with information about our services and about family violence prevention and elder abuse prevention,
- contact capability through the National Relay Service,
- the provision of specialist training to Auslan interpreters and lawyers who work with clients with disability.

To provide specialist and accessible legal advice services to people with disability, and their supporters, we maintain a Disability Information and Legal Assistance Unit (DiLA).

Clients with a disability are assisted with advice and representation to–

- appeal decisions of funding under the National Disability Insurance Scheme (NDIS) at the Administrative Appeals Tribunal,

- tell their story to the Royal Commission into Violence, Neglect and Exploitation of People with Disability, through the national Your Story Disability Legal Service, and
- appeal decisions under the Guardianship and Administration Act 1993 and the Mental Health Act 2009 at the South Australian Civil and Administrative Tribunal.

Who we help

A young adult with a disability contacted us. Her disability creates significant barriers and challenges for her in interacting with services and in being able to self-advocate for her rights.

This client's NDIS funding was insufficient to meet her disability needs. She lodged an appeal with the Administrative Appeals Tribunal (AAT). Via an established referral pathway, the AAT referred her to us for some initial free legal advice. She then applied for ongoing legal representation so that the lawyer could represent her at her AAT appeal.

Her funding application was approved and her lawyer negotiated an outcome with the NDIA, resolving the matter expediently and with an increase in her NDIS funding to meet her needs. This has allowed her to access therapies and supports, enabled her to live independently and avoided a lengthy AAT appeal.

This client provided the following feedback:

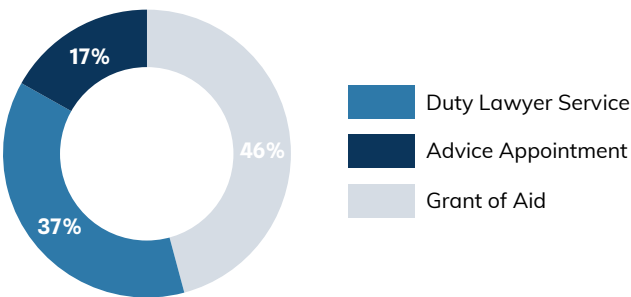
"The solicitor allocated to me was beyond wonderful. She took the time to understand my situation and my needs, she was great at explaining the process and made sure that I knew what was happening throughout the entire time....I will miss her support."

Specialist legal representation is provided to clients with mental illness or impaired cognitive function. Many of our clients suffer from chronic mental illnesses such as schizophrenia, bi-polar disorder, major depression and post-traumatic stress disorder. In many cases the client's mental illness contributes to the offending behaviour, raising questions of fitness to plead and mental competence to commit the offence.

In the 2022-23 financial year, clients with a disability received **9,949** legal assistance services comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 143 wrap-around social support services. 22 clients required an Auslan interpreter.

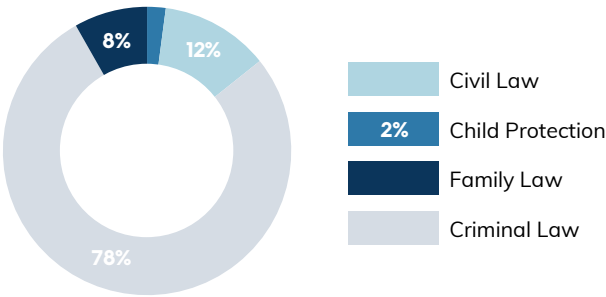
Grant of aid	Duty lawyer service	Advice appointment	Total
4 559	3 712	1 678	9 949

Type of service accessed by clients who indicate a disability



During 2022-23, 25% of all grants of aid, 26% of all duty lawyer services and 12% of all advice appointments were to clients who indicated they had a disability. These clients received **7,710** criminal law services, **818** family law services, **1,214** civil law services and **207** child protection legal services.

Services to clients who indicate a disability by law type



To increase awareness of legal issues and rights for people with disability, during the financial year our lawyers met with many organisations, including Carers SA, Orana, Novita and Deaf Connect. A domestic violence forum was facilitated at Purple Orange, an organisation committed to amplifying the voices of people living with disability. Stalls with information about legal rights and services for people with disabilities were hosted at numerous community events, including the Catalyst Foundation's My Life My Choice Expo, Healthy Cities Onkaparinga, and Minda's International Day of People with Disability. Legal resources were produced, including a package of South Australian specific laws and services for the national Disability Advocacy Support Helpline, which commenced in early 2023.



International Day of People with Disability

Regional and remote clients



Far North

To assist clients living in the far north of South Australia to access legal assistance services, since 1985 we have maintained offices at Whyalla and Port Augusta. In addition to providing services to residents of these towns, advice and legal representation is available to those scattered across an area of more than 300,000 square kilometres, from Port Pirie to Ceduna and from Port Lincoln up to Oodnadatta and beyond, including Coober Pedy and the communities of the APY Lands.

Our offices in these remote locations allow clients to interact with their lawyer in person and have their lawyer present with them in court, rather than speaking with them over the phone or appearing via AVL.

The criminal law practitioners located in these offices represent clients in the Whyalla and Port Augusta Magistrates Courts, and in some summary criminal cases in the Port Lincoln and Port Pirie Magistrates Courts.

These practitioners provide-

- duty solicitor representation for clients subject to overnight custody and for clients on the day of their appearance in court,
- bail applications, guilty pleas and summary trials,
- higher court representation for clients facing serious major indictable charges,
- Youth Court representation, and
- regular attendance at the Port Augusta prison to assist clients in custody.

During the financial year a project was undertaken to investigate options for the delivery of services to areas of the state where we do not currently have an office, including Mount Gambier and the broader southeast region. The review is also considering alternative service delivery methods or expanded outreach to areas where our current service delivery is limited.

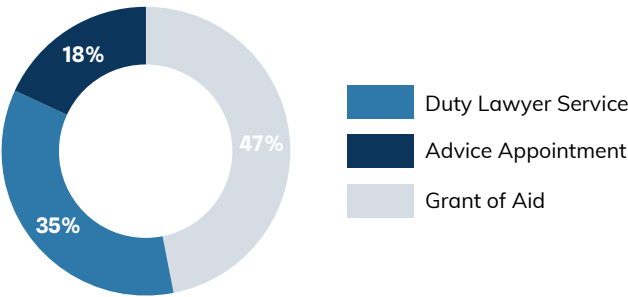
Who we help

Due to our presence in Port Augusta, we were able to receive face to face instructions from a client being held in custody in Port Augusta. The client was Aboriginal, was not fluent in English and found AVL to be intimidating and confusing. He was subject to an aggravated assault charge and multiple counts of breaching an intervention order. Through spending time with the client to understand his situation our lawyer was able to convince the court that special circumstances existed, and that home detention bail was appropriate. Our lawyer continued to advocate on his behalf until the prosecution withdrew all charges. This outcome may not have been achieved without the provision of a face to face service.

In the 2022-23 financial year, clients living in regional or remote South Australia received **6,301** legal assistance services comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 58 wrap-around social support services.

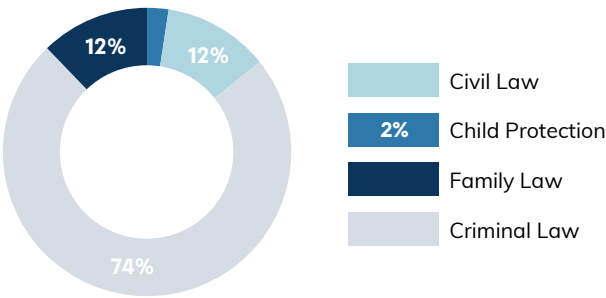
Grant of aid	Duty lawyer service	Advice appointment	Total
2 957	2 202	1 142	6 301

Type of service accessed by clients living in regional or remote South Australia



During 2022-23, 16% of all grants of aid, 16% of all duty lawyer services and 8% of all advice appointments were to clients living in regional or remote South Australia. These clients received **4,632** criminal law services, **769** family law services, **749** civil law services and **151** child protection legal services.

Services to clients living in regional or remote South Australia by law type





Regional Roadshow - May 2023

In May 2023, our lawyers participated in a regional roadshow with the Working Women's Centre SA, the Aboriginal Legal Rights Movement and Westside Lawyers. The focus of the roadshow was to deliver seminars and raise awareness about the assistance available for people affected by sexual harassment in the workplace. In addition to assisting clients in relation to this matter, we were able to answer questions in relation to employment law, family law, child protection and domestic violence issues, and promote the services available to clients through our Domestic Violence Unit (DVU) and Women's Domestic Violence Court Assistance Service (WDVCAS). DVU services have recently expanded to clients in the mid-North region, and WDVCAS should be available to these clients early in the new financial year.

Over the financial year lawyers from our Your Story Disability Legal Service and our Defence and Veterans Legal Service provided services in relation to these programs in the regional and remote communities of Mt Gambier, Naracoorte, Coober Pedy, the towns of Indulkana, Kaltjiti (Fregon), Pukatja (Ernabella), and Mimili in the Anangu Pitjantjatjara Yankunytjatjara Lands, Peterborough, Pt Lincoln, Robe and the Yorke Peninsula.

In November 2022, the flooding of the River Murray in South Australia was declared a major emergency under the Emergency Management Act 2004. Many legal issues arise after a natural disaster, creating a need for timely legal information and advice. Our lawyers adapted Legal Aid NSW's [Insurance claims after a Disaster](#) booklet and distributed it to the affected regional communities via a poster with a QR code.

Older people

South Australia has a relatively high number of people over the age of 65. This cohort of the population is growing, and as the numbers increase it becomes increasingly important that this sector of the community is aware of their legal rights and is protected.

Elder abuse

Elder abuse can take many forms. The abuse may be physical, emotional, sexual, financial or social and includes neglect and withholding care. It may involve action or failure to act which causes distress, harm, or serious risk of harm to an older person, or loss or damage to their property. Our legal advisers have built up strong collaborative links with other service providers such as the Adult Safeguarding Unit, the Alliance for the Prevention of Elder Abuse and the Office of Ageing Well to provide holistic services to persons suffering this form of abuse.

Who we help

An elderly gentleman was referred to our legal advice section by an employee of the Adult Safeguarding Unit, who initially attended his appointments with him. The client had been experiencing domestic violence and elder abuse over his 50 year relationship with his partner and from his adult children who lived under the same roof. Over multiple appointments the client was provided with general advice about divorce and property settlement as well as safety planning to enable him to leave the relationship and remove himself from the elder abuse he was experiencing from his adult children. He was assisted to secure accommodation from Housing SA and secured funding for a family dispute resolution conference to achieve a property settlement.

Who we help

Elder abuse is often perpetrated by adult children against their ageing parents. During the financial year similar fact situations to those below occurred on multiple occasions–

After being put under pressure to do so, elderly clients agree to take demerit points or pay expiation notices on behalf of their adult children, often resulting in their own disqualification from driving or financial hardship.

And–

After experiencing pressure to do so, elderly clients loan significant sums of money to adult children for deposits for homes, cars etc. The money is not repaid, resulting in significant financial hardship and sometimes resulting in homelessness.

Advance Care Directives

To mitigate a potential area of concern for people as they age, we manage an online site for the completion of an Advance Care Directive (ACD). An ACD outlines a person's wishes with respect to future healthcare and living arrangements. This is a legal document that speaks for the person if they become unable to make decisions for themselves. 35,000 people have completed an ACD through our site.

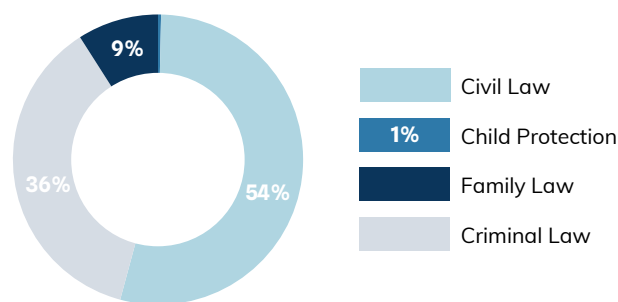
Who we help

An older migrant attended an advice appointment, stating that her children had been trying to take over her affairs and force her into a guardianship order so they could sell her home.

We were able to assist by explaining the effect of both an Advance Care Directive and a Power of Attorney and gave her information to enable her to put these in place. This included assisting her to book an appointment with the Public Trustee as she said her children had isolated her and she had no one she could trust to look after her affairs. We also provided her with information for elder abuse groups.

During 2022-23, 3% of all grants of aid, 3% of duty lawyer services and 12% of all advice appointments were to older clients. These clients received **985** criminal law services, **242** family law services, **1,443** civil law services and **9** child protection legal services.

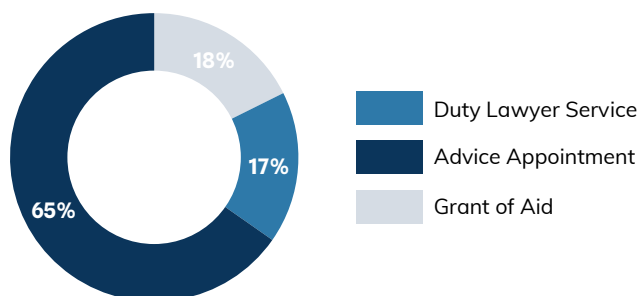
Services to older clients by law type



In the 2022-23 financial year, older clients received **2,679** legal assistance services comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 26 wrap-around social support services.

Grant of aid	Duty lawyer service	Advice appointment	Total
473	457	1 749	2 679

Type of service accessed by older clients



Legal information sessions on topics of interest to older people such as advance care directives and wills are regularly held for elderly individuals and for aged care sector workers. These sessions are held at our offices, or in community locations such as aged care homes, retirement villages and local councils.

This year we participated in the *End of Life and Compassionate Communities Expo* hosted by Healthy Cities Onkaparinga by developing and producing the [End of Life Planning Checklist and Worksheet](#). This and other resources relating to the rights of older people and the prevention of elder abuse are distributed through our monthly [Keeping Connected e-resource](#).

Children and young people

Children and young people are particularly vulnerable to the justice system, often caught up in criminal matters through circumstances beyond their control. In family law, they are often the innocent victims of the breakdown of a family relationship.

In line with our responsibility to advocate where we see laws disadvantaging the most vulnerable in our community, during the financial year we publicly called for the age of criminal responsibility to be increased from 10 to 14, along with the provision of early intervention measures to address why young children are being charged with criminal offences and support to divert children away from the criminal justice system.

Specialist criminal law services are provided to children and young people charged with criminal offences before the Youth Court, including duty lawyer services and legal representation. Children detained in youth detention facilities are also assisted. A dedicated frontline service is provided to youths taken into custody to ensure they are expeditiously brought before the presiding judge or Youth Court magistrate.

In addition to criminal law services, experienced, trained, and accredited lawyers represent the interests of children in two main areas–

- parenting orders in the Federal Circuit and Family Law Court of Australia, and
- child protection orders in the Youth Court where the Department for Child Protection has commenced proceedings.

Lawyers in both areas meet with the children to seek their perspective on the family's dispute and then represent their interests at court. Independent children's lawyers and child representatives explain the orders that have been made so that the child is aware of the outcome and the impact it will have on them. Children's views, feedback, and concerns are specifically sought by a child and family counsellor during any child inclusive family law dispute resolution conference held by us.

Other examples of specific programs to assist children include the *Safe and Well Kids Program*, where children impacted by domestic violence situations receive legal information, support, and advice, and our child support service where children and young people are assisted to obtain orders for ongoing financial support from their parents in circumstances where they are completing their education or have ongoing special needs.

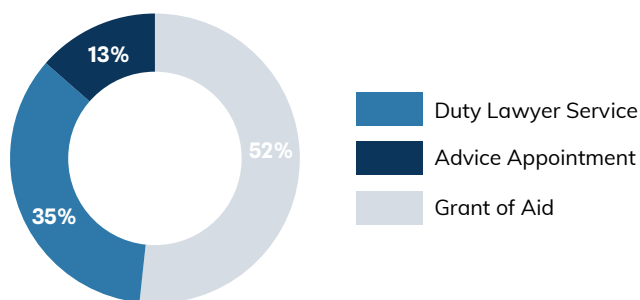
Who we help

An 18-year-old student, living with his mother, made contact through our advice line. His mother had been receiving payments of child support from his father but these payments ceased when he turned 18. Our adviser assisted him to apply for a grant of aid for legal representation. His application was accepted, and he was referred to a lawyer in our specialist child support team. We held a family dispute resolution conference which he attended with his lawyer where his father agreed to pay a regular amount of maintenance until the completion of his studies. The agreement was lodged as a consent order with the court.

The outcome was a great relief to the client. He reported that he had previously attempted to speak to his father about financial support whilst he was studying but had no success.

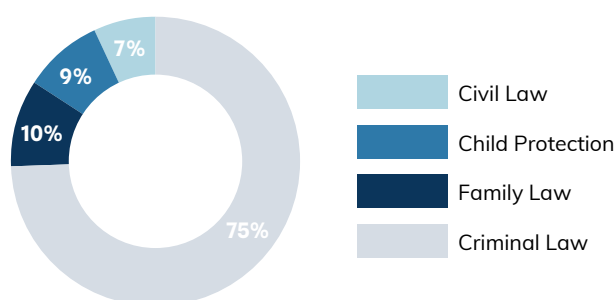
In the 2022-23 financial year, children and young people received **8,663** legal assistance services, comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 61 wrap-around social support services.

Type of service accessed by children and young people



During 2022-23, 25% of all grants of aid, 21% of all duty lawyer services and 8% of all advice appointments were to children and young people. These clients received **6,458** criminal law services, **840** family law services, **768** civil law services and **597** child protection legal services.

