

Annual Report

Legal Services Commission

2023–24

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 peoples' ongoing connection to the lands 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.

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Legal Services Commission

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Contents

Chairperson’s letter to the Attorney-General	04
Overview – Who we are and what we do	06
Our Year	09
Highlights 2023–24	10
Director’s Report	12
Snapshot of Services	17
Client Services	19
Prevention and Early Intervention Services	20
Court Based Services	27
Legal Representation	31
Our Performance	48
Snapshot of Financial Performance	49
Reporting	50
Management of Our Organisation	54
Corporate Governance	55
Employees	57
Support Services	63
Queries and Complaints	64
Legislative Compliance	66
Finances	68
Financial Statements for the year ended 30 June 2024	76
Appendix	98
State Expensive Criminal Cases Funding Agreement	99

Chairperson's Letter

Chairperson's letter to the Attorney-General 2023–24

Hon Kyam Maher MLC
Attorney-General
GPO Box 464
ADELAIDE SA 5001

Dear Attorney

I am pleased to present the Annual Report of the Legal Services Commission for the financial year ending 30 June 2024, pursuant to section 33 of the *Legal Services Commission Act 1977*. In compliance with its mandate, Legal Services 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, without which it could not function. Maintaining an appropriate level of core funding from both State and Commonwealth governments remains a priority for Legal Services.

This past year, the level of interest income received from the Law Society of South Australia pursuant to the *Legal Practitioners Act 1981* has increased due to the prevailing level of interest rates. This is in line with last year, but in contrast with a number of years prior when exceptionally low interest rates were having a materially negative impact on the level of interest income received. While maintaining a cautious and sustainable financial approach, we have continued to examine means by which we can more effectively deliver services through regional South Australia, while applying funding to necessary capital infrastructure works. Legal Services is mindful of the significant number of South Australians who require legal advice and assistance which is beyond their financial means – in all such cases there is a cost to individuals, families and the community. We continue to explore new initiatives to address unmet need for legal assistance within the South Australian community and promote our services throughout the State.

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 2023–24. These accounts record that Legal Services operated within its financial means with an adequate financial buffer to allow for cashflow variations, future capital works projects and planned regional initiatives.

Over the last 12 months, there have been a number of key achievements for the organisation.

In 2023–24, over 160,000 client services were delivered, an increase on the previous year.

New grants of aid for legal representation totalled over 19,000, while work continued on a further 16,000 ongoing previously granted files.

The number of legal advice services delivered was over 72,000, while more than 14,000 duty lawyer services were provided, illustrating 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. Immediate attention is given to complaints if they arise – albeit these remain relatively few considering the number of people we assist each year.

This year we continued exploring new service delivery models to ensure our structures continue to evolve and are modernised to enhance the efficiency of service delivery. This included considerable work to expand the quantity and quality of service provision to clients in regional South Australia, which we will continue to examine.

To that end, we established a new rostered Regional Duty Solicitor Scheme, which is addressing service delivery gaps in regional and remote areas of South Australia, where private legal practitioners are available and capable of taking on legally aided work, providing benefits to clients, the courts and regional lawyers.

This year we made a significant contribution to the independent review of the National Legal Assistance Partnership (NLAP) Agreement 2020–25. Dr Warren Mundy's review is an important body of work which lays out the adequacy of funding challenges facing the sector. We will continue to work collaboratively with both the State and Federal governments to deliver services in accordance with the next NLAP Agreement from 1 July 2025.

As you know, the Director of Legal Services, Gabrielle Canny, will retire from her role in September of this year. Under Gabrielle's stewardship and her commitment to high professional standards, Legal Services has established a reputation for consistent innovation and the delivery of high quality legal services. Having served Legal Services with distinction over 24 years, 12 of those as Director, Gabrielle will leave us with a strong team and culture. She will be sorely missed by Commissioners and staff alike, all of whom wish her well in retirement and thank her for her commitment to enhancing access to justice in South Australia.

The skill and dedication of all staff throughout the year in continuing to deliver exceptional services to the people of South Australia, frequently in challenging circumstances, is also acknowledged.

Likewise I acknowledge and thank those 482 members of the private legal profession in South Australia who constitute our practitioner panels and provide legal assistance through grants of legal aid.

I also acknowledge and thank my fellow Commissioners for their diligence and commitment to the objectives and management of Legal Services.

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,



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.

Legal Services is the largest legal assistance organisation in South Australia with 241 staff members, 125 of whom are legal practitioners. Community legal education and legal information and advice are provided by in-house legal practitioners. Legal representation and duty lawyer services are provided by both in-house lawyers and 482 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 160,000 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 Mount Barker. Free legal information and advice can also be accessed from the 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.

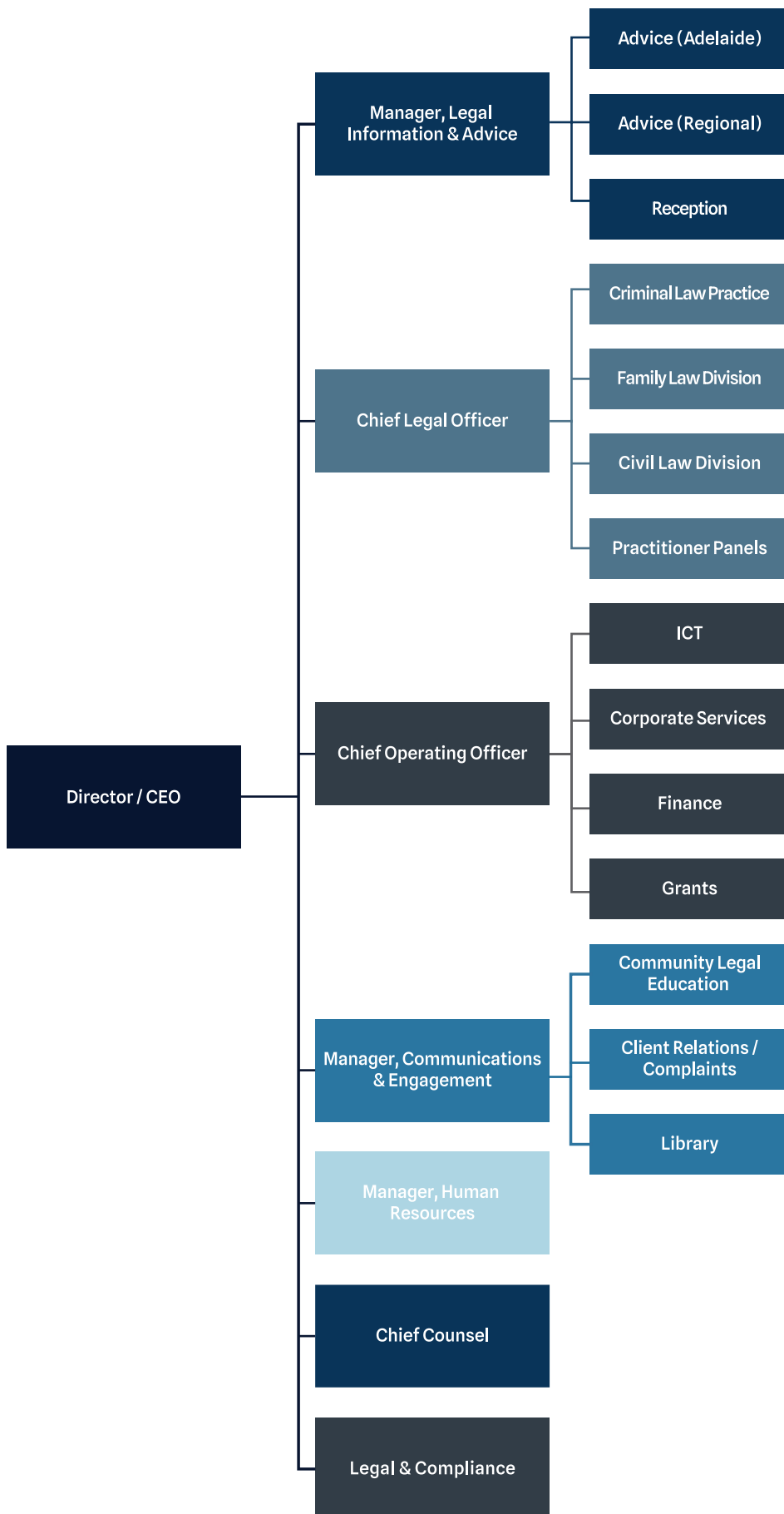
Our Strategic Plan 2021–2024 contains four goals–

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 2024



OUR YEAR

Highlights

Director's Report

Snapshot of Services

Highlights 2023–24

Some of our Achievements

1

Delivered more than **160,000** legal assistance services.