Services to children and young people by law type



To assist young people to understand their rights and responsibilities under the law we provide legal information sessions to students at secondary schools and flexible learning centres and to youth workers through Tafe SA, Red Cross, Metropolitan Youth Health and the Department for Human Services. This year we also presented to the Legal Education Teachers Association SA conference on the youth criminal justice system. To assist in the accurate dissemination of information a series of factsheets on a wide range of legal topics, called *Young People and the Law*, is regularly updated.



A school based legal information session

Family violence

Family violence is often present in family law disputes, with over 80% of all legal aid family law matters nationally including allegations of family violence (Chair, National Legal Aid). Those subject to family violence are among the most vulnerable of our clients, often traumatised and at risk of homelessness and poverty. Given the natural concern and nervousness about taking steps to resolve their situation, it is vital these clients are given good quality advice and support in a safe environment. Accordingly–

- family violence training is provided to all our lawyers, and to support staff who are likely to deal with those experiencing family violence, and
- significant steps have been taken to assist clients to feel safe in our offices, with all interviews and family dispute resolution conferences occurring in secure rooms and a continual security presence within these areas.

We provide a number of specialised services to assist those affected by family violence to achieve the best possible outcome for themselves and their children. These include the Family Advocacy and Support service, an integrated lawyer and social worker service based at the Federal Circuit and Family Court of Australia, the Women's Domestic Violence Court Assistance service, to assist women to obtain protective intervention orders, and the Domestic Violence Unit/ Health Justice Partnership which provides advice and assistance on-site to patients at some hospitals and health centres.

It has been recognised that those subject to family violence need assistance to resolve property settlement arrangements in a timely and cost effective way. Often, these people are not able to afford private legal representation or represent themselves in negotiating with their partners. In some cases, this leads to the abandonment of claims or accepting inappropriate settlements, precluding them from re-establishing themselves financially after separation. Assistance is provided to these parties by offering mediation in small asset pool situations to encourage settlement and, hopefully, a timely and less-expensive re-establishment of a family home for the affected party and their children.

Who we help

After providing a service to a person who had been subjected to domestic violence we received the following:

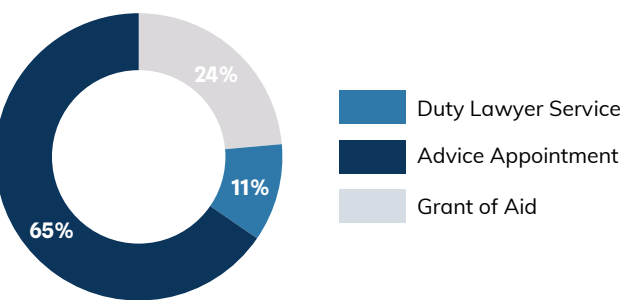
"My current state of poor mental health due to domestic abuse was handled very professionally, showing genuine empathy and care based on the facts of my situation.

I felt that I was always heard, well supported and very well represented by [a Legal Services Commission lawyer] and I am very grateful to have had this amazing support and service. Thank you."

In the 2022-23 financial year, people who reported being subjected to or at risk of family violence received **6,354** legal assistance services, comprising grants of aid for legal representation, duty lawyer services and advice appointments. This client cohort also received 793 wrap-around social support services.

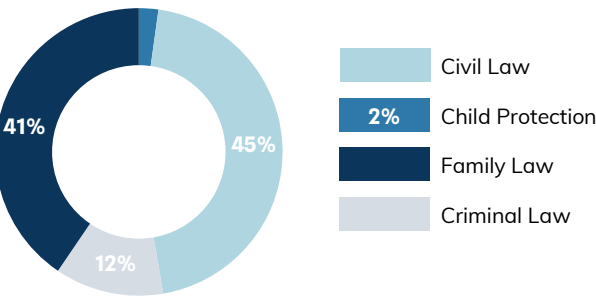
Grant of aid	Duty lawyer service	Advice appointment	Total
1 499	699	4 156	6 354

Type of service accessed by clients who indicate family violence



During 2022-23, 8% of all grants of aid, 5% of all duty lawyer services and 30% of all advice appointments were to people who reported being subjected to or at risk of family violence. These clients received **777** criminal law services, **2,573** family law services, **2,865** civil law services and **139** child protection legal services.

Services to clients who indicate family violence by law type



During the financial year, with the support of the Attorney-General's Department, we developed a coercive control community awareness campaign to increase awareness of this form of family violence. It involves tactics of emotional and mental abuse that undermine a person's autonomy and sense of worth. The key objects of the campaign were to provide the public with information about what it is, where to seek help and to let people know that intervention orders can be sought for protection against this behaviour.

Who we help

The example below indicates the need for the coercive control campaign.

A mother arrived at the Federal Circuit and Family Court of Australia on the morning of a court appearance. She saw a duty lawyer who gave her legal advice and arranged for her to see our social worker as she was very nervous about seeing her former partner and appearing in court. She told the social worker that she had not experienced domestic violence during the relationship "just a lot of mental and verbal abuse".

This client was provided with the support she needed to manage the court appearance and the subsequent negotiation of an agreement in relation to her child.

CLIENT SERVICES

Prevention and Early Intervention Services

- community legal education
- legal information, advice and legal task

Court Based Services

- criminal law duty solicitor service
- family law duty lawyer and social support service
- civil law court and tribunal services

Family Dispute Resolution Services

- lawyer assisted family dispute resolution conferences
- AI assisted family dispute resolution - amica

Legal Representation Services

- grants of aid for legal representation
- criminal law
- family law
- child protection
- civil law

Prevention and Early Intervention Services

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

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

Prevention and early intervention services consist of–

- **legal education** sessions to community groups to explain relevant laws and rights and obligations under the law, and
- the provision of **legal information, legal advice and legal tasks** to individual clients at the earliest opportunity to reduce the likelihood of a legal problem escalating.

Community Legal Education

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

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

Legal Services Commission CLE programs focus on the NLAP priority client groups, providing services both directly to groups of individuals and through community workers.

CLE is delivered by legal education officers through–

Digital, web-based and print resources – Information covering many legal topics is produced and published online, through multimedia resources and in printed publications such as factsheets and legal information guides. These resources are generally able to be downloaded from our website and are also available in hard copy.

A monthly e-resource for community workers, [Keeping Connected](#), is distributed. It focuses on topical issues and provides information about resources and services. Previous issues of the resource are located on the Keeping Connected page of our website together with a subscription form.

Legal education community talks and events – These sessions are provided both in person and online for professionals, community support workers and the public on a variety of legal topics including–

- Getting Legal Help,
- Advance Care Directives, Wills and Powers of Attorney,
- family law.

Specific sessions during 2022-23 included presentations to–

- young people,
- people with disability and their carers,
- older people,
- new arrivals from non-English speaking backgrounds, and
- community workers working with these groups.

During the financial year our *Law for Community Workers* webinar program covered topics such as family violence, criminal law, the youth justice system and advance care directives. It also promoted the work of some of our specialist programs, including the *Defence and Veterans Legal Service*.

Community and strategic engagement – Information is gathered from stakeholders, including community workers, social workers and teachers, to determine the legal education needs of priority client groups.

Key achievements and new initiatives

During 2022-23 we–

- updated and republished our [Law for You booklet](#) for new migrants, providing key legal information on 15 topics and contact details for legal assistance services – now available in 14 languages,
- published the [Insurance Claims after a Disaster booklet](#) (adapted from Legal Aid NSW), and provided legal advice, information and education to those impacted by natural disasters, including the River Murray floods, and
- launched our [See the Signs - Coercive Control Campaign](#) and associated legal education program.

Client Feedback

The feedback received this year for our Law for Community Workers webinars included–

“The presenter was very clear and did a great job on complex topics. I thought it was very complex legislation put simply. I will recommend this topic to others in my office in the future.”

“The speaker was easy to listen to, very helpful.”

“Thank you - very relevant and informative presentation.”

Facts and figures

Community Legal Education	2020-21	2021-22	2022-23
Sessions	*175	*214	373
Participants	3 323	5 251	5 898

*The relatively low number of sessions held during 2020-21 and 2021-22 was a consequence of COVID-19.

Website pageviews	2020-21	2021-22	2022-23
Law Handbook	1 865 114	1 816 996	1 465 154
Legal Services Commission website	814 352	1 022 460	1 166 079

Top five online legal information topics by page views

Young people, sex and consent	55 588
Replacing lost or destroyed documents	31 229
General principles in criminal law	21 713
Banker customer relationship	20 770
Noisy neighbours	20 395

	2020-21	2021-22	2022-23
Distribution of Publications	*25 506	*17 952	31 527

*The reduction in distribution of publications in 2020-21 and 2021-22 was related to COVID-19. The pandemic resulted in fewer events at which publications are distributed, such as CLE sessions and expos and fewer people attending agencies where publications are collected.

Five most distributed publications

	2021-22		2022-23
Fences and the Law	2 243	Fences and the Law	4 899
Trees and the Law	2 034	Trees and the Law	3 208
Need Legal Help Brochure	1 039	Need Legal Help Brochure	2 901
Power of Attorney Brochure	920	Power of Attorney Brochure	1 498
Do Not Knock Stickers	787	Do Not Knock Stickers	1 448

Legal Information and Advice

Free legal information and advice services are provided–

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

Telephone information and advice

Calls to the legal helpline are answered from 9am to 4:30pm each business day, with callers receiving timely legal information or advice, or a referral for a grant of aid for legal representation, an advice appointment or to a specialist agency.

Advice appointments

If during a telephone call, or through our online Legal Chat service, it is identified that further legal advice may be required, an appointment is scheduled at one of our offices or outreach centres or through referral to a local community legal centre. Our offices are situated in Adelaide, Elizabeth, Noarlunga, Port Adelaide, Port Augusta and Whyalla and our outreach locations are at Murray Bridge Community Centre and Summit Health Care at Mount Barker. Advice appointments can also be conducted by telephone if preferred by the client.

In addition, our legal advisers attend at the Adelaide Remand Centre, the Pre-release Centre, the Women's Prison, Yatala Prison and Mabilong Prison to provide legal advice on matters that impact on prisoners' families, with a particular focus on family law and child protection.

Online technology

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

Legal Chat was launched in 2015 as an online chat tool accessed through our website. During the 2022-23 financial year **7,815** chats were conducted, a 4% increase on the previous year. The results of a (voluntary) client satisfaction survey on our website for Legal Chat suggests a preference amongst some clients for using a chat facility. **2,228** clients responded to the question, "Do you prefer to use online chat or telephone to seek legal information". Of these, 79% indicated a preference for online chat.

24Legal is an online platform that has been available through our website since 2017. It provides legal information through a cluster of decision trees covering more than 60 areas of law. Clients are assisted to find the answer to their legal query outside of office hours by clicking on questions and answers.

PhotoLegal is an encrypted digital service allowing secure transmission of photographs and documents to a legal adviser providing advice via a phone appointment. It won a national IT award in 2020 for Best State Government Project.

Specialist advice services

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

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

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

Consumer law and consumer credit law – A specialist legal adviser provides advice and support to the adviser team in consumer law and consumer credit law. This legal adviser also provides support and information to financial counsellors and contributes to the Law Handbook.

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

Client feedback

"LSC is my go to for anything legal related. You and your colleagues have provided really useful and empowering advice to the young people I have worked with over the years, so a big thank you once again."

and

"I just wanted to pass on my thanks and compliments to your office regarding the interactions I have had this afternoon."

I was chasing information about a retaining wall and fence, so did the online chat, spoke with [an LSC staff member] and he was great in replying and providing information. He then set me up with a chat with a male who ...did a great job in talking with me, providing me with all the information I needed."

Facts and figures

In 2022-23 our legal advisers provided over **85,000** free legal information and advice services to the South Australian public.

This included–

- legal information and advice in response to over **63,000** telephone helpline enquiries and over **7,500** Legal Chat enquires, and
- free legal advice to clients in over **13,000** appointments.

In addition, the online question and answer format of 24Legal was accessed by clients on nearly **9,000** occasions to obtain legal information specific to their individual needs.

Service types by delivery method

	2020-21	2021-22	2022-23
Information			
Legal Chat online sessions	7 373	7 524	7 815
telephone helpline	1 463	1 745	1 647
client walk-ins	466	427	541
Total	9 302	9 696	10 003

Legal advice			
telephone helpline	66 902	62 066	61 702
telephone appointments	8 664	9 371	7 913
in-person appointments	*3 079	*4 661	5 576
Total	78 645	76 098	75 191

Legal task			
telephone appointments	1 481	1 251	1 438
in-person appointments	774	704	1 178
Total	2 255	1 955	2 616

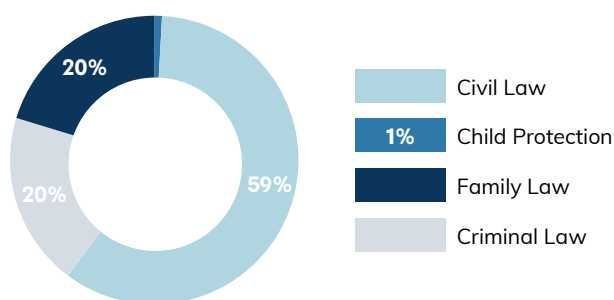
Total information and advice services	90 202	87 749	87 810
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*COVID-19 resulted in a reduction in face to face legal appointments for the 2020-21 and 2021-22 financial years.

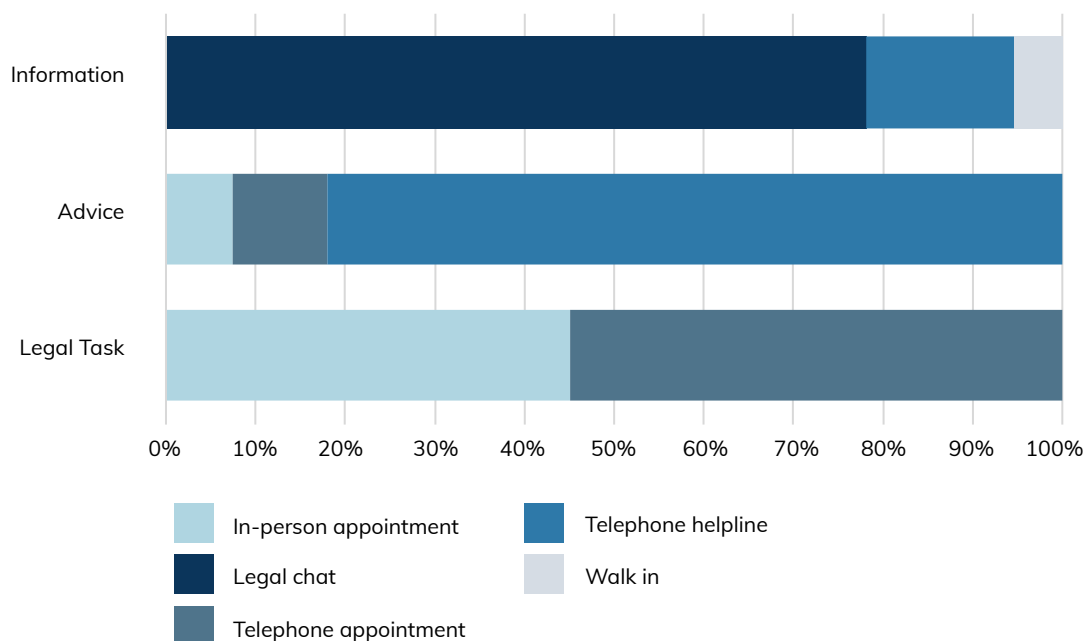
Law type by service type

	Criminal Law	Family Law	Civil Law	Child Protection	Total
Information	1 668	3 285	5 029	21	10 003
Legal advice	15 240	14 167	45 070	714	75 191
Legal task	213	366	2 018	19	2 616
Total	17 121	17 818	52 117	754	87 810

Legal information, advice and task by law type



Service delivery modes for legal advice, information and legal task



Most common information and advice matters by delivery method

Legal Chat		Telephone helpline		Advice appointment	
Law In general	906	Law In general	5 459	Intervention orders	1 484
Documents - other	552	Fences / retaining walls	3 206	Property settlement	603
Property settlement	454	Contact - Spends time with	2 869	Contact - Spends time with	556
Contact - Spends time with	419	Property settlement	2 343	Law In general	506
Landlord and tenant	352	Consumer problem	2 086	Domestic violence	442

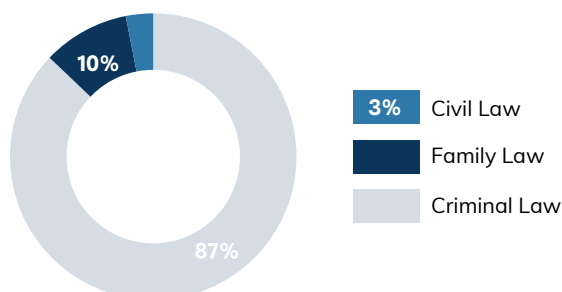
Court Based Services

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

Duty lawyer services by law type

	2020-21	2021-22	2022-23
Criminal law	11 914	11 004	12 216
Family law	1 102	1 495	1 374
Civil law	381	392	432
Total	13 397	12 891	14 022

Duty lawyer services by law type



Criminal Law Duty Solicitor Service

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

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

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

In 2020 we introduced rostering to support the provision of duty services over public holidays. This service is now well established whereby, in conjunction with the Magistrates Court and SAPOL, we plan in advance for a substantial number of custodies to be processed over the Christmas and Easter holiday periods.

No matter the challenge, duty solicitors continue their vital service - one that everyday shows the values of the SA Public Sector in action and has strengthened relationships between vital justice sector stakeholders.

The judiciary and other stakeholders appreciate the role of the duty solicitor, with Magistrates regularly reporting positively about individual lawyers or the duty solicitor service overall.

Facts and figures

In 2022-23, **12 216** criminal law duty solicitor services were provided. **11 824** of these services were provided by one of our inhouse duty lawyers, with the remaining **392** provided in rural areas by external legal practitioners, funded by us.

Criminal law duty solicitor services by court type and work type

	Advice	Mention	Uncontested bail application	Contested bail application	Plea	Hearing	Other	Total
Supreme Court	5	13	0	1	0	1	1	21
District Court	0	8	0	13	2	2	2	27
Magistrates Court	2 175	1 812	458	6 204	183	65	309	11 207
Youth Court	49	620	77	137	52	13	14	962
Total	2 229	2 453	535	6 355	237	81	326	12 216

Criminal law duty solicitor services by location and work type

	Advice	Mention	Uncontested bail application	Contested Bail application	Plea	Hearing	Other	Total
Adelaide	658	1 184	262	1 864	48	30	55	4 101
Berri	56	88	3	51	11	0	1	210
Ceduna	0	2	0	0	0	0	0	2
Christies Beach	403	110	0	756	3	0	25	1 297
Cooper Pedy	2	1	3	0	0	0	0	6
Elizabeth	660	297	8	2 008	22	5	72	3 072
Millicent	22	11	0	1	5	0	0	39
Mount Barker	1	3	0	3	0	0	0	7
Mount Gambier	36	50	3	22	27	2	3	143
Murray Bridge	2	3	6	19	1	1	0	32
Port Adelaide	300	145	30	1 417	15	29	22	1 958
Port Augusta	38	278	133	161	91	13	58	772
Port Lincoln	0	4	1	8	0	0	0	13
Port Pirie	0	2	0	0	0	1	0	3
Waikerie	10	29	0	0	4	0	0	43
Whyalla	40	246	86	45	10	0	91	518
Total	2 228	2 453	535	6 355	237	81	327	12 216

Family Law Duty Lawyer and Social Support Service

Family law duty lawyer services are provided as part of the Family Advocacy and Support Service (FASS). FASS is funded by the Commonwealth government to integrate duty lawyer legal services for unrepresented clients with social support services in the Federal Circuit and Family Court of Australia (FCFCOA).

Duty lawyers and social support workers are available each sitting day at the FCFCOA in Adelaide, and in Mount Gambier during the quarterly circuits of the Court. In addition, duty lawyer and social support services are available to respondents in the family violence lists in the Magistrates Courts in cases where there is a family law link.

FASS operates as a referral point within the court system. Judicial officers and court staff refer unrepresented parties involved in a court hearing directly to FASS.

FASS duty lawyers provide legal advice and duty representation. Advice may relate to pre-action procedures, court processes, intervention orders and their interaction with FCFCOA orders, assistance with legal aid applications, or the provision of information and referrals. Representation may involve appearances at first return hearings, divorce hearings, explaining proposed orders to parties, assistance with negotiations during hearings, or attendance at court at the request of a Judge or Registrar.

The social support workers deliver risk assessment, referral and social assistance services. Three social support workers are employed at the Adelaide Registry of the FCFCOA, with one being a dedicated men's social worker, one a mental health worker and one a general social worker.

Many clients avail themselves of both the legal assistance and the social support services offered by FASS.

Case studies

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

The other party had commenced proceedings. Our client had relocated to Queensland due to very significant family violence. The client had applied for Legal Aid in Queensland and was told she would be refused as the matter was being heard in South Australia. The client contacted FASS in South Australia and was assisted to apply for legal aid online. The duty lawyer contacted our grants team, requesting that the application be considered urgently, and that the significant level of family violence be taken into account when assessing the availability of legal aid as relocation matters are not typically able to be funded. The application for legal aid was approved the following day.

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

The FASS duty solicitor referred a client for social work support. The client was originally from remote South Australia and had recently relocated to Adelaide with limited support networks. She was a victim of childhood sexual abuse and had a child from that abuse. She had recently separated from a domestic violence relationship perpetrated by her ex-partner. The client requested social work support, especially to speak about her childhood sexual abuse and past domestic violence.

The FASS social worker provided–

- strength-based counselling sessions,
- information about parenting groups and Country Health Connect for ongoing community support,
- information about the Relationships Australia - Child sexual abuse counselling program.

The client reported feeling comfortable and supported by the social worker.

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

C attended the Family Violence List at the Magistrates Court without a lawyer. He spoke no English and an interpreter had not been booked. The judge adjourned the hearing so that an interpreter could be booked for the next hearing. After the adjournment, the FASS men's social worker approached the client to offer assistance.

C used a translator app on his phone to communicate in writing with the social worker. C said he didn't know what was going on, asked what had happened in Court, and reported that he was scared and confused. He asked the FASS worker for support.

The FASS worker advised C of the adjourned hearing date and confirmed that an interpreter would be booked for the next hearing. C asked what the matters were regarding and the FASS worker explained that it was a domestic violence matter. As C disputed he had done anything wrong the social worker assisted C to book a legal advice appointment, with an interpreter, before the next court hearing.

The social worker then provided C with written details of the FASS service and appointment time. C expressed his appreciation, saying he was very grateful for the support he had received.

Facts and figures

FASS services	2020-21	2021-22	2022-23
Information and referral	1 229	1 524	1 700
Social support appointments	663	901	877
Duty lawyer services	1 097	1 495	1 374

Civil Law Court and Tribunal Based Services

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

Adelaide Magistrates Court Information and Civil Advice

Service – Parties appearing without legal representation in the Court can access advice from legal advisers located in the Court building on the day of their appearance. This might be at the suggestion of the Magistrate before whom they have appeared, or on referral from Registry staff. Advice is provided on civil jurisdiction procedures and civil law generally, and traffic breaches and minor criminal matters. Referrals are also made to other services where appropriate, including financial counselling.

Administrative Appeals Tribunal – Advice is provided to applicants without legal representation involved in appeals against Comcare decisions, Veteran's appeals and tier 2 decisions in Centrelink matters. Advice is also provided to clients who are seeking a review of a National Disability Insurance Agency decision that has affected their eligibility or entitlement under the Agency's Disability and Carer Support Program.

Family Dispute Resolution Services

We offer two types of family dispute resolution services for parties seeking to achieve an amicable resolution of a parenting or property dispute without the intervention of the Court–

- lawyer assisted family dispute resolution conferences, and
- an AI assisted family dispute resolution program – amica.

Family Dispute Resolution Conferences

Lawyer assisted family dispute resolution (FDR) conferences provide a confidential, independent, and effective method of dispute resolution for parties with family law issues, in many cases avoiding the need for Court.

As the *Family Law Act 1975* generally requires parties to have attempted family dispute resolution before filing proceedings, many conferences occur prior to a matter getting to court. However, the Court may also order that a conference occur during the proceedings.

For an FDR conference to be held, at least one party (which may be the independent children's lawyer) must have legal aid funding. It is preferable that all parties at the conference are legally represented (either through legal aid or privately), but if necessary self-represented parties may attend.

FDR conferences are convened by accredited family dispute resolution practitioners who have both legal and dispute resolution qualifications. All are trained in responding to family violence and in mandatory reporting requirements.

Approximately 80% of the conferences held are in relation to parenting matters. Other conferences deal with disputes related to property matters, child support and adult child maintenance matters and child protection matters. Where a matter only partially settles at a conference, a second conference may be held to avoid Court proceedings.

In appropriate cases, while resolving a parenting matter through conferencing, an experienced and qualified child expert is engaged to speak to the children. Feedback is provided to the parents and their lawyers between the first and second conference to assist in settlement.

This year, a number of successful culturally led conferences were held. Adjustments were made to the traditional conference model to assist culturally and linguistically diverse families, and Aboriginal families, reach culturally appropriate outcomes for their children outside of Court proceedings.

Conferences may be held in person, online via Teams or by telephone. In-person conferences are preferred, but online may sometimes be more appropriate, such as if the parties live in regional areas or have experienced family violence perpetrated by the other party. The various methods for holding conferences allows a larger number to be held within a given timeframe, accommodating demand and reducing wait times – this year, the wait time for a conference has been significantly reduced to 3-4 weeks.

Settlement rates for conferences held by any of the above methods are similar. For the 2022-23 financial year, the settlement rate for all conferences was 82%.

Conferences may occur where there are safety concerns such as domestic violence, child abuse, substance or alcohol misuse or mental health issues.

To ensure a safe environment we–

- undertake risk screening – prior to all conferences a comprehensive intake and assessment process is undertaken by conference organisers and chairpersons, with a new online intake questionnaire tool developed this year to improve assessment and screening,
- hold the conferences in secure purpose-built conference facilities, allowing them to be carried out by shuttle negotiation, with each party (and their lawyer) in separate rooms during negotiations, and
- provide separate entrances for the parties, with a security officer observing the conferencing area to minimise risk.

Benefits

Early resolution of a matter at a lawyer assisted family dispute resolution conference provides the following benefits to separating families:

- the avoidance or reduction of time in the Court system, alleviating stress on both the parties and any children,
- assistance from a lawyer who provides legal advice as the conference progresses,
- a flexible and child focussed approach with legally trained family dispute resolution practitioners to facilitate discussions about the best interests of the children and what might occur should the matter proceed to Court, and
- reduced expense for clients and the Court system by limiting the number of matters requiring Court determination.

Case study

The parents had separated. The father had been recently released from prison and the mother lived in supported accommodation due to several disabilities. Following the involvement of the Department for Child Protection their child lived with a family member. Several service providers had been involved in providing support to all members of the family. Neither the mother nor the father had spent time with the child for several months. The mother, father and family member with whom the child was living were all funded for family dispute resolution conferencing.

Rigorous risk screening was conducted. Once assessed as suitable for conferencing, it was proposed that in addition to lawyers the parties might wish to include elders, case workers, DCP staff or other essential services providers to assist the parties to reach a child focused and culturally appropriate outcome.

The conference was convened on the basis that multiple parties were to attend. Safety measures were employed and additional time was allowed for the conference. A chairperson was appointed who had training and experience in convening culturally appropriate conferences.

Agreement was reached at the conference for the child to start spending small amounts of supervised time with the mother. The father agreed to participate in appropriate courses before recommencing his relationship with the child.

Through the process, and with the assistance of the chairperson, this conference gave the family the opportunity to reflect on the child's needs and put in place a plan to rebuild relationships in a child focused and culturally appropriate way. Had this matter proceeded directly to Court, this opportunity may not have occurred or taken several more months to achieve.

Client feedback

A great deal of time and care is taken in organising family dispute resolution conferences. Often, parties are unsure of the process and nervous of the legal system generally. A client who had contacted our FDR service called back the next day to say–

she was extremely grateful for the assistance and the time and care we took over the phone. She said the staff member “was amazing”. We had made a difference to her day.

Facts and figures

	2020-21	2021-22	2022-23
Parties represented at FDR conferences	2 019	2 126	2 079
Conferences held	1 211	1 254	996
Conferences settled	1 019	1 041	815
Settlement rate	84%	83%	82%

AI Assisted Family Dispute Resolution – amica

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

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

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

Enhancements and development have occurred during 2022-23 including the introduction of amica^{one} - a single sided amica platform that allows an individual to use amica without having to invite their former partner.

Access to amica is Australia wide. Since its introduction–

- over 11,000 individuals have interacted and created accounts with amica,
- over 1,500 asset divisions have been suggested, and
- the amica site has received more than 1,500,000 page views.

Legal Representation Services

The most intensive and expensive service we provide is a grant of aid for legal representation. By necessity, this can only occur for the most disadvantaged clients and in the most meritorious matters.

Grants of Aid for Legal Representation

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

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

Cases likely to fall within the guidelines are–

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

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

In addition, we receive specific funding to provide representation to clients in situations that do not fall within our means and merit tests and funding guidelines. In these cases, the requirements for funding are specified by the funder. During the 2022-23 financial year we received funding to provide legal representation to clients under the following specially funded programs:

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

- *Domestic Violence Unit / Health Justice Partnership*
- *National Disability Insurance Scheme*
- *Guardianship and Administration reviews*
- *Mental Health treatment order appeals.*

Please see the chapter headed Special Purpose Programs for information relating to these programs and the requirements a client must meet to be funded under a particular program.

Practitioner Panels

If a case is assessed as falling within our funding criteria we assign a legal practitioner to act in the matter. The legal practitioner may be an inhouse lawyer or an external lawyer, chosen by the applicant or, where the applicant does not indicate a preference, chosen by us as an appropriate practitioner for the case.

To ensure the best possible representation for clients, we require a legal practitioner representing a client in receipt of a grant of aid for legal representation to be a member of our General Panel of practitioners. In becoming a member of our General Panel, a legal practitioner commits to providing quality services to legally aided clients consistent with defined practice standards.

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, and
- Child Protection Panel.

Each panel has specific requirements relating to experience and expertise.

All inhouse legal practitioners, and any external practitioner wishing to act on a grant of aid involving a child, must obtain a Working with Children check from the South Australian Department of Human Services. All panel applicants are also required to indicate whether their firm has workplace policies and procedures to address sexual harassment which reference the *National Model Framework to Address Sexual Harassment in the Legal Profession*.

Continued inclusion on a panel requires ongoing compliance with the General Panel Agreement and practice standards, and compliance with practice standards specific to each specialist panel. Regular auditing of practitioner files occurs to ensure compliance with applicable practice standards. During the financial year 192 practitioner files were audited. Only 4 files were found to contain a significant departure from the practice standards.

For further information on the panel system, please visit–

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

Facts and figures

Applications for a grant of aid for legal representation

	2019-20	2020-21	2021-22	2022-23
Received	19 828	21 562	20 076	20 440
Granted *	17 692	18 745	17 116	18 056

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

Applications granted in 2022-23 – Assigned externally or inhouse by law type

(includes applications received in 2021-22 but not granted until 2022-23)

	Assigned externally		Assigned inhouse		Total
Criminal	11 551	82%	2 607	18%	14 158
Family	1 854	70%	803	30%	2 657
Child Protection	533	53%	482	47%	1 015
Civil	1	0%	225	100%	226
Total	13 939	77%	4 117	23%	18 056

Criminal Law Legal Representation

Our Criminal Law Practice Division comprises the largest criminal law defence practice in South Australia, providing a duty solicitor service, a Youth Court service and a general and specialist Magistrates Court service. In addition, the practice represents clients in trials and sentencing before the District and Supreme Courts, and clients appealing convictions and sentence to the Court of Criminal Appeal and the High Court of Australia. The inhouse practice also provides a free after hour's custody telephone advice service and a free prison advisory service.

We have a strong commitment to assisting the most disadvantaged and vulnerable people in the South Australian community, providing specialist services to children and young people, clients with addiction illnesses and clients with mental illness or impaired cognitive function.

Magistrates Court representation

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

Higher court representation

The Criminal Law Practice Division includes a counsel section, the members of which are briefed by legal practitioners employed in the major indictable solicitor team. Lawyers in the counsel section represent legally aided clients at trial or on guilty plea submissions. These clients are charged with the most serious criminal offences before the District Court, Supreme Court and High Court. A benefit of inhouse counsel

is that it allows early briefing, resulting in expert advice, better client outcomes and a timely finalisation of cases.

Since 2014 the inhouse counsel section has provided counsel services for trials and guilty pleas in the District Court and Supreme Court sitting on circuit in Port Augusta. Inhouse counsel practitioners are instructed by the Port Augusta and Whyalla office 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 brought closer consultation and understanding between the main stakeholders in the criminal justice system in South Australia, something that was necessary across all criminal jurisdictions nationally. The courts, the Legal Services Commission, South Australia Police, the Director of Public Prosecutions and the Department for Correctional Services, in particular, worked in conjunction with each other to ensure the criminal jurisdiction continued to operate smoothly throughout the COVID-19 pandemic. The Criminal Law Practice Division has continued to make a major contribution to the ongoing functioning of the criminal jurisdiction in this State post COVID-19. Ongoing direct dialogue with senior SAPOL prosecutions managers, that now occurs on an ongoing basis, continues to foster a good working relationship, building trust with the view to encouraging more open and fruitful charge negotiations, ultimately achieving a better outcome for our clients.

Inhouse representation in the courts

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

- counsel can be deployed to support and assist the duty solicitor service during times of heavy custody list demand or where a serious and complex case is before the court without notice, requiring more experienced assistance,
- counsel can be deployed at short notice to the Magistrates Court in domestic violence cases where the defendant is unrepresented and is prohibited from cross examining the complainant under the Evidence Act 1929 (representation is provided for the limited purpose of assisting the defendant to put their case to the complainant),
- following a stringent conflict check, counsel or a solicitor can be deployed to represent a client in a trial concerning the application of a private intervention order, using criminal law advocacy skills across other areas of practice,
- 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 inhouse counsel are available to provide representation to clients for trials, pleas of guilty or bail applications at short notice, working with other service providers to ensure the best representation possible,
- counsel is regularly called on by the Court of Criminal Appeal to assist with a self-represented appellant as a friend of the Court where there is no grant of aid, or by providing advice or representation to a principal witness in a murder trial - this financial year, advice and representation was provided to a key prosecution witness in an ongoing high profile multiple accused murder trial.