2

Secured new funding to provide services under the Protection Visa Program and the family law property dispute resolution program.

3

Introduced a new rostered Regional Duty Solicitor Scheme.

4

Adopted an Equitable Briefing Policy to support the progression of women in the legal profession and contributed to the review of harassment in the legal profession.

5

Joined the Northern Multi-Agency Hub, a collaborative integrated service provision centre, delivering domestic and family violence services to women and families in the north of Adelaide.

6

Registered as a WE'RE EQUAL business, an initiative of Equal Opportunity SA that identifies businesses committed to treating everyone equally regardless of their age, ability, gender diversity, sexuality, relationship and reproductive status, race, religion, and culture.

7

Contributed to the independent review of the National Legal Assistance Partnership 2020–25.

8

Launched amica^{one} and superannuation splitting feature.

Director's Report

2023–24

This year marks 45 years of operations for Legal Services since its commencement in January 1979.

This is my final Annual Report as Director and CEO. I will retire from the Legal Services Commission early in the new financial year. I am proud of my achievements over 24 years at Legal Services, working across many roles and closely with so many staff.

Legal Services finished the year in a sound financial position. Renewed strength in the local economy and increases in interest rates resulted in higher receipts from the Law Society of South Australia pursuant to the *Legal Practitioners Act 1981* and allowed us to pass on a 2% fee scale increase to panel practitioner fees.

Supplementary Commonwealth funding was provided this year to assist Legal Aid Commissions to respond to demand arising from case management changes in the Federal Circuit and Family Court of Australia (FCFCOA). Funding was also provided to address new work arising from Protection Visa backlogs.

The South Australian Royal Commission into Domestic, Family and Sexual Violence commenced on 1 July 2024. We will work closely with the Royal Commission in the coming months to provide information about the value of the services we deliver through all areas of law to clients affected by domestic, family and sexual violence.

The scourge of domestic violence has increasingly come to public prominence over the last decade, and Legal Services has been at the forefront of providing legal assistance to victim-survivors. Our award-winning Women's Domestic Violence Court Assistance Service, our Women's Domestic Violence Unit and Health Justice Partnerships, our Family Advocacy and Support Service in the FCFCOA, our participation in the collaborative service, Safe and Well

Kids, Legally Assisted Financial Dispute Resolution Small Property Claims program and the Family Violence and Cross-Examination of Parties Scheme, have all made a significant contribution to access to legal assistance in this area. In total, 7,542 services have been provided this year through the abovementioned programs.

National Developments

I have been pleased to represent Legal Services at the national and international levels. I was appointed to the rotating Chair of National Legal Aid in 2014–15 and was Chair of National Legal Aid's Family Law Working Group, Dispute Resolution and Child Support working groups for 10 years. I had the opportunity to represent Legal Services and NLA as a speaker at the International Legal Aid Group Conference on several occasions.

In May 2024, the comprehensive final report of the Review of the National Legal Assistance Partnership (NLAP) Agreement was released. This Agreement governs the Commonwealth funding of legal assistance service providers around Australia. Legal Services, along with other Legal Aid Commissions, worked closely with reviewer Dr Mundy and his staff, making written and oral submissions, providing statistical and other information, and assisting visiting members of the Review team. The Review will inform future funding arrangements ahead of the expiry of the current NLAP Agreement on 30 June 2025.

The Review also examined the level of State and Territory funding for the legal assistance sector, commenting that 'South Australia has the lowest state and territory funding per capita at \$15 per person'. We are working with our State Attorney-General's Department with the aim of improving that funding level.

During my time as Director, Legal Services led the development of the award-winning online separation tool amica which combines family law with artificial intelligence

and provides Australians with a simple and secure digital solution to resolve parenting arrangements and property settlements. The NLAP Review was full of praise for amica, writing that it can 'demonstrate that technology used well offers significant benefits by extending the reach of legal assistance services to more people who need it'.

This year amica, through amica^{one}, delivered a one-sided estimate of a fair property split and was enhanced with the ability to split superannuation as part of a settlement agreement, making it even easier for a wider range of couples to use the tool.

In May 2024, sweeping changes to the *Family Law Act 1975* altered how the Court makes parenting orders in the best interests of a child and imposed new obligations on Independent Children's Lawyers. There were several changes to Court procedures and additional powers were delegated to Family Court registrars. Family Law is a core part of our service delivery as the State's largest legal assistance provider. As a major player in the family law jurisdiction and as a member of National Legal Aid, Legal Services contributed submissions to the Commonwealth Attorney-General on the drafting of these new laws. Once the laws came into operation, our focus shifted to informing private practitioners on our panel, as well as the general public, about these changes.

Highlights

WE'RE EQUAL

WE'RE EQUAL is an initiative of Equal Opportunity SA that identifies businesses committed to treating everyone equally, regardless of their age, ability, gender diversity, sexuality, relationship and reproductive status, race, religion, and culture. Legal Services is proud to be part of the WE'RE EQUAL initiative. We have a long history as an open and inclusive legal service that embraces and supports difference and diversity, amongst our clients and our staff.

Regional Support

Following a review in 2022 of our regional and remote service delivery models, this year we introduced a new rostered Regional Duty Solicitor Scheme. The scheme is delivering a cost-effective solution to address service delivery gaps in the regions, utilising local private legal practitioners who are available and capable of taking on legally aided work to appear in the Magistrates Court for unrepresented persons, providing benefits to clients, the courts and regional lawyers. Since 5 February 2024, this service has provided 361 services totalling \$137,408 (plus GST) paid to private practitioners.

Equitable Briefing Policy

On 28 May 2024, Legal Services formally adopted the Law Council of Australia's Equitable Briefing Policy. This is designed to drive cultural change within the legal profession, support the progression and retention of women barristers, and address the significant pay gap and under-representation of women in the superior courts.

Legal Services looks forward to continuing to improve our panel practitioners' practices and support the drive for cultural change within the legal profession.

Justice in Peril Conference

In September 2023, we held our biennial Conference. The theme was 'Justice in Peril', and we assembled an impressive list of guest speakers from South Australia and around the country to explore a range of diverse legal issues. The Conference was well-attended by our staff and members of the legal profession.

Northern Multi-Agency Hub

In May 2024, the Northern Multi-Agency Hub was officially launched by the Minister for Women and the Prevention of Domestic and Family Violence. The Hub is a collaborative and integrated service provision centre staffed by Legal Services, Women's Safety Services SA and South Australia Police, created to provide local, relevant, and accessible domestic and family violence services to women and families in the north of Adelaide. Our Domestic Violence Unit lawyers attend the Hub most days of the week. This ensures women experiencing domestic and family violence can access timely legal advice and provides Legal Services a further opportunity to collaborate with other agencies on the frontline in this important area of service delivery.

Law Week

After falling into abeyance during the pandemic, Law Week returned this year across South Australia, providing an opportunity to shine a spotlight on the important work delivered by the legal assistance sector, while increasing public knowledge of the law and how to access legal help. We had staff from across the organisation out in the community promoting our services and talking to law students about the exciting career opportunities that are available at Legal Services. A Legal Services team took part in *Walk for Justice*, a key part of Law Week and JusticeNet SA's major annual fundraiser.

Recruitment

During the year, Legal Services undertook recruitment campaign activity for roles across various parts of the organisation, utilising video content on our social media channels. These short videos feature our staff talking about why they enjoy working with us. In an increasingly competitive jobs market, these types of recruitment campaigns are necessary to differentiate ourselves and highlight the unique opportunities at Legal Services.

25 Year Recognition Awards

During 2023–24, Legal Services celebrated and recognised two employees reaching 25 years of services with Legal Services.

Robert Seymour

In 1998, Robert Seymour joined Legal Services as a solicitor in the then Child Support Unit within the Family Law Division. Over the last 25 years Robert has been a constant figure within the Family Law Division, in the Adelaide Office and over the last two years at the Noarlunga Office.