High Court Appeals

Through our Chief Counsel, and other senior counsel and solicitors, we provide the highest level appellate advice and advocacy. Our senior major indictable solicitor, in conjunction with Chief Counsel, was successful in mounting a challenge to the High Court regarding the operation of section 53 of the Sentencing Act 2017 involving indefinite detention. This is a significant challenge, going directly to the issue of liberty for our most vulnerable clients. The High Court ruling has resulted in two matters being remitted back to the Supreme Court of South Australia and the release of two applicants on very strict conditions who were previously indeterminately detained. Our Criminal Law Practice Division is leading the charge in this area of the criminal law.

With several other appellants we were successful in a challenge to the High Court on constructive or felony murder, resulting in convictions being quashed for retrial.

Provision of Continuing Legal Education

This financial year a comprehensive online professional development program was developed. We are in the process of extending this to our external criminal panel practitioners, fostering an ongoing relationship between our inhouse criminal lawyers and the private criminal lawyers who work tirelessly for legally aided clients.

Aboriginal Legal Rights Movement

During the financial year we supported the Aboriginal Legal Rights Movement, at their request and due to their current reduced capacity, to provide additional representation in courts across the State to Aboriginal clients. This support is in the summary and major indictable jurisdictions, and with respect to overnight custodies serviced by our duty solicitors. This will continue well into the new financial year.

Challenges

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

Inhouse lawyers, private practitioners and other professionals have been finding it increasingly difficult to gain adequate access to clients in custody. To remedy this, we are currently working closely with the Department of Correctional Services.

A further concern is the number of people with mental health problems coming before the criminal courts who are being sentenced to terms of imprisonment. Often, they are placed within the mainstream prison population because of insufficient facilities 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 *Sentencing Act 2017*, do not appear to be delivering the key reforms necessary to reduce court appearances and bring about early resolution of major indictable cases. In many instances, disclosure of the prosecution case to defence and the court can take many months, making it difficult for defence lawyers to take instructions from clients to negotiate the speedy resolution of cases with the prosecuting authority in the context of tight timelines within the sentencing discount regime.

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 remains finite, limiting the desired positive outcomes of lowering recidivism and rehabilitating offenders back into the community.

Facts and figures

Granted applications in criminal law cases

	2020-21	2021-22	2022-23
Assigned externally	11 988	10 588	11 551
Assigned inhouse	2 635	3 001	2 607
Total	14 623	13 589	14 158

External practitioners received **82%** of the grants of aid for legal representation in criminal law cases in 2022-23, an increase from 78% in 2021-22 but equivalent to the percentage received in 2020-21.

Family Law Legal Representation

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

- legal information and advice,
- family dispute resolution conferences and, if necessary,
- litigation in the Federal Circuit and Family Court of Australia (FCFCOA).

Legal representation of parties

Clients who have a grant of aid for legal representation in family law cases are assisted with parenting disputes and financial matters. Clients are represented at both lawyer assisted family dispute resolution conferences and before the FCFCOA if necessary. Conferences are the preferred method to resolve disputes, with resolutions achieved more quickly, less expensively and without the stress and anxiety of court proceedings. However, instituting court proceedings is sometimes necessary, as can be seen below.

Case study

A and B lived together for a relatively short time. They had very young children who remained in A's care after separation. During the relationship A left paid employment to be the principal home carer. The major asset of the relationship was their house, in which they had only a small amount of equity. After separation, B stayed in the house and A and the children moved into rental accommodation.

A alleged she was the victim of coercive control and domestic violence. A and B had previously attempted mediation to resolve their property dispute but were unsuccessful. A claimed B had been unreasonable in his negotiations.

A was granted legal aid to apply to the FCFCOA for orders for a property settlement. After proceedings were filed the parties, with the assistance of their lawyers, were able to reach an agreement without the matter proceeding to trial.

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 proceedings in the FCFCOA. An ICL is involved at all stages of a case, including family dispute resolution conferences and any final hearing or trial. During proceedings, the ICL–

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

Generally, the appointment of an ICL is made at an early stage in proceedings. This facilitates their involvement in any dispute resolution conference as well as at court hearings. An example of an ICL ensuring the view of the child is made known to the Court is set out below.

A was a teenage child at the centre of a parenting dispute listed for trial.

An independent children's lawyer was appointed to represent the best interests of the child.

The ICL met with A a number of times during the course of the case and in the lead-up to the trial. A told the ICL that she had consistently reported her wishes to various people but had felt ignored. The ICL explained the trial process and after speaking with A, and considering the various reports in the case, considered that A's best interests would be met by supporting and advocating her position with her parents and at court.

A's parents, however, were intransigent in their respective positions and accordingly the matter proceeded to a defended hearing and judgment.

At the end of the trial the judge agreed that it would be in A's best interests that her views be followed and made orders in terms suggested by the ICL. To let A know they had been listened to, the judge ordered the ICL to again meet with A to explain the outcome.

Judicial officers of the FCFCOA value the work of our ICLs, in particular in protecting the interests of children and ensuring that appropriate evidence is before the Court to support the making of protective orders.

During the financial year ICLs continued to work closely with the two co-located officers of the Department for Child Protection and SA Police who are present at court each day.

In 2022-23, **452** ICL appointments were made. These orders related to 539 children.

	2020-21	2021-22	2022-23
ICL appointments	451	416	452

Child support

Our family lawyers have expertise in the specialised area of child support, providing legal advice and representation in disputes regarding the parentage of children and the level of child support payments required to be paid by a parent.

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

Case study

A contacted us for legal advice. Her Family Tax Benefit had been cut off because her child's birth certificate did not name the father of her child. She spoke with a specialist lawyer in our child support program who contacted Centrelink and asked them to reinstate the payments until the matter was resolved. She also advised A to apply for aid for legal representation.

A was granted legal aid to apply to the FCFCOA for a declaration that B was the father of her child. When speaking with her lawyer, it was agreed that an attempt would be made to resolve the case without issuing court proceedings.

When contacted, B replied that he had not signed the birth certificate because he was not sure that he was the father. It was proposed that a DNA test be carried out. The test concluded that B was the child's likely father.

B signed a Statutory Declaration agreeing that he was the father and so A's family tax benefit could be continued. A then lodged the Declaration with Services Australia. B has now been assessed to pay weekly child support at the appropriate rate.

Key Achievements

Federal Circuit and Family Court of Australia

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

The Court released new Practice Directions setting out rules for the management of cases through the court system. The Directions reflect the Court's intent to have a national approach, with matters heard at the most appropriate registry, by electronic means where necessary. There is also an increased focus on children's safety, and consequently on parental conduct that puts children at risk.

Together with the creation of the FCFCOA, resources for the new Court were significantly increased. This included the appointment of new judges and registrars in the Adelaide registry.

The major changes to the court system have impacted on our family law practice. The increase in judicial capacity and the move to nationalising the court have meant that more court matters are being listed and, as a result, practitioners are having to coordinate multiple court attendances on some days, which may be in person or online. We have also had to recruit more inhouse and external panel practitioners to meet the greater demand.

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

COVID-19

During the financial year, COVID-19 continued to impact on the provision of court services, requiring flexibility of staff in service delivery. Over the financial year face to face hearings increased, but many routine hearings for divorces, direction hearings and procedural matters were conducted by telephone or Teams. Nevertheless, we can now see a slow return to pre-COVID activities. It remains to be seen whether there will be a fulsome return to the previous level of in-person activity.

Facts and figures

Granted applications in family law cases

	2020-21	2021-22	2022-23
Assigned externally	2 042	1 738	1 854
Assigned inhouse	602	564	803
Total	2 644	2 302	2 657

External practitioners received **70%** of the grants of aid for legal representation in family law cases in 2022-23, a slight decrease from 75% in 2021-22 and 77% in 2020-21.

Child Protection Legal Representation

Legal aid is granted for the representation of all children and young people subject to child protection proceedings under the *Children and Young People (Safety) Act 2017* in the Youth Court. Subject to means and merit tests, we also provide grants of aid for legal representation of the parents or guardians of those children and young people.

If the Department for Child Protection (DCP) takes proceedings in the Youth Court to secure the safety of a child or young person identified as being at risk, the child representative will typically meet with each represented person over the age of 5 so their views can be conveyed to the court and, consequently, to their family.

The child protection jurisdiction is complex. The majority of children and young people wish to remain with their parents. Invariably, they do not have a full appreciation of the parental factors, such as family violence and drug use, which led to DCP's intervention, nor do they appreciate the implications of those problems.

The role of the lawyer representing the child involves interviewing, negotiation and advocacy as well as the ability to assess cases quickly and determine the steps that would be in the child's best interests. Assessment of a situation and finding solutions is often difficult because of the tension between keeping children with their parents and protecting them. Proceedings can be lengthy. An initial order is sought to enable assessment of the parents and child. This is usually a three month order but can be up to six months. Thereafter, there may be further short term orders, but the usual course is either an application for an order until 18 years of age or a referral to the Reunification Court. Referral to the Reunification Court can give parents up to 12 months to address their issues and demonstrate greater capacity to be safe carers.

Typical problems within families involved in the child protection system include general neglect, drug use and family violence. These issues are often inter-related. Drug use invariably leads to issues of neglect and drug and alcohol use are very common factors in family violence. However, simple neglect, poor parenting, and a failure to send children to school can be the problem in themselves and are surprisingly common. By the time DCP becomes aware of these issues and acts, they are often entrenched and difficult to resolve.

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

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

Key achievements

This jurisdiction has experienced a return to pre-COVID levels of activity, and we have put in place efficient measures to ensure children are seen in a timely manner and are represented at all Court events.

The impact of the Reunification Court has been very positive, achieving reunification in many cases and a reduction of issues for trial in others. Our lawyers acting in these matters have been acknowledged for their contribution to these cases.

Facts and figures

Representation under the *Children and Young People (Safety) Act 2017*

Applications	2020-21	2021-22	2022-23
Received	1 337	1 092	1 093
Granted*	1 289	1 009	1 015

*Granted applications includes applications received in 2021-22 but granted in 2022-23.

Granted applications in child protection cases - 2022-23

	Assigned externally	Assigned inhouse	Total
Adult	509	9	518
Child	24	473	497
Total	533	482	1015

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

	2020-21	2021-22	2022-23
Assigned externally	608	537	533
Assigned inhouse	681	472	482
Total	1 289	1 009	1015

External practitioners received **53%** of the grants of aid for legal representation in child protection cases in 2022-23, equivalent to the percentage received in 2021-22 and an increase from 47% in 2020-21.

Civil Law Legal Representation

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

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

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

Representation at SACAT may occur in relation to some matters under the–

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

Specialist legal advice and representation at the Commonwealth AAT may occur in cases related to–

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

SPECIAL PURPOSE PROGRAMS

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

Special Purpose Programs

The Legal Services Commission receives funding under multiple fixed term Agreements with the Commonwealth or State government for the delivery of specific programs of legal assistance. During 2022-23, 16 special purpose programs were funded under these Agreements.

Women's Domestic Violence Court Assistance Service

Dedicated funding is received from the State government for the provision of the Women's Domestic Violence Court Assistance Service (WDVCAS).

WDVCAS is a court based service designed to assist and represent women who are experiencing or at risk of domestic violence, and who need assistance with protective measures such as intervention orders or tenancy (break lease) applications. A duty solicitor service is available to these clients at the four metropolitan Magistrates Courts and at the regional and rural Magistrates Courts of Mount Gambier, Port Lincoln, Port Augusta, Whyalla, Kadina, Murray Bridge and Mount Barker, as well as to applicants in the Housing and Civil Division of the South Australian Civil and Administrative Tribunal.

In addition to domestic violence issues, women assisted by this service receive assistance for ancillary legal matters such as children's issues, property disputes and Centrelink disputes. WDVCAS legal practitioners offer a comprehensive approach to these clients, ensuring warm referrals to non-legal support services where required.

Client feedback during the financial year included–

"I really appreciate the service that your company provide as it truly means a lot to me and helps a person in a domestic violence situation feel supported."

and

"I would like to thank you for the support and assistance in gaining the intervention orders. I feel a lot safer in my home knowing these are in place indefinitely."

In the 2022-23 financial year WDVCAS legal practitioners delivered 102 duty solicitor services in the Magistrates Courts. In addition, 1,463 legal advice sessions were provided and 141 clients received a grant of aid for legal representation to–

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

Domestic Violence Unit / Health Justice Partnership

The Domestic Violence Unit / Health Justice Partnership (DVU) is funded under an Agreement with the Commonwealth government and operates from a purpose built office within our Elizabeth office.

Solicitors provide legal assistance at hospitals and health centres to women experiencing domestic violence. Legal advice, and in unique circumstances representation, is provided to women for issues such as intervention orders and housing.

In addition to legal assistance, a social support worker is funded under this program to provide psychosocial support and assistance to clients, including risk assessment, safety planning, applying for financial assistance and connecting with relevant community support services. The safety of the women is always the first consideration, and in addition to legal assistance and social support women gain access to services such as emergency accommodation, financial counselling, tenancy assistance, trauma counselling and employment services.

In 2022-23 the DVU provided the following services:

Legal advice	563
Legal task	485
Grant of aid for legal representation	28
Social support services	243

Client feedback during the financial year included–

"Thank you so very much. I truly appreciate all you have done for me. To say the DVU does a perfect job, is an understatement. Your empathy and compassion has meant more than mere words can say. Thank you, you have meant the world to me, in my darkest of hours".

and

"Thankyou so much, I really appreciate all the time and effort you're putting into keeping the kids and I safe. You have no idea how much it means to us!! You are amazing!"

and

"I am so appreciative of your help and everything you did for me and my children. I do not know what would happen if I didn't have your help and all the support I have received from everyone through this difficult time in my life. Thank you again."

Safe and Well Kids Program

The value of the program can be seen through the following feedback:

A culturally and linguistically diverse client, subjected to family violence and with children and property family law matters, stated:

"I would just like to say that I am so grateful to you for understanding my situation. You give me time to speak and ask questions and really listen to me. I wouldn't know what to do otherwise."

and

An Aboriginal client with complex needs and high needs children reported to SAWK therapeutic workers that she, "really likes and trusts the SAWK lawyer, which is important to work together."

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

SAWK provides intensive therapeutic and legal support to children and young people aged up to 17 who are experiencing family violence and their mothers or caregivers who require legal assistance. Children and adolescents are supported, subject to their capacity to understand, with legal information, support and advice that is in their best interest. Mothers and caregivers are supported with legal information,

support and advice that elevates the voice and needs of their children.

The program's funding has been extended for a further 12 months, continuing into its third year. During the financial year 498 legal advice appointments occurred.

Women's and Children's Hospital / Health Justice Partnership

The Women's and Children's Hospital / Health Justice Partnership (WCH/HJP) is funded under an Agreement with the Commonwealth government to operate a service from the Women's and Children's Hospital and our Adelaide office.

The program is currently being implemented. Solicitors will provide onsite delivery of legal advice and assistance to patients as well as training to hospital staff on–

- how to identify signs of family violence,
- the legal issues associated with family violence and how to discuss these issues with patients, and
- how to support patients to obtain legal help.

The WCH/HJP will develop referral pathways for hospital staff to make appointments for patients to speak with a solicitor when required. This program will work closely with our domestic violence unit and, in appropriate circumstances, will make referrals to the unit for intensive wrap around assistance.

Mental Health Program

The *Mental Health Program* is funded under an Agreement with the Commonwealth government and operates from our Adelaide office.

Mental health social support workers support the delivery of legal assistance services to clients with mental health conditions by undertaking risk assessments and safety planning and connecting clients with relevant community support services. In addition, they are developing education and training sessions for staff to ensure a trauma informed and culturally appropriate service delivery is maintained for clients with mental health conditions.

Disability Information and Legal Assistance Unit

The *Disability Information and Legal Assistance Unit* (DiLA), funded by the State government, is a centralised access point for disability legal assistance services.

DiLA assists adults and young people with disability and, where appropriate, supporters of people with disability. Legal advice, specialist referral, outreach services, community stakeholder engagement and community legal education are all provided, or supported, by DiLA.

During the financial year, the unit provided 99 legal advice appointments, 90 referral services and 15 community legal education sessions.

Your Story Disability Legal Support Service

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

With the closing date for submissions to the Royal Commission occurring on 31 December 2022, the focus for staff delivering this service was to ensure that all South Australians in both regional and metropolitan areas were given the opportunity to have their voices heard as part of this important process.

During 2022-23–

- our lawyers visited regional and remote areas of South Australia, including Mount Gambier, Coober Pedy, the Anangu Pitjantjatjara Yankunytjatjara Lands, Port Lincoln and the Yorke Peninsula to provide legal information and advice about the Disability Royal Commission,
- delivered 358 legal advice services, either in person or over the telephone, which included assisting clients with written submissions and support during private sessions conducted by the Royal Commission,
- provided 59 community legal education activities across South Australia,
- used innovative methods to deliver the Your Story service and to raise awareness about the Disability Royal Commission including through participation in various media forums and a publication in the Law Society of South Australia's Bulletin.

Defence and Veterans Legal Service

The Defence and Veterans Legal Service (DAVLS) is a National Legal Aid program funded by the Commonwealth government. It has assisted members of the public, including Australian Defence Force (ADF) personnel and veterans, and their families, carers and supporters to access and engage with the *Royal Commission into Defence and Veteran Suicide*. The service runs for the duration of the Royal Commission and provides free legal advice, information and referral through a telephone advice line, face to face services, a website, community outreach and liaison and community information and education sessions.