Marianne Bovell

In 2000, Marianne Bovell joined Legal Services as a Legal Secretary within our former Assignments Sub-Program on a six-month contract. Since then she has worked in a range of roles, most recently Administrative Coordinator at our Elizabeth office since 2022. Marianne has been a significant contributor to the organisation and is a truly valued member of Legal Services.

Retirements

Legal Services celebrated two significant retirements during 2023–24: Graham Russell after 46 years of service and Greg Mead SC after 37 years of service.

Greg Mead SC

On Monday 11 December 2023, we celebrated the retirement of Greg Mead SC. Greg was an employee of Legal Services for 37 years, starting as a Legal Officer in our Criminal Law Practice Division in 1986 and finishing as Legal Services' Chief Counsel. We thank Greg for his contribution to Legal Services and the extensive technical expertise and knowledge he provided and wish him all the very best in retirement.

Graham Russell

On Friday 10 November 2023, we celebrated the retirement of Graham Russell. Graham provided 47 years of service to Legal Services.

Graham commenced his legal career at the Australian Legal Aid Office in 1977 which was later replaced by the Legal Services Commission in 1979. We thank Graham for his expertise, experience and passion for our organisation and wish him all the very best in retirement.

Appointments

Legal Services made a number of senior appointments in 2023–24. Following the retirement of Greg Mead SC, Jeffrey Powell was appointed to the key role of Chief Counsel. Jeff has significant legal practice and counsel expertise, having worked at the independent Bar, with the Director of Public Prosecutions and at the Crown Solicitor's Office. Christopher Edge was appointed Manager, Criminal Law Practice Division. Chris joined Legal Services from the Office of the Director of Public Prosecutions, bringing exceptional criminal law expertise and experience in managing and leading teams. We also farewelled Christopher Weir who was the Manager, Criminal Law for six years and more recently Managing Counsel. Chris was a valued mentor to many of our junior advocates.

Tania Sulan was appointed as the new Manager, Legal Information and Advice Division. Tania has considerable legal practice, management, and business expertise as well as experience in the social justice sector. Alice Rolls commenced as the Manager of our new Civil Law Division. She was previously the Head of Policy and Strategy for the Australian Pro Bono Centre and has extensive experience in private legal practice.

Premier's Excellence Awards

Legal Services was honoured to be a finalist in this year's Premier's Excellence Awards in the 'Connecting Communities' category for our community education program on coercive control – *Healthy Relationships and the Law*. The education program was identified as a key engagement strategy, following the delivery of our *See the Signs of Coercive Control* community awareness campaign.

Law Society Awards

This year two of our longstanding legal practitioners, Chief Counsel Greg Mead SC and family lawyer Graham Russell, were jointly awarded the Law Society's prestigious Justice Award in recognition of their expertise and career-long commitment to legal assistance in their respective fields.

At the same ceremony, one of our criminal lawyers, Emma Shaw, was awarded the Law Society Medal for Meritorious Service for her contribution to the Society and the profession, and one of our FDR Chairs, Julie Redman, was awarded the Mary Kitson Award for her contribution to the advancement of the interests of women lawyers.

Acknowledgements

I extend my sincere thanks to the staff of Legal Services for their dedication to access to justice in providing high-quality legal assistance services to South Australians. It has been my privilege and pleasure to lead the organisation and to mentor and develop lawyers and managers.

I appreciate the strength of the Leadership Team in managing Legal Services and thank David Mazzone, Lucinda Byers, Andrea Sax, Matt Hanton, Tania Sulan and Nakita McCroakam-Lynch for their continuing support and commitment to excellence in service delivery.

I thank the private legal practitioner members of the Legal Practitioners Reference Committee and the Panel of Assessors for volunteering their time and advice.

We introduced Practitioner Panels in 2014 to regulate grants of aid and provide quality assurance and regular auditing. I thank those 482 external legal practitioners who, as members of our panels, have represented legally aided clients in difficult economic times. They have made a significant contribution to justice in South Australia.

I also acknowledge the support and expertise provided by Commissioners Debra Contala, Jane Abbey SC, Stephanie Halliday and our Chairperson Peter Slattery. In 2016, the Board was reduced from 10 members to 5. I have found our contemporary model of governance provides an efficient and effective model to constantly challenge the 'why and how' we comply with our Act.

I acknowledge and thank the South Australian Attorney-General, the Hon Kyam Maher MLC, for his support of Legal Services and to me this year. I thank both him and the Commonwealth Attorney-General, the Hon Mark Dreyfus KC MP, for their ongoing commitment to funding legal assistance services in South Australia.

Gabrielle Canny

CEO / Director

Hon KJ Maher MLC

Quote from Hansard Legislative Council: Tuesday 19 March 2024

"I want to place on record my very big thanks to Gabrielle Canny for her 23 years of service to the people of South Australia at the Legal Services Commission and her more than a decade of exemplary leadership of the Commission as its Director. I wish her all the best in her well-earned retirement."

Snapshot of Services 2021-22 to 2023-24

Client Services

	2021-22	2022-23	2023-24
Grants of aid for legal representation	17 108	18 060	19 613
Additional grants*	526	460	481
Ongoing previously granted files	13 872	14 128	16 387
Dispute Resolution services			
clients represented at a FDR conference	2 116	2 096	1 794
amica parties	3 944	3 430	3 950
Duty lawyer services	12 917	14 065	14 528
Legal task	2 457	3 096	2 944
Legal advice	75 944	75 265	72 828
Legal information	9 696	10 003	8 386
24Legal sessions (online legal information)	10 220	8 810	10 708
Community legal education participants	5 251	5 898	9 854
Social support services	901	1 071	1 541
Total client services	154 952	156 382	163 014

*Grants under the Guardianship and Administration Act 1993 and the Mental Health Act 2009

Snapshot of Services 2021-22 to 2023-24

Supporting Client Services

	2021-22	2022-23	2023-24
Applications for aid received	20 074	20 434	22 059
Grants of aid for legal representation-			
assigned inhouse	4 242	4 119	4 656
assigned externally	12 866	13 941	14 957
ICL appointments	416	452	407
Lawyer-assisted family dispute resolution			
conferences organised	1 709	1 397	1 399
conferences held	1 260	1 192	1 046
conferences settled	83%	82%	82%
AI-assisted family dispute resolution – amica (Australia wide)			
suggested asset divisions	585	584	642
property or parenting agreements	339	405	267
Community legal education sessions	*216	377	448
Referrals for further service			
Information	1 479	1 090	761
Advice/legal task	15 410	16 172	19 282
Duty lawyer	11 387	10 952	8 804
Social support		624	748
Total	28 276	28 214	28 804
Law Handbook page views	1 816 996	1 465 154	1 720 111
Legal Services website page views	1 022 460	1 166 079	919 978
Distribution of publications	*17 952	31 527	29 347

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

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

Legal Representation Services

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

Prevention and Early Intervention Services

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 help people:

- understand the law and their rights and responsibilities, and
- access legal assistance promptly when needed.

Our CLE programs focus on the NLAP priority client groups, providing information and education to community members both directly and through community workers and service providers. Engagement with the general community is also important as they too have a need to understand their legal rights and obligations but they can also serve as a referral agent for Legal Services through their interactions with NLAP priority client group members.

CLE is delivered by 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 brochures and legal information guides. These resources can be downloaded from our website and some 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 relevant legal changes, events, services and resources. Previous issues 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 workers and the public on a variety of legal topics including:

- getting legal help
- Advance Care Directives, Powers of Attorney and Wills
- family law
- family violence and coercive control.

Specific sessions during 2023–24 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 including legal responses to coercive control, credit and debt law, and accessing legal help through the Legal Services Commission. It also promoted amica, the online tool to help couples separate amicably.

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 2023–24 we–

- delivered Legal Services' 'See the Signs of Coercive Control' community awareness campaign
 - the campaign saw a 19% increase in unprompted community awareness of the term coercive control, within the campaign's target audience
- delivered a targeted, culturally appropriate legal education program to Aboriginal and culturally and linguistically diverse (CALD) communities as part of the 'See the Signs of Coercive Control' community awareness campaign
- organised, coordinated and promoted activities to highlight our legal services and increase public knowledge of the law as part of Law Week 2024
- took our Community Legal Education on the road with regional trips to Kangaroo Island, the Barossa Valley, Port Augusta and Mount Gambier
- revised our Young People and the Law education program which saw six interactive workshops created, with the content aligned to the Australian Curriculum
- engaged with priority client groups and community workers at community events including the Disability, Ageing and Lifestyle Expo 2023, Closing the Gap Day 2024, and the Palliative Care South Australia 2024 Conference
- raised public awareness of significant legal changes through mini-campaigns via our website and social media channels

- strengthened relationships with each South Australian university, including working with Flinders University to support their law student Industry Project program.

Legal Education Officer Paul O'Connor was a finalist for a 2023 Premier's Excellence Award in the category 'Connecting Communities – Individual' for his development and delivery of a Community Legal Education program on coercive control. 'Healthy Relationships and the Law' has been delivered across South Australia to Aboriginal and culturally and linguistically diverse (CALD) communities.

Facts and figures

Community Legal Education	2022–23	2023–24
Sessions	373	448
Participants	5,898	9,854

Website pageviews	2022–23	2023–24
Law Handbook	1,465,154	1,720,111
Legal Services Commission website	1,166,079	919,978

Top five online legal information topics by page views

Young people, sex and consent	73,062
Replacing lost or destroyed documents	28,342
General principles in criminal law	24,534
Negligence	16,030
De facto relationships	15,907

Distribution of hard copy publications

	2022–23	2023–24
Publications to third parties for distribution	31,527	29,347

5 most distributed publications

Fences and the law booklet	4,225
Trees and the law booklet	3,647
Power of Attorney brochure	2,109
Wills brochure	2,008
Need legal help brochure	1,723

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
- via the online services of Legal Chat, 24Legal and the Law Handbook, all available on our website (lsc.sa.gov.au)
- through specially funded programs which provide specialist assistance
- via information posts on Facebook, X, and LinkedIn.

Telephone information and advice

Calls to the Legal Helpline are answered from 9:00 am to 4:30 pm each business day, with callers receiving timely legal information or advice, an advice appointment or referral to a relevant 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. We have offices in Adelaide, Elizabeth, Noarlunga, Port Adelaide, Port Augusta, and Whyalla, and outreach locations in Murray Bridge and Mount Barker. Advice appointments can also be conducted by telephone if preferred by the client.

In addition, our Legal Advisers provide legal advice to prisoners over the phone or in person 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 2023–24 financial year over 6,300 Legal Chats were conducted, slightly down on the previous year.

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.

Mental Health Program

Our *Mental Health Program* is funded under an Agreement with the Commonwealth Government. It operates from our Adelaide Office and is available to clients accessing

legal assistance services. Clients are usually referred to the Program by an in-house Lawyer.

Qualified Social 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.

The support offered by the Social Workers assists the client to better engage with and actively participate in their legal matter. They are supported in areas of their life such as housing and finance, allowing the Lawyer to focus on the legal questions rather than the social issues impacting the client.

Formal education and training sessions for staff have been developed to ensure a trauma-informed and culturally appropriate service delivery model is available for clients with mental health conditions.

One client recently told us:

Client feedback

"I felt stuck and was in limbo. I am very grateful for the SW support and to have someone to talk to who is understanding of my situation without judgement. I have a renewed confidence and feel empowered. You have helped me put my feet forward."

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.

With the commencement of DiLA, training was provided to upskill our general legal advice team in working with clients living with disability, thereby enhancing our ability to assist such clients.

During the financial year, 1,451 legal advice appointments were provided to people living with disability. During the same period, 4,124 duty lawyer services and 5,500 grants of legal aid were provided to people living with disability.

Your Story Disability Legal Support Service

The Your Story Disability Legal Support Service is a national legal service, delivered as a joint initiative of National Legal Aid and National Aboriginal and Torres Strait Islander Legal Services.

The service assisted clients to provide their experiences to the Commonwealth Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Following the closing date for submissions to the Royal Commission in December 2022, the focus of the service moved to the provision of ancillary general advice and assistance to clients who may have had contact with the Royal Commission. Those services were delivered by our general legal advice team.

The Your Story Disability Legal Support Service finished operating in June 2024.

Defence and Veterans Legal Service

The Defence and Veterans Legal Service (DAVLS) is a National Legal Aid program funded by the Commonwealth Government. DAVLS was established to assist members of the public, including Australian Defence Force (ADF) personnel and veterans, and their families, carers and supporters, to access and engage with the Commonwealth Royal Commission into Defence and Veteran Suicide.

The service 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.

The Final Report of the Royal Commission is due to be released to the public in mid-September 2024, at which time DAVLS will close.

ReturnToWork Information and Advice Service

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

Injured workers can receive legal information, advice and assistance through our Legal Helpline or at a free legal advice appointment. There is close collaboration with ReturnToWorkSA. It regularly refers injured workers to us for independent advice, and we provide monthly feedback on statistics and trends in queries from injured workers.

Protection Visa Legal Advice and Assistance

In May 2024 we entered into an 18-month Agreement with the Commonwealth Department of Home Affairs to provide:

- specialist legal advice to clients on the criteria for a Protection Visa, the prospects of success in relation to an application for a Protection Visa, and the viability of other visa options where appropriate, and
- community outreach in relation to the Protection Visa Program.

The aim of the funding is to help ensure genuine applicants are supported through the visa application process by assisting in the articulation of claims and the production of all relevant evidence to support the claim.

Facts and figures

In 2023–24, we provided over **84,000** free legal information and advice services to the South Australian public.

This included:

- legal information and advice in response to over **60,000** Legal Helpline enquiries and over **6,300** 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 over **10,700** occasions to obtain legal information specific to the client's individual needs.

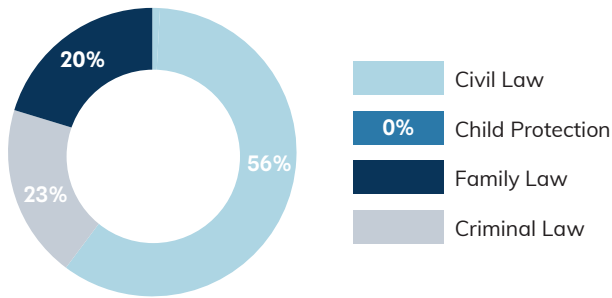
Service types by delivery method

	2021–22	2022–23	2023–24
Information			
Legal Chat online sessions	7,524	7,815	6,381
Legal Helpline	1,745	1,647	1,432
client walk-ins	427	541	573
Total	9,696	10,003	8,386
Legal advice			
Legal Helpline	62,066	61,702	59,520
telephone appointments	9,384	7,949	6,980
in-person appointments	4,494	5,614	6,328
Total	75,944	75,265	72,828
Legal task			
telephone appointments	1,547	1,684	1,345
in-person appointments	910	1,412	1,599
Total	2,457	3,096	2,944
Total information and advice services	88,097	88,365	84,158

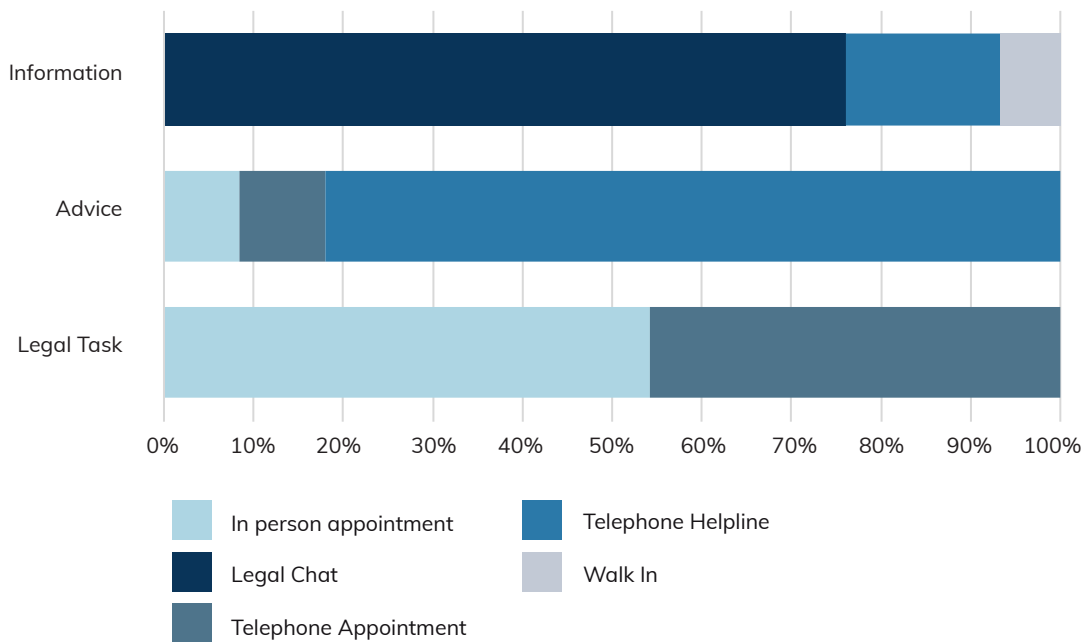
Law type by service type

	Criminal Law	Family Law	Civil Law	Child Protection	Total
Information	1,573	2,104	4,690	19	8,386
Legal advice	17,806	14,275	40,269	478	72,828
Legal task	146	670	2,087	41	2,944
Total	19,525	17,049	47,046	538	84,158