In the 2022-23 financial year the service delivered–

- 256 Royal Commission advice appointments,
- 21 private sessions where clients met with a Commissioner,
- 123 ancillary advice appointments,
- 58 CLE activities including attendance at expo events, seminars, giving presentations and meetings with community stakeholders,
- 9 outreach trips to regional areas including Mount Gambier, Anangu Pitjantjatjara Yankunytjatjara Lands, Coober Pedy, Peterborough and Yorke Peninsula,
- 5 media communications including newspaper and magazine articles and radio interviews.

Afghanistan Evacuee Program

In February 2022, as part of the Commonwealth government's humanitarian response to the crisis in Afghanistan, we received funding to provide migration advice and legal assistance for evacuees from Afghanistan. Legal assistance was provided to holders of onshore Humanitarian Stay (Temporary) (subclass 449) visas to navigate a pathway to permanent visas to remain in Australia.

The *Afghanistan Evacuee Program* concluded on 31 January 2023. Over the period of the program (1 December 2021 to 31 January 2023) 188 individuals were assisted with advice or applications, including 2 unaccompanied minors.

Resolution of Status Program

On 14 February 2023 the Department of Home Affairs announced changes to legislation to allow people holding a Temporary Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV) to apply for permanent resident visas under the *Resolution of Status Program*.

We received funding to assist those visa holders residing in South Australia by providing advice and assistance in lodging their applications. As at 30 June 2023, 276 legal advice or information sessions had been provided.

Treatment Intervention Court Program

The Treatment Intervention Court aims to provide an alternative to detention for people in the criminal justice system who have conditions which contribute to their offending such as substance dependence, problem gambling or mental health issues. Participants are given the opportunity to take part in a structured and intensive court ordered program of rehabilitation. Successful completion of the program can result in less severe penalties as an encouragement to cease offending. We take an active role in supporting therapeutic court programs as a means of reducing crime and recidivism in the community.

Under a Memorandum of Administrative Arrangement with the State government, funding is provided to clients in receipt of a grant of legal aid who may be eligible for participation in the alternative sentencing programs administered within the Treatment Intervention Court to–

- apply for entry into the program, and
- if accepted, provide ongoing legal advice and representation to assist successful participation in the program.

To be eligible for the program the defendant must–

- be facing criminal charges that can be sentenced in the Magistrates Court,
- plead guilty to the offences,
- have a bail address in a location that is accessible by public transport to the relevant court location,
- be willing to engage in an intervention program and follow the program requirements.

Matters referred into this program are adjourned under the Bail Act 1985 with conditions requiring the offender to comply with the program. The program includes judicial supervision to influence participants to modify their behaviour by praising achievements and applying sanctions if program conditions are not met.

Return to Work Information and Advice Service

Since 2013 an Agreement has been in place with Return to Work SA for the provision of information, advice and guidance to injured workers about workers' compensation matters and processes. In particular, advice centres around the operation of the Return to Work Act 2014.

Injured workers can receive legal assistance from our legal helpline and can also be provided with free legal advice appointments. There is close collaboration with Return to Work SA, which regularly refers injured workers to us for independent advice and to whom monthly feedback is provided on statistics and trends in queries from injured workers.

In the 2022-23 financial year, the service provided 324 telephone attendances for information or advice and conducted 43 advice appointments either in person or by telephone.

Family Violence and Cross-examination of Parties Scheme

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

To ensure the appointment of a lawyer in these circumstances the Commonwealth government established the *Family Violence and Cross-examination of Parties Scheme*. Under this scheme, a party to a hearing in which cross-examination is to occur may, if they have not instructed a private lawyer, or are not in receipt of a grant of legal aid, apply for a lawyer to be appointed. The lawyer is funded to represent the client at the hearing in which the cross-examination is to occur and to prepare for that hearing.

This scheme is administered by each legal aid commission on behalf of the Commonwealth government. To receive legal representation under this scheme a client does not need to meet our usual means, merit and guideline tests.

In South Australia, in the last financial year, 124 clients were allocated a lawyer under this scheme.

Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial

The *Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial* was initially funded by the Commonwealth government for 12 months from 1 January 2020. It was extended to run until 30 June 2023. The aim of the trial was to equitably resolve small property disputes quickly and, if possible, out of court. An evaluation of the trial has now been completed by the *Australian Institute of Family Studies*, supporting continuation of the program after 30 June 2023.

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

Clients accepted into the trial were provided with legal advice and representation at a family dispute resolution conference. If agreement was not reached at the conference the lawyer continued to provide advice and, where appropriate, represented the client through any subsequent court process.

Case study

Below is an example of the type of matter covered by the program:

W was funded for assistance under the program. The parties separated with only a few assets - a small amount of combined superannuation, most of which was held by the other Party, V, and a car. There were several debts of the relationship, held in W's name. The parties did not own a property. During the relationship W received disability support payments and V worked part time. There were no children.

W alleged serious domestic violence and high levels of trauma and anxiety because of this experience. Given the level of domestic violence, a community-based Family Relationship Centre would not have considered the matter suitable for family dispute resolution and W would not have been able to negotiate an agreement with V without a lawyer.

V was resistant to a family dispute resolution conference until informed that he would receive legal representation for the conference.

At the conference, following the exchange of documents and a valuation of V's superannuation, and with the assistance of their lawyers, an agreement was reached between the parties for an equitable division of the assets and superannuation, taking into account W's future needs and non-financial contribution to the relationship. The debts of the relationship were agreed to be paid by V. Consent Orders were prepared and sealed by the Court.

Due to the low level of assets and the debts, without the program W would not have received a grant of aid. W's lawyer commented –

"I advise that the small property scheme was invaluable for this client. It is my view that without this funding this vulnerable client (who suffers anxiety and mental health issues) would not have been able to achieve a settlement as a self-represented litigant."

Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial

	2020-21	2021-22	2022-23
Parties represented	34	76	93
Conferences held	26	52	34
Conferences settled	25	47	28
Settlement rate	96%	90%	82%

National Disability Insurance Scheme

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

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

340 NDIS clients received legal assistance this financial year, with the provision of legal advice to 291 clients and legal representation to 49 clients. 121 applications for legal representation were received and processed.

Many applicants seeking dispute resolution through the Administrative Appeals Tribunal would be unable to self-represent successfully. With the assistance of a lawyer, most matters are resolved by agreement. In this financial year 16 matters finalised, all without requiring funding for trial.

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

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

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

Representation is provided by inhouse practitioners and a panel of external practitioners with the requisite level of knowledge and experience. In this financial year 460 clients were assisted under these schemes of legal representation.

OUR PERFORMANCE

Snapshot of Financial Performance

Reporting

- Agreements with Government
- Reporting against our Statutory Functions
- Reporting against our Strategic Plan

Partnerships

Snapshot of Financial Performance

The 2022-23 financial year ended with a consolidated comprehensive result of \$12,116,000 deficit. This compares to a consolidated comprehensive result of \$19,719,000 surplus for the 2021-22 financial year.

The deficit for this year is due to the timing of our receipt of State funding, with \$24 million for 2022-23 received in advance in 2021-22. Funding for 2023-24 will be received in 2023-24. The deficit created by this timing issue is offset by a significant increase in statutory interest revenue of \$10,796,000 pursuant to the *Legal Practitioners Act 1981* in 2022-23.

The 2022-23 financial statements record the following:

Income—

Commonwealth government core funding and specific grants	26,965,000
State government core funding and specific grants	2,935,000
Reimbursement under the State <i>Expensive Criminal Cases Funding Agreement</i> (see Appendix)	2,340,000
Funding under the Commonwealth <i>Expensive Criminal Cases Funding Agreement</i>	0 ¹
Funding from the Law Society of South Australia pursuant to the <i>Legal Practitioners Act 1981</i>	11,143,000
Other income	5,201,000
Total income	48,584,000

¹Sufficient carryover funds from 2021-22

Expenditure—

Private practitioner payments	27,126,000
Other payments	33,574,000
Total expenses	60,700,000

Reporting

Agreements with government

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

National Legal Assistance Partnership Agreement 2020-25

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

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

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

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

The South Australian Bilateral Schedule to the Agreement provides additional funding for increased legal assistance for vulnerable women, to support people with mental health conditions to access the justice system, to support increased Commonwealth child sexual abuse prosecutions, to provide front-line support to address workplace sexual harassment and to support the delivery of timely and effective family law representation services in response to increased costs in the Federal Circuit and Family Court of Australia arising from the new case management approach. An MOAA between us and the South Australian government supports the Agreement.

To comply with the NLAP Agreement, six monthly reports are required, relating to the Commonwealth funded services under the Agreement. This includes reporting on–

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

Other Agreements

In addition to reporting against the requirements in the NLAP Agreement, during 2022-23 we reported to the State and Commonwealth governments in accordance with the requirements in Agreements for the provision of the following services:

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

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

Reporting against our Statutory Functions

The *Legal Services Commission Act 1977* establishes our statutory functions. During the 2022-23 financial year each statutory function was performed as follows:

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

This financial year we delivered over **155,000** legal assistance services to clients. This included–

- providing grants of aid for legal representation in **18,056** new cases
- undertaking **14,022** duty lawyer services
- holding **1,184** family dispute resolution conferences
- providing over **100,000** prevention and early intervention services, including through technology services, such as 24Legal and Legal Chat, and amica.

Determine the criteria under which legal assistance is to be granted

We regularly review the criteria under which a grant of aid for legal representation is made. For representation services granted under core funding, the criteria include means and merit tests and funding guidelines. The means test was last updated in April 2023.

Where an Agreement with either the Commonwealth or State government is entered into for the provision of a particular service with special purpose funding, criteria relevant to the particular Agreement are determined and applied. Examples of the application of specific criteria can be seen in the *Family Violence and Cross-examination of Parties Scheme* and the *Lawyer Assisted Family Dispute Resolution - Small Property Cases Trial*.

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

We have actively participated in, and contributed to, a number of comprehensive reviews relating to the needs of the community for legal assistance. During the past financial year, we have provided submissions to the Commonwealth and State governments in relation to the *South Australian Family, Domestic and Sexual Violence State-wide Draft Strategy*, the inquiry into *Australia's Human Rights Framework*, the review of the *Disability Services Act* and national principles to address coercive control.

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

We are committed to providing safe, modern, and appropriate office accommodation for our staff and clients. We seek to ensure that our services are located in areas where there is a strong need for legal assistance.

In 2022-23, we undertook a review of our regional and metropolitan service delivery to ensure we continue to deliver best practice services that support the needs of both metropolitan and regional staff and clients.

During the year, two new, fully equipped training rooms were constructed within our existing library area at the Adelaide office.

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

Our community legal education program targets clients prioritised in the *National Legal Assistance Partnership Agreement 2020-25*. This year, for example, our DiLA unit provided an extensive range of programs for people with disability and their carers, including facilitating a domestic violence forum for Purple Orange in Salisbury, delivering a legal information session for mental health workers through the Office of the Chief Psychiatrist, and providing a package of information for the national Disability Advocacy Support Helpline regarding South Australian specific laws and services for the roll-out of the helpline to South Australians.

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

Our services are promoted to the public through our website, social media platforms, targeted advertising, press releases and media opportunities.

During the financial year, with the support of the Attorney-General's Department, we developed a coercive control community awareness campaign to increase awareness of this form of domestic violence. The following media channels were used to promote the campaign:

- digital platforms including broadcaster video on demand advertising,
- the placement of messages within the streaming services offered by traditional TV broadcasters,
- social media (Facebook, Instagram and TikTok) including sponsored and organic content,
- YouTube advertising,
- radio advertising, and
- bus stop and in-venue advertising.

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

Through National Legal Aid, the co-operative body of all Australian legal aid Directors, we participate in establishing and administering various Commonwealth schemes of legal assistance to fill gaps in service delivery and to ensure consistency and best practice across the country.

This year we hosted three national events, the 19th National Family Law Conference, the National ICL Stakeholder Meeting and the National ICL Conference.

Increasingly, legal assistance services are taking on an international perspective. This year, our Director was invited to deliver a paper at the *International Legal Aid Group (ILAG)* meeting in Boston.

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

Clients receiving family law duty lawyer services, clients of our domestic violence unit, and clients with mental health issues are able to access our social support worker services. For those requiring their assistance, interpreters are available at no cost to the client.

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

Each year we offer four paid summer clerkships to law students, at least two of which are for indigenous law students, and one is for a student with a disability. The law students are employed full time for four weeks, spending time across all areas of our organisation. Highlights include a visit to the Nunga Court and learning about careers in the law from senior legal practitioners and managers. We also provide six week placements for law students participating in practical legal training courses.

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

Under instruction from us, Flinders University law students have developed an IT application to provide information about drink driving offences and what to expect if charged with such an offence. The students have completed the prototype and we are now assessing any final changes required before the application is made available via our website.

Perform such other functions as the Attorney-General may direct

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

- the review of the *Residential Tenancies Act 1995*,
- the *Retirement Villages (Miscellaneous) Amendment Bill 2023*,
- the review of the *Children and Young People (Safety) Act 2017* and the Aboriginal Child Placement Principle,
- the *Police (Police Security Officers) Amendment Regulations 2022*,
- implementation considerations should coercive control be criminalised in South Australia,
- the South Australian Family, Domestic and Sexual Violence State-wide Draft Strategy,
- Victim Impact Statements,
- the nationally consistent scheme to access digital records on a person's death or loss of decision-making capacity.

Reporting against our Strategic Plan

Our Strategic Plan 2021–24 has four key goals, each with key performance indicators to measure outcomes. Some KPIs relate to specific projects and will have commencement and completion dates. Other KPIs are ongoing strategies throughout the life of the plan.

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

Conduct Cultural Competence Training to increase awareness of the history and experience of Aboriginal and Torres Strait Islander people.

Cultural competence training has been rolled out for all staff to increase awareness of the history and experience of Aboriginal and Torres Strait Islander people. These compulsory sessions also form part of the induction and onboarding program for new employees.

Enhance service provision for clients with disabilities including mental illness through increased training and consideration of alternative models of service delivery.

Initiatives have been delivered through our DiLA and Your Story programs, for clients living with disability. Mental Health workers have been employed under a number of Commonwealth funded programs.

Undertake a client correspondence review to ensure that information provided to clients is clear and accessible.

We are currently reviewing client documents to ensure our correspondence is appropriate and in line with our style guide.

Develop an Aboriginal Engagement Strategy to support our work to develop respectful and meaningful opportunities for Aboriginal and Torres Strait Islander people.

A strategy has been developed and an Aboriginal Engagement Strategy Working Group has been established to advance the strategies objectives.

Undertake client surveys to improve client satisfaction with our services.

This is an ongoing initiative under the *National Legal Assistance Partnership Agreement 2020-25*. An independent client survey was undertaken by Kantar Public during 2021. The next survey is due in the second half of 2023.

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

Engage our staff in consideration of further innovative service delivery opportunities.

This initiative is ongoing throughout the life of the plan.

During the year we collaborated with Flinders University on innovative projects that respond to an area of need or benefit to our clients.

Investigate opportunities for online Alternative Dispute Resolution including the capacity and range of matters assisted through Family Dispute Resolution Conferencing.

MS Teams has been operational for Family Dispute Resolution Chairpersons since 1 July 2022. Each conference is assessed for suitability and conferences are scheduled online where appropriate.

Investigate a program for arbitration of property matters to produce a binding decision in family law matters.

The Commonwealth Attorney-General's office will be considering property arbitration programs throughout Australia in late 2023.

Goal 3: Develop partnerships to create better solutions

Engage in ongoing collaborative service planning with the legal assistance sector to improve outcomes for our clients.

This initiative is ongoing throughout the life of the Strategic Plan. We participated in collaborative service planning forums in September 2022 and March 2023 with the State and Commonwealth governments and the legal assistance sector.

Develop a stakeholder engagement strategy by focusing our efforts on relationships and engagements that will have the greatest impact for our clients and community.

A review of all EDM based communications to stakeholders is underway. A website update is scheduled to be completed by the end of August 2023.

Develop an internal communication plan and consult on strengthening relationships within our teams.

This action is complete. The plan has been developed and is currently being implemented. The current communications plan is set to be reviewed in December 2023 and adjusted accordingly.

Evaluate a model for client engagement.

We are continuing to evaluate the ways we provide services to clients. Updates to our website home page will accommodate new information delivery opportunities. The website update is scheduled to be completed by the end of August 2023.

Investigate models for closer connection with panel practitioners.

The strategy for engagement with our panel practitioners has been incorporated into our *Communication and Engagement Strategy 2023-25*. As part of this strategy, we are in regular communication with panel practitioners to support the roll out of the Online Legal Service (OLS) Portal as part of the GPMS project. Strategies for closer connection with panel practitioners in regional areas are also being considered.

Goal 4: Develop partnerships to create better solutions

Further develop our data and reporting capability to inform service delivery.

Initial work has focused on the development of new reports for the overview of service delivery and internal management reports. Further improvements to data and reporting will be implemented as part of the GPMS Project, which will involve the development of a new data warehouse and reporting tools.

Consult with staff and conduct training to ensure that the client is at the centre of our strategy, operations and activity.

Work is continuing on this initiative. Regular professional development sessions are provided to legal staff to ensure that we are up to date with laws that affect our clients' rights.

Communicate our values and align all aspects of workplace performance with those values.

The implementation of MyCareer, the online HR platform, took place in October 2022 and includes a template for performance development conversations that includes discussing performance against our values.

Implement the WHS Action Plan.

The WHS Committee continues to provide oversight of six key goals that are almost complete.

Implement new MyCareer Human Resource Platform to modernise the delivery of recruitment, performance development and delivery of online training.

The implementation of MyCareer, the online HR platform, occurred on 14 October 2022 and the first cycle of the performance development conversations commenced in October 2022.

The discovery phase and work on the recruitment and talent management modules has been completed and we have nominated to form part of the pilot group, with the aim to commence in August for implementation in late 2023.

Review our Complaints Policy to align with the Australian Standard for Compliant Handling

A draft Complaint Handling policy and procedure has been produced and is currently being reviewed.

Create opportunities in the workplace for staff to participate in projects that will enhance their skills and experience.

The development of the GPMS has been a significant project in which all staff are being provided with the opportunity to actively participate.

The most recent activities to take place have focused on the structure of a potential Trauma Informed legal services pilot for sexual assault victims/survivors and opportunities around the Continuing Professional Development for Legal Practitioners on Coercive Control.

Development of the new Grants and Practice Management Systems to streamline business processes, reduce complexity and support digital file management.

This initiative is well underway, and the new Online Legal Service (OLS) Portal was launched in June 2023. The remaining functions (grants and practice management) are expected to be implemented in 2023-24.

Meet our obligations under National Legal Assistance Partnership including aligning our services to meet the needs of national priority client groups.

Significant work has been undertaken to compile data required for reporting under the *National Legal Assistance Partnership Agreement 2020-25 (NLAP)*. The first reports under the new Agreement have been successfully completed covering the initial years of operation. This work provided a baseline for all future reporting and analysis over the life of the Agreement.

Partnerships and Collaboration

We are committed to working collaboratively with other organisations, both in relation to specific projects or more generally with bodies involved in the delivery of legal assistance services.

During 2022-23, we collaborated with—

- the Federal Circuit and Family Court of Australia (FCFCOA) in the implementation of the changes to practices and procedures following the merger of the family law courts, including training and information sessions featuring our staff and judicial officers on ethics, the Lighthouse Project, family law practice, and advocacy,
- the Aboriginal Legal Rights Movement in relation to the training of independent children's lawyers who are appointed in FCFCOA proceedings to represent the best interests of Aboriginal children,
- the Family Law National Legal Aid Forum, a group comprising officers from National Legal Aid and FCFCOA,
- the Working Women's Centre and Westside Lawyers to deliver a legal information and advice roadshow focussed on domestic and family violence in the Upper Spencer Gulf region,
- the South Australian Attorney-General's Department and the Minister for Women and the Prevention of Domestic and Family Violence to develop a coercive control community awareness campaign to increase awareness of this form of domestic violence,
- Flinders University to develop an application that responds to an area of need or benefit for our clients.

Along with representatives from other major organisations in the family law sector, including the Aboriginal Legal Rights Movement, the Federal Circuit and Family Court of Australia, Anglicare, Centacare, Relationships Australia SA, Uniting Communities and Westside Lawyers, we are a member of the SA Family Law Pathways Network, playing a prominent role in the Network and chairing the Network's Steering Committee. During the financial year, with other members of the Network, we ran a number of cross-sector training events, including an all-day forum in June for lawyers, mediators and social service workers who provide services to separating or separated families.

In collaboration with the Federal Circuit and Family Court of Australia, the Network held a series of roadshows for Aboriginal and Torres Strait Islander people to highlight the work of the Court's Aboriginal and Torres Strait Islander List with the aim of informing community members, and the professionals working with them, that orders can be sought through the Court as an alternative to having children's care arrangements determined in the State welfare courts. Three sessions were held in the Adelaide metropolitan area and were attended by a judge of the Court, a number of our family lawyers and social support workers.

During 2022-23, we worked on an ongoing basis with multiple organisations, including the following:

National Legal Aid

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

Our staff contribute to working groups established by National Legal Aid, including the Family Law Working Group, the Dispute Resolution Working Group, the Child Support Network, the Criminal Law Working Group, the Civil Law Working Group, the Community Legal Education Working Group, the Aboriginal and Torres Strait Islander 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 provided a formal submission to–

- the Exposure Draft *Family Law Amendment Bill 2023*,
- the Inquiry into the *Family Law Amendment (Information Sharing) Bill 2023*,
- the Inquiry into the *Family Law Amendment Bill 2023*,
- the Consultation Paper on the draft National Principles to Address Coercive Control,
- the Discussion Paper on Family Law Arbitration Reforms - Property and Financial Matters,
- the Discussion Paper on Scoping the Establishment of a Federal Judicial Commission,
- the proposed amendment to the FCFCOA (Family Law) Rules.

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

- the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, with contributions from the Family Law Working Group,
- the Senate Inquiry in relation to the Respect at Work Bill,
- the DSS Consultation Paper on a new Act to replace the *Disability Services Act*,
- the Parliamentary Joint Committee on Human Rights in relation to the Inquiry into Australia's Human Rights Framework,
- the Joint Standing Committee on the National Disability Insurance Scheme on the General Issues Inquiry
- Review into an appropriate cost model for Commonwealth anti-discrimination laws
- the Senate Select Committee on Australia's Disaster Resilience.

Australian Legal Assistance Forum

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

South Australian Legal Assistance Forum

The *National Legal Assistance Partnership Agreement 2020-25* specifies that a legal assistance forum in each state and territory will consider strategic opportunities, highlight best practice and support innovation through collaboration between service providers across the legal assistance sector.

The South Australian Legal Assistance Forum is chaired by the Director of the Legal Services Commission. The Forum consists of members from the Legal Services 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. The Forum supports the National Strategic Framework for Legal Assistance by promoting an integrated, efficient and effective legal assistance sector focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.

Private Practitioners

The Legal Services Commission and the South Australian community are well served by the generous co-operation of private legal practitioners in the delivery of legal representation services. We acknowledge that our fee scales are considerably lower than published court scales or commercially negotiated fees. During the financial year fee scale items, including legal practitioner professional fees and disbursements, were increased by 2%.

In the 2022-23 financial year 487 private practitioners provided legal representation to Legal Services Commission clients, receiving \$27,126,000. These legal practitioners undertook 82% of legal aid grants in criminal law cases, 70% of legal aid grants in family law cases and 53% of legal aid grants in child protection cases. Private practitioners also assist in delivering duty lawyer services at a number of regional courts across South Australia.

MANAGEMENT OF OUR ORGANISATION

Corporate Governance

Employees

Support Services

Queries and Complaints

Legislative Compliance

Corporate Governance

Governing legislation

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

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

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

The 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 2022-23 the Commission comprised–

- **Peter Slattery** LLB, Chairperson, appointed 1 January 2022
Peter is a highly respected South Australian lawyer and a founding partner of Johnson Winter & Slattery, a national law firm that provides significant pro bono help to agencies assisting homeless people, young people, victims of domestic violence and people with disability.
- **Catherine Nelson** LLB, 29 May 2014 – 30 November 2022
A highly experienced legal practitioner who specialises in family law, Catherine is a skilled mediator and regularly chairs Family Dispute Resolution conferences. She previously worked as an Independent Children's Lawyer.
- **Debra Contala** FCPA, appointed 1 May 2019
Debra has extensive experience in corporate financial management and governance in a range of agencies in the State public sector. Throughout her career she has held many senior leadership positions, including that of Public Trustee. She currently remains actively involved with the State government as a member of advisory committees.

- **Stephanie Halliday** LLB, appointed 28 April 2022
Stephanie is currently the Executive Director, Legal and Legislative Services in the South Australian Attorney-General's Department. She has worked as Special Counsel to the Chief Executive of the Attorney-General's Department (SA) and as a senior solicitor in both the Crown Solicitor's Office and the Office of the Director of Public Prosecutions. Her government experience and expertise is of great value to the Commission.
- **Jane Abbey** SC LLB, appointed 1 December 2022
Jane was nominated by the Attorney-General to represent the interests of assisted persons. She has extensive experience representing defendants in criminal law proceedings as counsel in matters heard before juries, Judges and Tribunals in South Australia.
- **Gabrielle Canny** LLB, appointed Director 2 August 2012
As the Director of the Legal Services Commission, Gabrielle is responsible for its day to day operation. She is a member of National Legal Aid, a coalition of Australian legal aid Directors. She represents the Legal Services Commission on a number of community and educational boards.

The Commissioners determine the broad policies and strategic priorities of the organisation. In the 2022-23 financial year 11 Commission meetings were held. The Commission is advised on specific matters by a number of committees established under section 12 of the Act. In 2022-23 these committees included the–

- Accommodation Committee,
- Audit, Compliance and Risk Committee,
- Budget Committee,
- Panels Appeals Committee,
- Staffing and Remuneration Committee, and
- Funding Guidelines and Panels Review Committee.

Section 11A of the Act provides for the establishment of 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 *Legal Profession Reference Committee* met twice during the financial year.

Audit, Compliance and Risk Committee

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

The Committee considers–

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

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

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

No instances of fraud were recorded for the 2022-23 financial year.

Employees

As at 30 June 2023, 222 people were employed by the Legal Services Commission to carry out its functions under the Act. This is a decrease of 14 from the same time last year. Similarly to last year, 73% of all staff are female.

Each staff member 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,
- 48% of staff took advantage of flexi time, and
- 41% of staff had a work from home agreement in place.

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

Professional development for lawyers

The South Australian mandatory continuing professional development scheme (CPD) requires legal practitioners to complete a minimum of 10 units of CPD activity each year to maintain a practising certificate. Staff are supported in accumulating these points, with the newly created Legal Services CPD Committee organising internal training sessions for members of staff.

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

Professional development opportunities

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

- vicarious trauma workshops,
- cultural awareness training, and
- appropriate workplace behaviour training.

The vicarious trauma workshops were mandatory for all staff and focused on raising awareness and building resilience to vicarious trauma, its impacts and individual coping strategies and other self-care approaches available to individuals experiencing vicarious trauma.

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

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

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

Performance development conversation

Our performance development conversation (PDC) process involves a bi-annual employee self reflection, manager review and face to face discussion between the employee and their manager. This process is documented in the new Legal Services online HR platform called 'myCareer', which was launched in October 2022.

100% of active employees had a PDC completed during the first half of the financial year and 99% of active employees had a second PDC completed during the second half of the financial year.

Work health, safety and return to work

Workplace injury claims	2022-23	2021-22	% change (+/-)
Total new workplace injury claims	Nil	1	-100%
Fatalities	Nil	Nil	
Seriously injured workers*	Nil	Nil	
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000 FTE)	Nil	Nil	

*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	2022-23	2021-22	% change (+/-)
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 Legal Services Commission is not a South Australian Government exempt employer but has based its Work Health and Safety Program on prescribed ReturnToWorkSA requirements.

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

For workers compensation purposes we have been assessed as a low risk employer and accordingly pay a low workers compensation premium. For 2022-23, the premium cost was 0.59% of total salary remuneration. This amounted to \$132,813 for the 2022-23 financial year.

Employees as at 30 June 2023

Number of employees	Total
Persons	222
Full-time equivalent	208.43

Gender	% Persons	% FTE's
Male	27.48% (61)	28.40% (59.20)
Female	73.31% (161)	71.60% (149.23)

Number of persons during the 2022-23 financial year who–

separated from the organisation – 64

were recruited to the organisation – 54

Number of persons at 30 June 2023 on leave without pay – 15

Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0 - \$59 999	3	17	20
\$60 000 - \$74 999	8	51	59
\$75 000 - \$94 999	19	56	75
\$95 000 - \$99 999	3	6	9
\$100 000 - \$125 000	17	17	34
\$125 000 - \$150 000	6	8	14
Over \$150 000	5	6	11
Total	61	161	222

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	35.70	17.90	5.60	0.00	0.00	57.60
Female	94.93	50.30	4.00	0.00	0.00	150.83
Total	130.63	68.20	9.60	0.00	0.00	208.43
Persons	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	36	19	6	0	0	59
Female	103	54	4	0	0	163
Total	139	73	10	0	0	222

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	35.70	17.90	5.60	0.00	0.00	57.60
Female	94.93	50.30	4.00	0.00	0.00	150.83
Total	130.63	68.20	9.60	0.00	0.00	208.43
Persons	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	36	19	6	0	0	59
Female	103	54	4	0	0	163
Total	139	73	10	0	0	222

Executives by gender, classification and status

Classification	Tenured		Untenured		Male		Female		Total
	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	3	2	3	33.34%	2	22.22%	5
Executive B	0	0	1	1	1	11.11%	1	11.11%	2
Executive C	0	0	0	0	0	0.00%	0	0.00%	0
Executive D	0	0	1	0	1	11.11%	0	0.00%	1
SAES2	0	0	0	1	0	0.00%	1	11.11%	1
Total	0	0	5	4	5	55.56%	4	44.44%	9

Average days leave per full time equivalent employee

Leave Type	2018-19	2019-20	2020-21	2021-22	2022-23
Sick leave	8.64	6.63	7.26	7.64	7.83
Family Carer's leave	1.21	1.03	1.15	1.33	1.47

Aboriginal and Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$59 999	0	20	0.00%
\$60 000 - \$74 999	0	59	0.00%
\$75 000 - \$94 999	1	75	1.33%
\$95 000 - \$99 999	0	9	0.00%
\$100 000 - \$125 000	1	34	2.94%
Over \$125 000	0	25	0.00%
Total	2	222	0.90%

Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	1	1	0.45%
20 - 24	5	8	13	5.86%
25 - 29	5	26	31	13.97%
30 - 34	13	20	33	14.86%
35 - 39	9	16	25	11.26%
40 - 44	6	17	23	10.36%
45 - 49	7	20	27	12.16%
50 - 54	4	19	23	10.36%
55 - 59	6	16	22	9.91%
60 - 64	2	14	16	7.21%
65+	4	4	8	3.60%
Total	61	161	222	100.00%

Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	1	1	0.45%
20 - 24	5	8	13	5.86%
25 - 29	5	26	31	13.97%
30 - 34	13	20	33	14.86%
35 - 39	9	16	25	11.26%
40 - 44	6	17	23	10.36%
45 - 49	7	20	27	12.16%
50 - 54	4	19	23	10.36%
55 - 59	6	16	22	9.91%
60 - 64	2	14	16	7.21%
65+	4	4	8	3.60%
Total	61	161	222	100.00%

Cultural and linguistic diversity

Employees	Male	Female	Total	% of employees
Number of employees born over-seas	18	31	49	22.07%

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

Employees	Number
Male	1
Female	0
Total	1
% of Agency	0.45%

Type of disability (where specified)

Disability	Male	Female	Total	% Agency
Requiring workplace adaptation	0	0	0	0.00%
Physical	0	0	0	0.00%
Intellectual	1	0	1	0.45%
Sensory	0	0	0	0.00%
Psychological/Psychiatric	0	0	0	0.00%

Voluntary flexible working arrangements by gender

	Male	Female	Total
Purchased Leave	1	1	2
Flexi time	19	87	106
Compressed weeks	0	2	2
Part-time	5	37	42
Job share	0	0	0
Working from home agreement	21	70	91

Support Services

Information and communication technology

Technology is used to support the delivery of services to clients and staff. The significant ICT achievements of 2022-23 include the following:

- implementation of Microsoft Teams Voice for telephony services,
- commencement of online Family Dispute Resolution conferences,
- implementation of Microsoft Power Apps to replace existing forms infrastructure,
- implementation of Microsoft Teams meeting rooms,
- upgrading of infrastructure and systems to maintain currency and security,
- upgrading of backup power systems to improve capability and capacity, and
- completion of an independent review of Cyber Security.

Grants and Practice Management System

A new integrated Grants and Practice Management System is in the process of being implemented. The system will enable the automatic data entry from legal aid applications lodged through our new Online Legal Service Portal, improve workflows and enable automated decision making for low value grants of aid that meet certain criteria. Practice Management functionality will also be introduced for the legal representation divisions. This will provide our staff with contemporary tools to facilitate electronic file management. The new system is expected to go live later in 2023.

Online Legal Service ('OLS') Portal

Our new Online Legal Service ('OLS') Portal went live on 6 June 2023. Clients and practitioners are now able to use the OLS Portal to–

- submit a legal aid application,
- provide supporting documentation,
- update financial and contact details,
- request an extension of aid,
- finalise a case,
- renew panel practitioner membership, and
- apply to be included on specialist panels.

Once the new Grants and Practice Management system is completed, users will also be able to access information to track the status of their grant of aid, receive electronic correspondence and view the history of their applications within the OLS Portal.

Records management Library

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

The Corporate Services restructure introduced a new reporting structure, including a Team Leader, Information Management and Governance to oversee the records management program.

During 2022-23 we focussed on–

- creating an Information Management Governance Framework,
- establishing an Information Asset Register,
- establishing an EDRMS training program,
- developing a new Records Disposal Schedule,
- developing a data breach response plan,
- changing business practices to process new on-line legal aid application forms,
- supporting staff on digitisation and maintenance of records,
- providing access to archived records and preservation of archived records,
- identifying opportunities to improve current recordkeeping processes.

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

Queries and Complaints

A dedicated client relations coordinator is employed to liaise with members of the public. This financial year the client relations coordinator received 185 queries from the public, as compared to 252 last financial year. The majority of these matters related to–

- whether there was an entitlement to legal aid, or
- why legal aid had been refused.

Of the 185 queries this financial year, 17 were complaints relating to the delivery of services. This is 19 less complaints than in the 2021-22 financial year, equating to 0.016% of the 109,185 services* provided to members of the public. Most complaints were resolved by providing a full explanation of our processes and procedures.