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	856	Law in general	9,609	Civil intervention orders	1,754
Documents - other	519	Fences / retaining walls	3,005	Contact - Spends time with	692
Property settlement	395	Property settlement	2,177	Property settlement	631
Contact - Spends time with	298	General advice	2,018	Consumer problem	509
Fences / retaining walls	273	Consumer problem	1,806	Fences / retaining walls	406

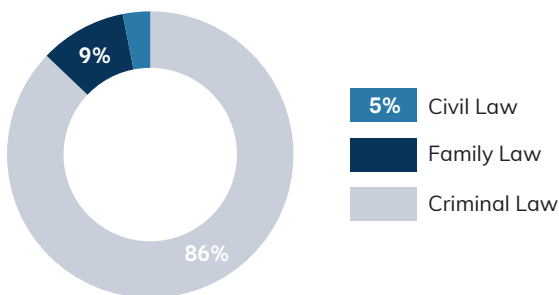
Court Based Services

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 at the Adelaide Magistrates Court and the Administrative Appeals Tribunal.

Duty lawyer services by law type

	2021–22	2022–23	2023–24
Criminal law	11,030	12,258	12,561
Family law	1,493	1,376	1,250
Civil law	394	431	717
Total	12,917	14,065	14,528

Duty lawyer services by law type



Criminal Law Duty Solicitor Service

The Criminal Law Duty Solicitor service has continued to provide support to vulnerable people in the Magistrates Courts at Adelaide, across the suburbs and in regional locations. Duty Solicitors protect the legal interests of people requiring representation and advice, providing an immediate and free service to those charged with a wide array of criminal offences. By supporting defendants who might otherwise be unrepresented, the service makes a significant contribution to the smooth running of the busy criminal lists.

A primary function of the Duty Solicitor service is to provide representation for people who have been arrested and refused police bail. These people are often highly vulnerable, and in addition to facing serious charges might be affected by substances, homelessness, family breakdown or complex mental health issues. Duty Solicitors will meet these vulnerable clients in the cells, take instructions, provide advice and then act on their behalf on bail applications or simple guilty pleas. This service takes place on a fast same-day turnaround, and Duty Solicitors will then provide follow-up support including arranging ongoing legal representation or social supports or appearing for them on continuing bail hearings, including on review in the Supreme Court.

In response to the high demand for Duty Solicitor services, we have taken a number of steps to ensure we continue to meet the increasing needs of the public across the State. Additional funding has allowed us to increase our staffing at the busy Adelaide and Port Adelaide Magistrates Courts, as well as engage with private country practitioners to provide Duty Solicitor services in the regions where we do not have in-house staff.

We once again provided Duty Solicitor custody services over the extended Easter and Christmas breaks, joining the other stakeholders to allow arrested people to have their bail hearings heard rather than wait in custody and create a backlogged list after the break. We have also ensured that we offer services in country and metropolitan areas where the Aboriginal Legal Rights Movement has been unable to maintain its presence.

The hard work of the dedicated Duty Solicitor service continues to be reflected in the positive feedback we receive from the Magistrates, prosecution and our vulnerable clients.

Facts and figures

In 2023–24, **12,561** criminal law Duty Solicitor services were provided. **12,000** of these services were provided by one of our in-house duty lawyers, with the remaining **561** provided in rural areas by external legal practitioners, funded by us.

Criminal law Duty Solicitor services by court type and work type

	Advice	Adjourn/ Mention	Bail application	Plea	Hearing	Other	Total
Supreme Court	5	7	0	0	1	0	13
District Court	0	6	20	0	3	3	32
Magistrates Court	1,588	1,579	8,152	240	20	252	11,831
Youth Court	87	173	398	14	3	10	685
Total	1,680	1,765	8,570	254	27	265	12,561

Criminal law Duty Solicitor services by location and work type

	Advice	Adjourn/ Mention	Bail Application	Plea	Hearing	Other	Total
Adelaide	533	358	2,923	16	11	62	3,903
Berri	45	57	75	25	0	1	203
Bordertown	2	1	0	0	0	0	3
Ceduna	2	7	6	4	0	0	19
Christies Beach	216	105	840	2	0	8	1,171
Cooper Pedy	4	19	11	9	0	1	44
Elizabeth	419	175	2,554	6	1	68	3,223
Indulkana	1	0	0	0	0	0	1
Kadina	0	11	1	13	0	0	25
Maitland	1	1	0	5	0	0	7
Millicent	13	13	3	4	0	1	34
Mount Barker	0	0	4	0	0	0	4
Mount Gambier	26	58	59	35	0	0	178
Murray Bridge	2	0	29	0	0	1	32
Naracoorte	1	4	0	1	0	1	7
Port Adelaide	345	219	1,708	14	11	9	2,306
Port Augusta	30	429	241	86	2	22	810
Port Lincoln	6	28	17	5	0	0	56
Port Pirie	1	4	6	16	0	0	27
Victor Harbor	1	0	1	1	0	0	3
Waikerie	2	9	0	1	0	0	12
Whyalla	30	267	92	11	2	91	493
Total	1,680	1,765	8,570	254	27	265	12,561

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, and may include 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 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 study

A Mental Health Worker supported a client who was referred to FASS by the Lighthouse project. The client presented highly distressed, with significant child protection concerns, domestic violence concerns and complex needs. We were able to support the client through de-escalation techniques and assistance in self-regulation and focus during her court proceeding, when necessary. We liaised with Family Law security and registry to ensure the implementation of safety planning. The client shared that she found us helpful in supporting her to communicate effectively with her lawyer and to meaningfully contribute during the court proceedings. The client was thankful for the support provided, noting that it made her court experience less stressful, safer, and less re-traumatising.

Facts and figures

FASS services	2021–22	2022–23	2023–24
Information and referral	1,524	1,700	1,480
Social support appointments	901	877	1,042
Duty lawyer services	1,495	1,374	1,250

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, Veterans' 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.

Legal Representation Services

Grants of Aid for Legal Representation

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

- the applicant to satisfy our means test, and
- the case to have merit and fall within the guidelines under which 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. Further information is available on our website.

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 2023–24 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.

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 in-house 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 in-house 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 general and specific practice standards. Practitioner files are regularly audited to ensure compliance with applicable practice standards. During the financial year, 104 practitioner files were audited. Only seven files were found to contain a significant departure from the practice standards. These departures were predominantly responded to by educating practitioners as to the practical steps they should take to demonstrate compliance, coupled with scheduling further audits in the coming six to twelve months to monitor progress. One practitioner’s conduct was referred to the Legal Profession Conduct Commissioner.

Facts and figures

Applications for a grant of aid for legal representation

	2020–21	2021–22	2022–23	2023–24
Received	21,565	20,074	20,434	22,059
Granted *	18,744	17,108	18,060	19,613

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

Applications granted in 2023–24 – Assigned externally or in-house by law type

(Includes applications received in 2022–23 but not granted until 2023–24)

	Assigned externally		Assigned in-house		Total
Criminal	12,252	78%	3,466	22%	15,718
Family	2,241	83%	473	17%	2,714
Child Protection	463	51%	440	49%	903
Civil	1	<1%	277	>99%	278

Criminal Law Legal Representation

Our Criminal Law Practice Division is the largest criminal defence practice in the State. We provide Duty Solicitor services, advice and representation in all criminal courts from charging through to sentencing and appeals. In addition to the city Courts, dedicated suburban and regional staff provide services in the Magistrates Courts at Elizabeth, Port Adelaide, Christies Beach, Port Augusta and Whyalla, as well as the District and Supreme Court circuits in Port Augusta.

Our staff also engage in specialised work to support the more vulnerable groups in the criminal justice system. This includes assisting children and young people in the Youth Courts, clients with mental impairment or illness, those suffering addiction, and prisoners subjected to post-sentencing orders such as applications for Extended Supervision and Continuing Detention Orders. Our team structure allows our lawyers to receive supervision, support and training to ensure our representation and advice services remain at the high standard the public expect of us.

Our representation lawyers carry high file loads across multiple jurisdictions. They engage with police prosecutors and the Director of Public Prosecutions to advocate and negotiate on behalf of their clients, and appear in court regularly on all hearing types from bail applications to guilty pleas and trials.

Our in-house counsel section provides specialist representation on trial, non-trial and appellate matters, often appearing on behalf of clients charged with the most complex and serious offences. The appointment of a new Chief Counsel, Jeff Powell, will strengthen our ability to provide the highest level of quality representation to our clients.

We continue to provide a range of services to the public in addition to our normal representation and Duty Solicitor work.

Our lawyers are regularly called by the higher courts to assist unrepresented people, often at short notice. This assistance includes for appeals and trials where counsel is required late in the proceedings or for a specific and limited purpose (such as cross-examining a complainant under section 13B of the Evidence Act 1929), to advise and represent witnesses or when a person has been arrested on a bench warrant or due to an alleged breach of a sentencing order.

We continue to provide representation for criminal clients in the Court of Appeal, with our in-house staff working as both instructing solicitor and counsel.

Key achievements

Appointment of a new Manager

In May 2024, following an extensive recruitment process, Mr Chris Edge was appointed as the new Manager of our Criminal Law Practice Division. Mr Edge has worked in criminal law for almost 20 years, and brings extensive experience as a practitioner and manager at the Office of the Director of Public Prosecutions. Mr Edge replaced Chris Weir as manager of the Division, allowing Mr Weir to take up the role of Managing Counsel in charge of the counsel section.

Stakeholder engagement

As a significant stakeholder in the criminal justice system, our staff engage regularly with a wide range of other agencies to enhance the system and advocate for the position of the defence. We contribute to law reform proposals, sit on multi-agency boards and engage in regular dialog with the Courts, the Department for Correctional Services, South Australia Police and the Director of Public Prosecutions at both policy and case level.

Our Director has represented Legal Services at the Criminal Justice Ministerial Taskforce this year, working with multiple agencies looking at systemic changes to criminal law practice to reduce the workload particularly of the DPP. A report containing numerous recommendations has been delivered to the Attorney-General.

The Criminal Law Practice Division also contributed to a National Legal Aid Roundtable regarding justice responses to sexual violence.

Continuing Legal Education

Our criminal law practitioners continue to benefit from our centralised continuing professional development program, in addition to sessions run internally within the Criminal Law Practice Division. We have again invited our panel practitioners to selected sessions, both in Adelaide and Port Augusta, which benefits and strengthens the relationships between us and our dedicated panel lawyers.

Regional expansion

As a part of our regional expansion project, new roles were created and funded to allow our in-house lawyers to provide Duty Solicitor and representation services in more regional locations. Two of our existing solicitors were successful in securing these new roles, and will start providing in-person services in the Magistrates Court sitting in Clare, Tanunda, Murray Bridge and Mount Barker. All stakeholders, including the Courts, are excited about the opportunity to better support unrepresented people in these regions, and accordingly contribute to a more effective and efficient court circuit.

Northern Regions

Our criminal lawyers and administrative staff based at Port Augusta and Whyalla continue to provide an effective service to our clients in the northern regions. We provide Duty Solicitor services, advice, and representation in the major regional courts and the remote circuit courts. The need for our services

in the northern regions remains high, particularly in light of the reduced capacity of the Aboriginal Legal Rights Movement in these areas.

We continue to see the benefits of having experienced staff based in the regions. Our staff have travelled to attend country circuit courts, providing representation for clients who might otherwise struggle to navigate the system. We have also provided experienced in-house counsel based in Port Augusta, allowing us to engage significantly in the District Court northern circuit (which sits in Port Augusta for six months of the year). Our contributions to the circuit have resulted in excellent clearance rates, bringing matters to a close for our clients and helping to reduce the backlog in that court.

Some of the resourcing challenges faced by the criminal justice sector are felt more acutely in the regions, and present real challenges for our staff and clients. Whilst we maintain good working relationships with police prosecution units, their understaffing in country areas makes it harder to progress matters swiftly through the courts. A lack of available First Nations interpreters is also a growing challenge, particularly as we assist an increasing number of indigenous clients. The lack of appropriate housing options for clients, particular First Nations clients, presents an additional hurdle to being granted bail.

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.

Challenges

The criminal justice system as a whole continues to be under resource pressure, and the impacts of this pressure can be felt far and wide.

High incarceration rates continue across the State. This is particularly prominent for Aboriginal people, who remain overrepresented in custody and often face additional

challenges when attempting to secure bail. Changes to the law continue to limit the scope for non-custodial sentences, and make an increasing number of people 'prescribed applicants' for the purpose of bail applications. As a consequence, a large number of our clients are in custody.

Our in-house lawyers, private practitioners and experts (such as psychologists) find it difficult to successfully engage with clients who are in prison. Prison appointments, both in person and by phone, are often cancelled and can take time to rebook. This results in a need to adjourn proceedings, and contributes to delays in the finalisation of matters. In some cases, health professionals cannot properly assess prisoners in the time allowed. This issue is being discussed with the Courts and the Department for Correctional Services with a view to finding solutions that mitigate the delays and distress that are caused.

Many cases face delays due to the time police require to investigate matters and compile complex briefs of evidence. There are examples of major indictable matters where very long adjournments are sought before a charge determination, to allow time for police to obtain evidence from expert sources that are currently suffering from resource pressure and delays. This includes areas of the Forensic Science Centre and specialist sections of police. These delays create a greater risk of injustice, especially for people who are remanded in custody for long periods before they can test the evidence of the charges brought against them.

The Aboriginal Legal Rights Movement continues to liaise with us about its capacity, particularly the areas where it does not have the capacity to provide the services it would like to. Using this information, we endeavour to provide as much assistance and support to Aboriginal clients to reduce the risk of further disadvantage to them.

Facts and figures

Granted applications in criminal law cases

	2021–22	2022–23	2023–24
Assigned externally	10,579	11,553	12,252
Assigned in-house	2,998	2,609	3,466
Total	13,577	14,162	15,718

External practitioners received **78%** of the grants of aid for legal representation in criminal law cases in 2023–24, a decrease from 82% in 2022–23 but equivalent to the percentage received in 2021–22.

Family Law Legal Representation

Family lawyers assist couples involved in separation to resolve their disputes in an appropriate way through the provision of specialist legal information, advice and representation in:

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

Family Dispute Resolution

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.

In 2023–24, around 80% of the conferences held were in relation to parenting matters. Other conferences dealt with disputes related to property matters, child support, adult child maintenance and child protection matters. Where a matter only partially settles at a conference, a second conference may be held to avoid Court proceedings. In the 2023–24 year, the FDR Unit increased conferencing online. About 30% of conferences are now held via Microsoft Teams.

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.

The FDR Unit also holds culturally led conferences where adjustments are 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 Microsoft 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. Offering various methods for holding conferences allows a larger number to be held within a given timeframe, accommodating demand and reducing wait times. The current wait time for a conference is 3 to 4 weeks.

Settlement rates for conferences held by any of the above methods are similar. For the 2023–24 financial year, the settlement rate for all conferences was 82.25%.

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

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 focused 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.

Facts and figures

	2021–22	2022–23	2023–24
Parties represented at an FDR conference	2,116	2,096	1,794
Conferences held	1,260	1,192	1,046
Conferences settled	1,047	974	859
Settlement rate	83%	82%	82%

AI-Assisted Family Dispute

Resolution – amica

On behalf of National Legal Aid, with funding from the Commonwealth Attorney-General's Department, an online family dispute resolution tool, amica, was launched on 30 June 2020. It assists separating couples, with the use of artificial intelligence (AI), to reach agreement about property settlements or parenting arrangements. Agreements are 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 courts is reduced.

In determining an asset split, amica's AI considers the length of the relationship, age and health needs, contributions to the relationship (including 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 developments have occurred during 2023–24, including the introduction of amica^{one} and superannuation splitting.