During 2022-23, 30 complaints were made in relation to private legal practitioners, equating to 0.21% of the 14,331 services provided to members of the public by the private profession. This was six less complaints than were received in the 2021-22 financial year. Most of these complaints were resolved by clarifying the role of a private legal practitioner acting on a grant of legal aid and by informing the complainant that in South Australia any unsatisfactory service by a legal practitioner is dealt with by the Legal Profession Conduct Commissioner.

**Includes legal information and advice, duty lawyer services, family dispute resolution services, social support services, applications for legal aid and inhouse representation services granted in the 2022-23 financial year.*

Client Relations Contacts 1 July 2022 – 30 June 2023

Reason for contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all contacts
Refusal of aid	0	0	0	35	6	2	0	43	22.99
Entitlement to legal aid	0	1	0	55	2	1	0	59	31.55
Child representation	0	0	0	2	0	0	0	2	1.07
Service provision	0	1	0	7	7	2	0	17	9.09
Statutory charge	0	0	0	5	0	0	0	5	2.67
Private practitioner service	0	4	0	21	5	2	0	30	17.11
Discrimination	0	0	0	0	0	0	0	0	0.00
Conditions of aid (other than statutory charge)	0	0	0	1	2	0	0	3	1.60
Cap	0	0	0	0	0	0	0	0	0.00
Complaint to MP, Ombudsman etc	0	0	0	0	0	0	0	0	0.00
Other	1	0	0	3	14	6	2	26	13.90
TOTAL	1	6	0	129	36	13	2	185	100%

Legislative Compliance

Freedom of Information

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

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

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

How the functions affect members of the public

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

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

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

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

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

Documents usually held by the Legal Services Commission

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

Access to documents

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

In the 2022-23 financial year, eight applications for information were received. In four of the applications full release of the requested material was provided. Partial release of the requested material was provided in three of the applications. One application was refused. Any decision to partially release information, or refuse an application, was made under section 20(1)(a) of the FOI Act which states that an agency may refuse access to a document if it is an exempt document. Exemption clause 6 – *Documents affecting personal affairs*, was relied on four times during the financial year and exemption clause 12 – *Documents the subject of secrecy provisions*, was relied on once.

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*.

FINANCES



Income

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

In 2022-23 the State government provided funding of \$2.9 million. The State government also provided \$2.3 million in reimbursements under the *State Expensive Criminal Cases Funding Agreement*.

The Commonwealth government, through the *National Legal Assistance Partnership Agreement 2020-25 (NLAP)* provided funding of \$18 million, an increase from \$17.7 million in 2021-22. In addition, the Commonwealth government provided \$9 million in funding grants tied to particular services or projects. This financial year no funding was received under the *Commonwealth Expensive Criminal Cases Funding Agreement* as we had sufficient carryover funds from 2021-22.

A further \$11.1 million was received from the Law Society pursuant to sections 56 and 57A of the *Legal Practitioners Act 1981*.

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

During 2022-23 income was generated from investments, client contributions, education courses, the sale of legal kits and, most significantly, cost recovery through the imposition of statutory charges. This is achieved under section 18A of the *Legal Services Commission Act 1977* which provides that a grant of legal assistance may be subject to the condition that legal assistance costs are secured by a charge on land

– a statutory charge. During 2022-23 the Legal Services Commission recovered \$1 million in statutory charges. Charges were imposed in 158 matters, a slight decrease from the 172 charges imposed in 2021-22.

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

Expenditure

Total operating expenditure for 2022-23 was \$60.7 million, up from \$56.8 million in 2021-22. Private legal practitioner payments totaled \$27.1 million, up from \$24.3 million in 2021-22.

The Legal Services Commission completed the 2022-23 financial year with a consolidated comprehensive result of \$12.1 million deficit.

Commonwealth government funding as at 30 June 2023

Financial year	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000	2022-23 \$'000
Core funding	16 801	17 161	17 445	17 719	17 997

State government funding as at 30 June 2023

Financial year	2018-19 \$'000	2019-20 \$'000	2020-21 \$'000	2021-22 \$'000	2022-23 \$'000
Core funding	22 940 ¹	250 ²	23 95 ³	48 626 ³	640 ⁴

¹During 2018-19 the State government paid \$22 940 000 in advance for the 2019-20 financial year.

²During 2019-20 the State government did not pay in advance for the 2020-21 financial year.

³During 2021-22 the State government paid \$24,000,000 in advance for the 2022-23 financial year.

⁴During 2022-23 the State government did not pay in advance for the 2023-24 financial year.

Consultant disclosure

The following is a summary of external consultants engaged by the Legal Services Commission during the 2022-23 financial year, the nature of the work undertaken and the actual payment for the work.

Consultancies with a contract value below \$10 000 each

Consultancy	Purpose	\$ Actual payment
All consultancies below \$10,000 each – combined	Various	\$40,125

Consultancies with a contract value above \$10 000 each

Consultancy	Purpose	\$ Actual payment
HRM Matters	Review of Access Services project, including researching best practice in interstate legal advice commissions	\$11,400

Contractors

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

INDEPENDENT AUDITOR'S REPORT



Government of South Australia
Auditor-General's Department

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www.audit.sa.gov.au

To the Chairperson Legal Services Commission of South Australia

Opinion

I have audited the financial report of the Legal Services Commission of South Australia for the financial year ended 30 June 2023.

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

- a) giving a true and fair view of the financial position of the Legal Services Commission as at 30 June 2023, its financial performance and its cash flows for the year then ended, and
- b) complying with Division 60 of the Australian Charities and Not-for-profits Commission Regulation 2023.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2023
- a Statement of Financial Position as at 30 June 2023
- a Statement of Changes in Equity for the year ended 30 June 2023
- a Statement of Cash Flows for the year ended 30 June 2023
- notes, comprising material accounting policy information 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 of South Australia. The *Public Finance and Audit Act 1987* establishes the independence of the Auditor-General. In conducting the audit, the relevant ethical requirements of APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* have been met.

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

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

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

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

The members of the Legal Services Commission of South Australia 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 of South Australia for the financial year ended 30 June 2023.

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 of South Australia's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director
- conclude on the appropriateness of the Director's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify the opinion. My conclusion is based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause an entity to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

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

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



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

29 September 2023



Legal Services Commission of South Australia

**Financial Statements
for the year ended
30 June 2023**

Certification of the Financial Statements

We certify that the:

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



Chinh Dinh-Pham
Manager, Finance
28 September 2023



Gabrielle Canny
Director
28 September 2023



Peter Slattery
Chairperson
28 September 2023

Legal Services Commission of South Australia

Statement of Comprehensive Income

for the year ended 30 June 2023

	Note	2023 \$'000	2022 \$'000
Income			
Commonwealth-sourced grants and funding	2.1	26 965	23 344
SA Government grant, subsidies and transfers	2.2	5 275	50 385
Legal Practitioners Act 1981 revenues	2.3	11 143	347
Statutory charges		2 598	1 279
Interest	2.4	518	11
Costs recovered and contributions	2.5	314	259
Other income	2.6	1 771	933
Total income		48 584	76 558
Expenses			
Employee benefits expenses	3.3	22 561	21 428
Private Practitioner services	4.4	27 126	24 335
Supplies and services	4.1	9 280	9 099
Depreciation and amortisation	4.2	1 538	1 420
Other expenses	4.3	146	557
Total expenses		60 651	56 839
Net result		(12 067)	19 719
Other Comprehensive Income			
Items that will not be reclassified to net result			
Changes in property, plant and equipment asset revaluation surplus		(49)	-
Total comprehensive result		(12 116)	19 719

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia
Statement of Financial Position
as at 30 June 2023

	Note	2023 \$'000	2022 \$'000
Current assets			
Cash and cash equivalents	6.1	11 483	29 808
Receivables	6.2	6 554	1 883
Other financial assets	6.3	8 129	7 802
Total current assets		26 166	39 493
Non-current assets			
Property, plant and equipment	5.1	4 903	5 312
Intangible assets	5.4	824	1 190
Statutory charge debtors	6.4	11 136	9 554
Total non-current assets		16 863	16 056
Total assets		43 029	55 549
Current liabilities			
Legal payables		1 674	1 487
Payables	7.1	527	459
Financial liabilities	7.2	3	4
Employee benefits	3.4	1 511	1 623
Other current liabilities	7.3	233	233
Total current liabilities		3 948	3 806
Non-current liabilities			
Payables	7.1	155	158
Financial liabilities	7.2	1	4
Employee benefits	3.4	3 078	3 384
Other non-current liabilities	7.3	934	1 168
Total non-current liabilities		4 168	4 714
Total liabilities		8 116	8 520
Net assets		34 913	47 029
Equity			
Retained earnings		34 913	46 980
Asset revaluation surplus		-	49
Total equity		34 913	47 029

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia

Statement of Changes in Equity

for the year ended 30 June 2023

	Asset revaluation surplus \$'000	Retained earnings \$'000	Total Equity \$'000
Balance at 30 June 2021	49	27 261	27 310
Net result for 2021-22	-	19 719	19 719
Total comprehensive result for 2021-22	-	19 719	19 719
Balance at 30 June 2022	49	46 980	47 029
Net result for 2022-23	-	(12 067)	(12 067)
Loss on revaluation of library during 2022-23	(49)	-	(49)
Total comprehensive result for 2022-23	(49)	(12 067)	(12 116)
Balance at 30 June 2023	-	34 913	34 913

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia

Statement of Cash Flows

for the year ended 30 June 2023

	Note	2023 \$'000	2022 \$'000
Cash flows from operating activities			
<u>Cash inflows</u>			
Receipts from State Government funding		5 275	50 298
Receipts from Commonwealth-sourced grants and funding		26 965	23 345
Legal Practitioners Act 1981 receipts		7 777	115
Costs recovered and contributions		342	278
Statutory charge receipts		1 298	1 255
Interest received		486	6
GST recovered from the ATO		3 362	3 181
Other receipts		405	769
Cash generated from operations		45 910	79 247
<u>Cash outflows</u>			
Employee benefits payments		(22 987)	(21 667)
Payments for supplies and services		(10 673)	(9 741)
Private Practitioner services		(29 606)	(26 212)
Cash used in operations		(63 266)	(57 620)
Net cash provided by/(used in) operating activities		(17 356)	21 627
Cash flows from investing activities			
<u>Cash outflows</u>			
Purchase of property, plant & equipment and intangibles		(969)	(3 253)
Net cash used in investing activities		(969)	(3 253)
Net increase in cash and cash equivalents		(18 325)	18 374
Cash and cash equivalents at the beginning of the period		29 808	11 434
Cash and cash equivalents at the end of the period	6.1	11 483	29 808

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

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

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

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

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

1.1. Basis of preparation

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

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

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

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

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

Cash flows include GST in the Statement of Cash Flows.

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

1.2. Objectives

The objective of the Commission is to provide or arrange for the provision of legal assistance in accordance with the Act. The functions and principles of the Commission are set out in section 10 and 11 of the Act.

2. Income

2.1. Commonwealth-sourced grants and funding

	2023 \$'000	2022 \$'000
National Legal Assistance Partnership Agreement	17 997	17 719
Federal Circuit & Family Court Case Management funding	1 770	-
Family Advocacy and Support Service	1 135	861
Online Dispute Resolution System	1 090	-
Family Violence and Cross-Examination of Parties Scheme	974	192
Women's Domestic Violence Unit	865	848
Legally Assisted Financial Dispute Resolution - Small Property Claims	671	657
Lighthouse funding	669	-
Disability and Carer Support Program	635	1 264
Expensive Cases reimbursement	-	650
Women's Legal Assistance	461	450
Mental Health	236	230
National Legal Advisory Service for the Disability Royal Commission	157	146
Child Sexual Abuse Prosecutions	118	116
Defence Royal Commission	97	211
Workplace Sexual Harassment	90	-
Total Commonwealth-sourced grants and funding	26 965	23 344

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

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

Obligations under Commonwealth-sourced grants and funding are required to be met by the State of South Australia for \$23.34m (2022: \$20.87m) of the above grants. For accounting purposes, the obligations under the funding arrangements do not sit with the Commission. The Commonwealth has provided funding to the State for legal assistance services and were originally received by the State and then paid from Department of Treasury and Finance Administered Items. Amounts from the Commonwealth are received via the Attorney-General's Department.

In addition, the Commission received \$3.62m (2022: \$2.47m) of income recognised upon receipt directly from the Commonwealth for legal assistance services.

The Commission is separately funded by the Commonwealth Government for criminal law cases that exceed \$40 000. The Commonwealth Government did not provide any funding for the financial year (2022: \$0.65m).

2.2. SA Government grants, subsidies and transfers

	2023 \$'000	2022 \$'000
SA Government grant	640	48 626
Expensive Cases - reimbursement	2 340	763
Women's Domestic Violence Court Assistance Service funding	1 210	683
VSP reimbursement from the Department of Treasury and Finance	395	-
Drug Court funding	189	163
Disability Information and Legal Assistance	150	150
Operation Ironside	351	-
Total SA Government grants, subsidies and transfers	5 275	50 385

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

The State Government contributed funding of \$24.64m for 2022-23. Of this amount, \$24.00m was received in the prior financial year (2022: \$48.63m).

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 \$2.34m (2022: \$0.76m) for approved cases that exceeded the Commission funding cap of \$50 000 in the case of one party being aided and \$100 000 in the case of more than one party, irrespective of the number being aided.

2.3. Legal Practitioners Act 1981 revenues

In accordance with section 56 of the *Legal Practitioners Act 1981*, the Commission is entitled to revenue from funds administered by the Law Society of South Australia.

	2023 \$'000	2022 \$'000
Statutory Interest account	5 668	147
Interest on Legal Practitioners Trust Account	5 475	200
Total section 56 Legal Practitioners Act 1981 Revenue	11 143	347

2.4. Interest revenues

	2023 \$'000	2022 \$'000
Short-term deposits with SAFA	518	11
Total interest revenues	518	11

2.5. Costs recovered and contributions

	2023 \$'000	2022 \$'000
Costs recovered	85	137
Contributions *	229	122
Total costs recovered and contributions	314	259

* In addition, contributions of \$0.93m (2022: \$1.00m) in relation to referred cases were paid or are payable directly to private practitioners by clients.

2.6. Other income

	2023 \$'000	2022 \$'000
Unrealised investment gain	328	-
Migrant protection visa to permanent residency support funding	448	-
Safe Families funding	285	253
Specialist Legal Services for Afghanistan Evacuees	103	155
Return to Work SA funding	127	120
Other	480	405
Total other income	1 771	933

3. Board, committees and employees

3.1. Key management personnel

Key management personnel of the Commission in 2022-23 include the Director, Commissioners, Chief Operating Officer, Chief Legal Officer, Access Services Manager, Communications & Engagement Directorate Manager and Human Resources Manager.

Total compensation for key management personnel was \$1.58m in 2022-23 and \$1.31m in 2021-22.

Transactions with key management personnel and other related parties

In the ordinary course of business the Commission enters into transactions with legal firms, some of which may be associated with members of the Commission. Payments made to these firms are in accordance with the Commission's scale of fees and are payments that apply to practitioners generally. These transactions amounted to \$0.09m in 2022-23 and \$0.13m in 2021-22. Accordingly, unless otherwise disclosed, transactions between members are on conditions no more favourable than those that it is reasonable to expect the entity would have adopted if dealing with the related party at arm's length in the same circumstances.

3.2. Commission members

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

Members of the Commission during the 2023 financial year were:

Peter Slattery	Chair
Gabrielle Canny *	Ex Officio
Stephanie Halliday *	
Debra Contala	
Catherine Nelson (retired 30 November 2022)	
Jane Abbey (appointed 1 December 2022)	

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

Remuneration of Commissioners

	2023 No.	2022 No.
The number of members whose remuneration received or receivable falls within the following bands:		
\$0 - \$19 999	5	7
\$20 000 - \$39 999	1	-
Total number of members	6	7

The total remuneration received or receivable by members was \$48 000 in 2023 (\$48 000 in 2022). Remuneration of members includes sitting fees, superannuation contributions, salary sacrifice benefits, fringe benefits and related fringe benefits tax.

3.3. Employee benefits expenses

	2023 \$'000	2022 \$'000
Salaries and wages	17 737	17 656
Targeted voluntary separation packages	395	-
Long service leave	385	(34)
Annual leave	1 700	1 633
Skills and experience retention leave	99	105
Employment on-costs - superannuation	2 069	1 926
Commission members' fees	43	43
Workers' compensation	133	99
Total employee benefits expenses	22 561	21 428

Employment on-costs - superannuation

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

Employee remuneration

	2023 No.	2022 No.
The number of employees whose remuneration received or receivable falls within the following bands:		
\$157 001 to \$160 000 *	2	-
\$160 001 to \$180 000	8	5
\$180 001 to \$200 000	2	2
\$200 001 to \$220 000	4	2
\$240 001 to \$260 000	-	1
\$260 001 to \$280 000	1	-
\$280 001 to \$300 000	2	1
\$320 001 to \$340 000	-	1
\$340 001 to \$360 000	1	-
Total	20	12

* This band has been included for the purpose of reporting comparative figures based on the executive base level remuneration rate for 2021-22.

The total remuneration received by these employees for the year was \$4.11m (2022: \$2.52m).

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

Targeted voluntary separation packages (TVSPs)

The number of employees who received a TVSP during the year was 4 (2022: nil).