Access to amica is Australia-wide. Since its introduction:

- over 15,000 individuals have interacted and created accounts with amica
- over 2,200 asset divisions have been suggested, and
- the amica website has received more than 1.5 million page views.

Litigation in the Federal Circuit and Family Court of Australia

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. 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 stay-at-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
- 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 views of the child are made known to the Court is set out below.

Case study

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 she 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 2023–24, **407** ICL appointments were made. These orders related to 527 children.

Child support

The term 'child support' refers to the financial support provided for children when parents are not in a relationship and do not live together. The law requires both parents to financially support their children. We have a dedicated child support line where any member of the public seeking child support advice can be booked for a telephone advice appointment with one of our in-house family law solicitors who practices in child support. These telephone advice appointments are not means tested and are not time limited. We can arrange interpreters for these appointments if required also. As part of these appointments we can communicate with Services Australia around family law benefits to assist parties that have had their payments reduced.

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.

Party/Party Representation

We have a team of in-house solicitors on the Legal Services Commission panel who can act for clients in receipt of a grant of legal aid in relation to divorce, parenting and property settlement matters. This can include living and time spending arrangements for children of a relationship, ensuring safety as the first priority, and also division of assets and liabilities following the breakdown of a relationship.

We act for parties in relation to pre-action procedures, family dispute resolution, consent orders and when necessary in issuing or responding to proceedings in the FCFCOA.

Divorce proceedings are funded when the client is particularly vulnerable. This might include a victim-survivor of domestic violence where personal service would compromise their safety, or a client for whom English is not their first language such that completion of an online application would prove difficult. Divorce proceedings are also funded where the application is unlikely to be straightforward and it is anticipated that there is an element of complexity about the matter.

Clients on a grant of legal aid for a family law matter also have access to our in-house social workers should they consent to such a referral. This can provide further support to parties at such a stressful time.

We have a large panel of external panel practitioners who also act in family law matters if we are not in a position to assign the file internally.

Case study

A was born overseas and required an interpreter for all appointments.

A had attempted to file an application for divorce on her own previously, but she did not understand the process and the matter was dismissed.

A and her ex-husband had actually been married twice before and divorced once. We were trying to obtain a divorce order for the second marriage.

There were other factors which complicated this matter, which we were able to overcome to obtain the order.

A was incredibly grateful and was brought to tears in my office. She was so happy to no longer be tied to a man who perpetrated domestic violence against her whilst they were married.

Specialist legal information, advice and representation

Women's Domestic Violence Court Assistance Service

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

WDVCAS is designed to assist and represent those who identify as female 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.

To assist these clients, a Duty Solicitor service is available at the metropolitan Magistrates Courts on the days that the family violence lists are heard. Representation services are provided to clients applying for an intervention order at all metropolitan Magistrates Courts and at the regional and rural Magistrates Courts of Mount Gambier, Port Lincoln, Port Augusta, Whyalla, Kadina, Murray Bridge, Mount Barker and Victor Harbor.

Representation is also available to applicants in the Housing and Civil Division of the South Australian Civil and Administrative Tribunal (SACAT). Prior to applying to SACAT, clients are represented in negotiations with landlords and agents in relation to terminating a tenancy.

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

In the 2023–24 financial year, WDVCAS legal practitioners delivered 149 Duty Solicitor services in the Magistrates

Courts. In addition, 1,622 legal advice sessions were provided and 171 clients received a grant of aid for legal representation to:

- apply for an intervention order in the Magistrates Court, or
- seek relief under the Residential Tenancies Act 1995 from residential tenancy obligations when forced to vacate or wishing to remain in rental premises and have the respondent removed from the lease due to family violence.

Case study

Our client was the sole lessee of a Housing SA property that she had lived in for a long time. The other party had lived with our client for nine months. He was abusive and she wanted him to leave. She could not apply to SACAT to have the lease terminated on the grounds of hardship due to domestic violence as she wanted to remain in the property. They were not joint tenants so she could not apply to have him removed from the lease due to domestic violence.

Our client asked the other party to vacate within seven days while she stayed elsewhere. During this time the police attended her property twice.

After the seven days our client went to her house and discovered it had been trashed, with rubbish and blood all over the floor. Our client made a property damage report to the police. The police did not remove the other party from the property.

Our lawyer attempted negotiations with the housing manager to have the other party removed as he was not on the lease. The housing manager thought that was the role of police, stating that they could not intervene as he was not the tenant. They could only intervene if our client gave up her tenancy so they could remove him as a squatter. They also said our client's tenancy could be in jeopardy because of the property damage.

Our lawyer referred the matter to SAPOL. The other party was arrested for property damage and an intervention order was issued.

Our client was finally able to live in her own home in safety.

Domestic Violence Unit

The Domestic Violence Unit (DVU) is funded under an Agreement with the Commonwealth Government.

Solicitors provide legal advice to women experiencing domestic violence. In unique circumstances, legal representation is provided to women for issues such as intervention orders and housing matters.

A fortnightly outreach circuit, staffed by DVU Solicitors, has been established to the northern regional areas of Whyalla, Port Augusta and Port Pirie.

In addition to legal assistance, a Social Support Worker is funded under this program. The Social Worker receives referrals from the DVU Solicitors and provides a risk assessment, safety planning, financial assistance and assistance to the client to connect with relevant community support services. This might include emergency accommodation, financial counselling, tenancy assistance, trauma counselling or employment services.

In 2023–24, the DVU provided the services listed in the table below. This included achieving significant debt waivers for a number of vulnerable clients.

Service	2023–24
Legal advice	881
Legal task	363
Grant of aid for legal representation	25
Social support services	271

Client feedback during the financial year included:

“You have always been an outstanding and wonderful DV lawyer/solicitor for me and I appreciate every length you have gone to help me.”

“From the bottom of my heart I am soo [sic] grateful for everything you have helped me with. You have been the most helpful, understanding and professional at the same time. Such a combination I know but most importantly human!”

Health Justice Partnerships

The Lyell McEwin and Women’s and Children’s Hospital Health Justice Partnerships (WCH HJP) are funded by the Commonwealth Government to operate legal advice services for victim-survivors of family violence who are patients of the Lyell McEwin and Women’s and Children’s Hospitals.

Solicitors provide onsite delivery of legal advice and assistance to patients, with referrals from hospital staff for those patients experiencing, or at risk of, family violence. The program works closely with our Domestic Violence Unit and, in appropriate circumstances, makes referrals to the Unit for intensive wrap-around assistance.

In addition, training is provided 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.

Client feedback during the financial year included:

“Thank you for taking the time and effort to sort through all the things that have happened over the past two months. Because of the full support and help of you and others, I have the courage to persevere. I am so lucky to have met you in the midst of an unfortunate life experience. Thank you very much for your patience and help from the very beginning. Thousands of words, can only say thank you.”

Legal education participant feedback during the financial year included:

“I wanted to reach out to you all and thank you for presenting at our one-day training last week. We had lots of positive feedback from the participants about your presentation – many were eager to hear about your service and found the opportunities for questions very informative.”

“Thanks for coming to present to us – it was very useful for staff to hear about the fantastic service you provide.”

Safe and Well Kids Program

The *Safe and Well Kids Program (SAWK)* is funded by the Department of Human Services and is a component of South Australia's commitment to the National Partnership on COVID-19 Domestic and Family Violence Responses. It operates as a wrap-around service through a partnership between the Legal Services Commission, 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 interests. Mothers and caregivers are supported with legal information, support and advice that elevates the voice and needs of their children.

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

"Really appreciate your time & support to myself & the kids through this."

"Thank you so very much! I deeply appreciate your advice, time and effort to walk me through all this. Surely I'll miss your gentle voice and wisdom. May the paths laid before you be filled with all the good things life can offer."

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 and if they are not in receipt of a grant of legal aid, apply for a lawyer to be appointed. To receive legal representation under this Scheme, a client does not need to meet our usual means, merit and guidelines tests. 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. In South Australia, in the last financial year, 91 clients were allocated a lawyer under this Scheme.

Facts and figures

Legal aid applications granted in family law cases

	2021-22	2022-23	2023-24
Assigned externally	1,739	1,854	2,241
Assigned in-house	565	803	473
Total	2,304	2,657	2,714

External practitioners received **83%** of the grants of aid for legal representation in family law cases in 2023-24, an increase from 70% in 2022-23 and 75% in 2021-22.