	2023 \$'000	2022 \$'000
Amount paid to separated employees:		
Targeted voluntary separation packages	395	-
Leave paid to separated employees	154	-
Recovery from the Department of Treasury and Finance	(395)	-
Net cost to the Commission	154	-

3.4. Employee benefits liability

	2023 \$'000	2022 \$'000
Current		
Annual leave	1 162	1 278
Long service leave	233	229
Skills and experience retention leave	116	116
Total current employee benefits	1 511	1 623
Non-current		
Long service leave	3 078	3 384
Total non-current employee benefits	3 078	3 384
Total employee benefits	4 589	5 007

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

Salaries and wages, annual leave, skills and experience retention leave (SERL) and sick leave

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

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

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

Long service leave

The liability for long service leave is measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Details about the measurement of long service leave liability is provided at note 10.1.

4. Expenses

4.1. Supplies and services

	2023 \$'000	2022 \$'000
Accommodation	3 367	3 279
Information technology expenses	3 297	3 203
Telecommunications	356	475
Periodicals and subscriptions	310	256
Legal fees and disbursements	294	226
Office supplies and consumables	184	149
Interpreter fees	178	146
Practising certificates and membership	156	147
Travel	138	83
Internal audit and governance	105	74
Audit fees - Auditor-General's Department	81	79
Consultancy fees	52	38
External service providers	-	133
Client surveys fees	-	61
Other	762	750
Total supplies and services	9 280	9 099

Accommodation

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

Consultants

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

	No.	2023 \$'000	No.	2022 \$'000
Below \$10 000	12	40	3	14
\$10 000 or above	1	12	1	24
Total	13	52	4	38

4.2. Depreciation and amortisation

	2023 \$'000	2022 \$'000
Plant and equipment	266	290
Accommodation and leasehold improvements	902	719
Right-of-use vehicles	4	7
Intangible assets	366	404
Total depreciation and amortisation	1 538	1 420

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

Useful life

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

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

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

Review of accounting estimates

Assets' residual values, useful lives and amortisation methods are reviewed and adjusted, if appropriate, on an annual basis. Changes in the expected life or the expected pattern of consumption of future economic benefits embodied in the asset are accounted for prospectively by changing the time period or method, as appropriate.

4.3. Other expenses

	2023 \$'000	2022 \$'000
Statutory charge bad debts and impairment loss on receivables	63	39
Bad debts	15	12
Loss on revaluation of assets	68	-
Loss on Funds SA investment	-	506
Total other expenses	146	557

4.4. Private Practitioners services

	2023 \$'000	2022 \$'000
Private Practitioners services	27 126	24 335
Total Private Practitioners services	27 126	24 335

5. Non-financial assets

5.1. Property, plant and equipment

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

	2023 \$'000	2022 \$'000
<u>Accommodation and leasehold improvements</u>		
Accommodation and leasehold improvements	7 075	6 615
Accumulated depreciation	(3 594)	(2 692)
Total accommodation and leasehold improvements	3 481	3 923
<u>Plant and equipment</u>		
Plant and equipment	3 793	3 702
Accumulated depreciation	(2 866)	(2 600)
Total plant and equipment	927	1 102
<u>Right-of-use vehicles</u>		
Right-of-use vehicles	11	11
Accumulated depreciation	(7)	(3)
Total right-of use vehicles	4	8
<u>Library</u>		
Library	144	261
Total library	144	261
<u>Work in progress</u>		
Work in progress	347	18
Total work in progress	347	18
Total property, plant and equipment	4 903	5 312

5.2. Property, plant and equipment owned by the Commission

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

Impairment

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

Reconciliation 2022-23

	Accommodation and Leasehold improvements	Plant and equipment	Right-of-use vehicles	Library	Work in Progress	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at the beginning of the period	3 923	1 102	8	261	18	5 312
Acquisitions	-	22	-	-	858	880
Depreciation	(902)	(266)	(4)	-	-	(1 172)
Transfer between asset classes	460	69	-	-	(529)	-
Revaluation	-	-	-	(117)	-	(117)
Carrying amount at the end of the period	3 481	927	4	144	347	4 903

5.3. Property, plant and equipment leased by the Commission

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

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

The Commission has a limited number of leases:

- Two motor vehicle leases with the South Australian Government Financing Authority (SAFA). Motor vehicle leases are non-cancellable, with rental payments monthly in arrears. Motor vehicle lease terms can range from 3 years (60,000km) up to 5 years (100,000km). No variable lease payments are provided for in the lease agreements and no option exist to renew the leases at the end of their term.

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

Impairment

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

5.4. Intangible assets

	2023 \$'000	2022 \$'000
Computer software		
Computer software	4 079	4 079
Accumulated amortisation	(3 255)	(2 889)
Total computer software	824	1 190

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

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

Reconciliation 2022-23

	Computer software \$'000	Total \$'000
Carrying amount at the beginning of the period	1 190	1 190
Amortisation	(366)	(366)
Carrying amount at the end of the period	824	824

6. Financial assets

6.1. Cash and cash equivalents

	2023 \$'000	2022 \$'000
Short-term deposits with SAFA	9 521	27 045
Cash on hand	1 962	2 763
Total cash and cash equivalents	11 483	29 808

6.2. Receivables

	2023 \$'000	2022 \$'000
Current		
Trade receivables		
From government entities	543	204
From non-government entities	12	11
Client debtors	170	124
Impairment loss on receivables	(20)	(20)
Total trade receivables	705	319
Accrued revenue		
Accrued interest	37	5
Legal Practitioners Act 1981 debtors	3 616	250
Grant revenue receivable from government entities	884	87
Total accrued revenue	4 537	342
Statutory receivables		
GST input tax recoverable	548	634
Total statutory receivables	548	634
Prepayments		
Trade prepayments	764	588
Total prepayments	764	588
Total current receivables	6 554	1 883

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

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

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

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

6.3. Other financial assets

	2023 \$'000	2022 \$'000
Current		
Investment with Funds SA at fair value	8 129	7 802
Total current investment	8 129	7 802

For further information on risk management refer to note 10.3.

6.4. Statutory charge debtors

	2023 \$'000	2022 \$'000
Statutory charge debtors	11 266	9 704
Impairment loss on Statutory charge receivables	(130)	(150)
Total statutory charge debtors	11 136	9 554

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

7. Liabilities

Employee benefits liabilities are disclosed in note 3.4.

7.1. Payables

	2023 \$'000	2022 \$'000
Current		
Trade payables	285	214
Accrued expenses	81	79
Statutory payables		
Employment on-costs	161	166
Total statutory payables	161	166
Total current payables	527	459
Non-current		
Statutory payables		
Employment on-costs	155	158
Total non-current payables	155	158
Total payables	682	617

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

Statutory payables do not arise from contracts.

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

Employment on-costs

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

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

7.2. Financial liabilities

		2023 \$'000	2022 \$'000
Current			
Lease liabilities	5.3	3	4
Total current financial liabilities		3	4
Non-current			
Lease liabilities	5.3	1	4
Total non-current financial liabilities		1	4
Total financial liabilities		4	8

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

7.3. Other liabilities

		2023 \$'000	2022 \$'000
Current			
Accommodation incentive		233	233
Total current other liabilities		233	233
Non-current			
Accommodation incentive		934	1 168
Total non-current other liabilities		934	1 168
Total other liabilities		1 167	1 401

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

8. Other disclosures

8.1. Equity

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

9. Outlook

9.1. Unrecognised commitments

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

Legal expense commitments

	2023 \$'000	2022 \$'000
Within one year	22 976	22 779
Total expenditure commitments	22 976	22 779

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

	2023 \$'000	2022 \$'000
Within one year	3 851	3 715
Later than one year but not longer than five years	13 238	13 899
Later than five years	262	3 464
Total expenditure commitments	17 351	21 078
Representing:		
Accommodation	16 222	19 196
Electronic Document and Record Management System (EDRMS)	1 124	1 875
ROU vehicles	5	7
Total expenditure commitments	17 351	21 078

The Commission's expenditure commitments are for agreements for:

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

9.2. Contingent assets and liabilities

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

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

9.3. Events after the reporting period

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

10. Measurement and risk

10.1. Long service leave liability - measurement

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

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

AASB 119 *Employee Benefits* requires the use of the yield on long-term Commonwealth Government bonds as the discount rate in the measurement of the long service leave liability. The yield on long-term Commonwealth Government bonds has increased from 2022 (3.50%) to 2023 (4.00%).

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

The actuarial assessment performed by the Department of Treasury and Finance increased the salary inflation rate to 3.5% for long service leave liability in 2023 (2022: 2.5%).

The net financial effect of the changes to actuarial assumptions in the current financial year is a decrease in the long service leave liability of \$0.10m and employee benefits expense of \$0.10m. 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.

10.2. Fair value

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

Initial recognition

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

Revaluation

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

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

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

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

Revaluation of the library collection was performed by Liquid Pacific Asset Consultants on 1 July 2022. 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 were performed by Liquid Pacific Holdings Pty Ltd during 2019-20 financial year. The independent valuer arrived at fairvalue based on the actual cost of the assets.

Plant and equipment

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

10.3. Financial instruments

Financial risk management

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

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

Impairment of financial assets

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

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

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

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

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

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

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

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

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

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

Categorisation of financial instruments

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

Classification of Financial Instruments

Category of financial assets and financial liabilities	Note	2023 Carrying amount (\$'000)	2022 Carrying amount (\$'000)
<u>Financial assets</u>			
Cash and equivalent			
Cash and cash equivalent	6.1	11 483	29 808
Fair value through profit and loss			
Investments	6.3	8 129	7 802
Financial assets at amortised cost			
Receivables *	6.2	5 242	661
Statutory charge debtors	6.4	11 136	9 554
Total financial assets		35 990	47 825
<u>Financial liabilities</u>			
Financial liabilities at amortised cost			
Payables *	7.1	285	214
Lease liabilities	7.2	4	8
Legal payables		1 674	1 487
Total financial liabilities		1 963	1 709

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

Statutory receivables and payables

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

Statutory charge debtors

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

APPENDIX

The background of the page is a solid blue color. It features two large, curved, overlapping shapes that create a sense of depth and movement. One shape is a lighter shade of blue and curves from the bottom left towards the center. The other shape is a darker shade of blue and curves from the top right towards the center, partially overlapping the first shape.

State Expensive Criminal Cases Funding Agreement

DATED	19 th	DAY OF	August	2020	Page 1 of 1
DEED OF VARIATION					
BETWEEN					
THE HONOURABLE VICKIE CHAPMAN, ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA					
AND					
THE LEGAL SERVICES COMMISSION					
CRD/20/18 SOLICITOR Level 17, 50 Franklin Street, Adelaide SA 5000					
TABLE OF CONTENTS					
1.	DEFINITIONS AND INTERPRETATION	1			
2.	VARIATION OF THE PRINCIPAL AGREEMENT	2			
3.	CONFIRMATION OF THE PRINCIPAL AGREEMENT	2			
4.	OPERATION OF THE DEED	3			
6.	COSTS OF THIS DEED	3			
ANNEXURE Copy of Principal Agreement					
Template 1: Deed of Variation (CSO 1022)					

DEED OF VARIATION dated 19 day of December 2020

BETWEEN:

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

AND

THE LEGAL SERVICES COMMISSION a body corporate pursuant to the Legal Services Commission Act 1977 of 103 Gawler Place, Adelaide, 5000, in the State of South Australia ("Commission")

BACKGROUND:

- A. The Attorney-General and the Commission entered into a deed dated 29 January 2003 and described as the Expendable Criminal Cases Funding Agreement ("Principal Agreement").
- B. The Principal Agreement was varied by a deed of amendment entered into by the Attorney General and the Commission dated 2 December 2004.
- C. The Attorney-General and the Commission have agreed to further vary certain terms and conditions of the Principal Agreement on account of amendments to the Criminal Law (Legal Representation) Act 2001 pursuant to which the Principal Agreement is made and to record those variations in this Deed.

IT IS AGREED:

1. DEFINITIONS AND INTERPRETATION

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

Witnesses: Deed of Variation (CCO 1292)

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

2. VARIATION OF THE PRINCIPAL AGREEMENT

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

"5.1A Nothing in clause 5.1 shall be taken to require the Attorney-General to approve a case management plan or a proposal to vary a case management plan if the plan relates to more than 1 trial unless the trials are related trials and in accordance with section 18(3) of the Act the Attorney-General is satisfied, in the circumstances of the case, that it is appropriate for the trials to be combined under a single case management plan."
- 2.2 The Principal Agreement is varied by deleting clause 6.1 and substituting it with the following:

"6.1 A case management plan must be submitted to the Attorney-General by the Commission in writing as soon as possible after BOTH the Commission becomes aware that the legal assistance costs for each assisted person to whom the case management plan will relate may exceed the funding cap AND as soon as practicable after the defendant has been arraigned or after a direction of the court pursuant to section 8(3) of the Act."
- 2.3 Clause 6.2.3 of the Principal Agreement is varied by deleting the words "costs of legal assistance" and replacing them with the words "legal assistance costs for each assisted person to whom the case management plan relates."
- 2.4 Clause 6.2.5(a) of the Principal Agreement is varied by adding the words "after the date on which the case management plan is submitted for approval (regardless of whether such items will be funded in reaching the funding cap and including items for which a funding commitment has been made prior to that date but for which no payment has yet been made)" after the words "the cost of each separate item proposed to be funded".
- 2.5 The Principal Agreement is varied by deleting clause 7.3 and substituting it with the following:

"7.3 Where the Commission has terminated legal assistance to each assisted person to whom a case management plan relates in accordance with section 8(4) of the Act, all obligations pursuant to the case management plan will cease to exist and the Commission may seek reimbursement of the legal assistance costs for each assisted person to whom the case management plan relates prior to the termination of that assistance."

3. CONFIRMATION OF THE PRINCIPAL AGREEMENT

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

Witnesses: Deed of Variation (CCO 1292)

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

4. **OPERATION OF THE DEED**

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

5. **COSTS OF THIS DEED**

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

EXECUTED AS A DEED

SIGNED by THE HONOURABLE

WICKIE CHAPMAN,

ATTORNEY-GENERAL FOR THE STATE
OF SOUTH AUSTRALIA in the presence of:

Witness
[Print Name: Wendy Chapman]

THE COMMON SEAL OF THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of



C. Nelson
Chairperson/Commissioner
[Print Name: Catherine Ann Nelson]

Debra Contata
Commissioner/Director
[Print Name: Debra Contata]

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 Pile Street, Adelaide SA 5000

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ANNEXURE A THE PRINCIPAL AGREEMENT

THIS DEED is made the SECOND day of December 2006

BETWEEN:

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

AND

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

RECITALS:

- A. The Attorney-General and the Commission entered into a deed dated 29 January 2003
 (the "Principal Agreement"), and described as the Expensive Criminal Cases Funding
 Agreement, a copy of which is annexed hereto.
- B. The parties have agreed to vary certain of the terms and conditions of the Principal
 Agreement and to record the same in this Deed.

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

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

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.

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 Dwyer]

THE COMMON SEAL of THE LEGAL)
SERVICES COMMISSION)
 was hereto affixed in the presence of:)

NOELANE CARLISLE-JACOBS SECRETARY
CHIEF OF COMMISSIONER
 [Print Name:]

Director
 [Print Name: HELEN JAMES GUNNOLD]

ROBERT
DEPUTY SECRETARY
 [Print Name: ROBERT JAMES HARRIS]

CSO 5588 / 082043 / Final PXP/0 / 11204

EXPENSIVE CRIMINAL CASES FUNDING AGREEMENT

COPY

AGREEMENT dated 29th January 2002

BETWEEN:

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

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

RECITALS:

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

29/1/02
29/1/02
 15 November 2001
 CSO 2137

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AGREED TERMS:

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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

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- 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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21/11/2002

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9. APPLICATION OF CONTRIBUTIONS

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

- 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;
- 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).

2. NO ASSIGNMENT

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

3. 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

MAJ. 21/11/2002

the Attorney-General that the assisted person has agreed to the Attorney-General's being released from his or her obligations of confidentiality.

14. COUNTERPARTS

This Agreement may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by facsimile.

15. ENTIRE AGREEMENT

15.1 This Agreement contains the entire agreement between the parties with respect to its subject matter.

15.2 This Agreement supersedes any prior agreement, understanding or representation of the parties on the subject matter.

16. PROPER LAW

The laws in force in South Australia, including law with respect to capacity to contract and manner of performance, apply to this Agreement.

17. JURISDICTION OF COURTS

The courts of South Australia have exclusive jurisdiction to determine any proceeding in relation to this Agreement.

18. MODIFICATION

Any modification of this Agreement must be in writing and signed by an authorised representative of each party.

19. SEVERANCE

If any provision or part of a provision of this Agreement is invalid or unenforceable in any jurisdiction:

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- 19.1 the provision must be read down for the purposes of the purposes of the provision in that jurisdiction, if possible, so as to be valid and enforceable; or
- 19.2 if the provision cannot be read down, it must be severed if it is capable of being severed without affecting the remaining provisions of this Agreement or affecting the validity or enforceability of that provision in any other jurisdiction and the parties must consult in good faith to determine whether any amendment or substituted provision is required.

EXECUTED by the parties unconditionally as a deed.

SIGNED by THE HONOURABLE

MICHAEL ATKINSON,

ATTORNEY-GENERAL FOR THE STATE

OF SOUTH AUSTRALIA in the presence of:

Witness

[Print Name: HELEN WATSON]

THE COMMON SEAL of THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:

Chairperson

[Print Name: BRIAN WITHERS]



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.

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