Child Protection Legal Representation

Legal aid is granted for the representation of all children and young people the subject of 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 child 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, negotiating and advocating, as well as assessing cases quickly and determining the steps that would be in the child's best interests. Assessing 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.

Facts and figures

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

Applications	2021-22	2022-23	2023-24
Received	1,093	1,093	947
Granted*	1,011	1,015	903

*Granted applications includes applications received in 2022-23 but granted in 2023-24.

Granted applications in child protection cases – 2023-24

	Assigned externally	Assigned in-house	Total
Adult	433	3	436
Child	30	437	467
Total	463	440	903

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.

	2021-22	2022-23	2023-24
Assigned externally	537	533	463
Assigned in-house	472	482	440
Total	1,009	1,015	903

External practitioners received **51%** of the grants of aid for legal representation in child protection cases in 2023-24, a slight decrease from 53% in 2022-23 and 2021-22.

Civil Law Legal Representation

In 2023, the Civil Law Division was strengthened to bring together various new funding streams, recognising that unresolved civil legal problems have far-reaching consequences for both the individuals involved and the broader community.

Our lawyers use the civil law – predominantly through early intervention, minor assistance and dispute resolution – to amplify the voices of people experiencing disadvantage and reduce power imbalances to contribute to the development of a more equitable and accountable society.

Ongoing representation of clients by the Civil Law Division is presently offered in three key areas:

National Disability Insurance Scheme Appeals

Special purpose 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.

The program is designed to support clients to navigate the external merits review process in the Administrative Appeals Tribunal or agreed alternative dispute resolution pathways.

Specifically, funding relates to:

- providing 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.

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.

Mental health, guardianship and administration applications

Under an Agreement with both the South Australian Attorney-General and the Minister for Health, we provide legal representation to persons who are the subject of decisions made under the *Mental Health Act 2009* and the *Guardianship and Administration Act 1993*. Those matters are heard in the South Australian Civil and Administrative Tribunal. We represent 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 in-house practitioners and a panel of external practitioners with the requisite level of knowledge and experience.

Case Study

The Civil Law Division acted for a client who had been detained in a mental health ward under a Level 2 Inpatient Treatment Order made by a psychiatrist, and had appealed that Order to SACAT. The client had already been detained in the ward for seven days, and the fresh Order stipulated that there be a further period of detention for 42 days.

According to the materials provided by SACAT, the Order was made as the client had diagnoses of Schizoaffective Disorder and Borderline Personality Disorder. Crucially, the Civil Law Division obtained two reports from private clinical psychologists which suggested a misdiagnosis in the community mental health system.

This position was consistent with the stabilisation of the client on the ward during the initial seven-day order. The Civil Law Division filed submissions with the new psychology reports. Prior to the hearing of the matter by SACAT, the treating team revoked the 42-day Inpatient Treatment Order. The client decided to voluntarily stay in the hospital for a couple of extra days to receive further treatment but was relieved to no longer be subject to the 42-day Inpatient Treatment Order.

This matter reflects the importance of legal representation to ensure that mental health services are provided on a voluntary basis as far as possible and otherwise in the least restrictive way, as required by the Guiding Principles of the Mental Health Act 2009.

Migration

We provide advice and legal representation to people seeking protection in Australia, usually by way of a protection visa but also via other pathways where domestic or family violence is involved. We represent those clients before the Department of Home Affairs, Administrative Appeals Tribunal and Federal Court.

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.

Protection Visa Appeals Program

In March 2024 we received funding from the Commonwealth Attorney General's Department under the National Legal Aid Partnership Agreement to deliver legal assistance services to people seeking asylum. In particular, the funding is for the provision of advice and representation services to people seeking to appeal Permanent Protection Visa decisions of the Commonwealth Department of Home Affairs or the Administrative Appeals Tribunal.

Client Feedback

I wanted to extend my thanks for your understanding and patience during our phone call this morning.

I truly appreciate your support during this time. ... Your flexibility and kindness have not gone unnoticed, and I'm grateful for your empathy and cooperation.

Facts and figures

Granted applications in civil law cases

	2021-22	2022-23	2023-24
Assigned externally	9	1	1
Assigned in-house	207	225	277
Total	216	226	278

OUR PERFORMANCE

Snapshot of Financial Performance

Reporting

- Agreements with governments
- Reporting against our Statutory Functions

Snapshot of Financial Performance

The 2023–24 financial year ended with a consolidated comprehensive result of \$15,501,000 surplus. This compares to a consolidated comprehensive result of \$12,116,000 deficit for the 2022–23 financial year. The deficit for the 2022–23 year was due to timing of State funding received. \$24 million for 2022–23 was received in advance in the 2021–22 year, whereas funding for 2023–24 was received in the 2023–24 year.

The 2023–24 financial statements record the following:

Income

Commonwealth government core funding and specific grants	27,834,000
State government core funding and specific grants	29,986,000
Reimbursement under the State <i>Expensive Criminal Cases Funding Agreement</i> (see Appendix)	652,000
Funding from the Law Society of South Australia pursuant to the <i>Legal Practitioners Act 1981</i>	16,998,000
Other income	5,000,000
Total income	80,470,000

Expenditure

Private practitioner payments	28,267,000
Other payments	36,702,000
Total expenses	64,969,000

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

Reporting

Agreements with government

Funding is received from both the Commonwealth and State governments under various Agreements for the provision of particular 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 obligations to report in relation to each Agreement.

National Legal Assistance Partnership Agreement 2020–25

The *National Legal Assistance Partnership Agreement 2020–25 (NLAP Agreement)* 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 FCFCOA.

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 frontline 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 FCFCOA arising from the new case management approach. A Memorandum of Administrative Arrangement 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 provided 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 2023–24 we reported to the State and Commonwealth Governments in accordance with the requirements of various specialist Agreements:

Reporting against our Statutory Functions

The *Legal Services Commission Act 1977* establishes our statutory functions. During the 2023–24 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 **160,000** legal assistance services to clients. This included:

- providing grants of aid for legal representation in **19,613** new cases
- undertaking **14,528** duty lawyer services
- holding **1,046** family dispute resolution conferences
- providing over **99,000** prevention and early intervention services, including through technology services, such as 24Legal, Legal Chat, and amica.

Determine the criteria under which legal assistance is to be granted

We regularly review the criteria under which a grant of aid for legal representation is made. For representation services granted under baseline funding, the criteria include means and merit tests and funding guidelines. Where an agreement with either the Commonwealth or State Government is entered into for the provision of a particular service with specific funding, special criteria relevant to the particular agreement are determined and

applied. Examples of these specially funded programs include our State-funded Treatment Intervention Court program and our Commonwealth-funded National Disability Insurance Scheme program.

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

We have actively participated in and contributed to a number of comprehensive reviews and legislative changes this year from both State and Commonwealth Governments. Our submissions to the South Australian Government included reviews of and amendments to proposed new coercive control laws, the *Mental Health Act 2009*, the *Small Business Commissioner Act 2011*, the *Unclaimed Goods Act 1987*, victim impact statements, Extended Supervision Orders, and sexual consent laws. Our submissions to the Commonwealth Government included the review of NLAP, the Australian Law Reform Commission inquiry into justice responses to sexual violence, the Commonwealth Parliament's inquiry into financial services regulatory framework in relation to financial abuse, and the Commonwealth Parliament's inquiry into Australia's Human Rights Framework.

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

Legal Services seeks to ensure that our services are located in areas where there is a strong need for our legal assistance. In 2023–24, our service delivery for regional South Australians was given a major boost, with Legal Services introducing a new rostered Regional Duty Solicitor Scheme. The scheme will deliver a cost-effective solution to address service delivery gaps in the regions, where private legal practitioners are available and capable of taking on legally aided work, providing benefits to clients, the courts and regional lawyers.

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 NLAP Agreement. This year, for example, Legal Services was honoured to be a finalist in the Premier's Excellence Awards in the 'Connecting Communities' category for our community education program on coercive control – *Healthy Relationships and the Law*. We delivered the program to the general public and specialised programs to Aboriginal and culturally and linguistically diverse (CALD) communities. The education program was identified as a key engagement strategy, following the delivery of our *See the Signs of Coercive Control* community awareness campaign.

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

Legal Services actively promotes its services across a variety of media including digital platforms, streaming services, social media (Facebook, Instagram, X and LinkedIn), YouTube advertising, radio advertising, and outdoor and in-venue advertising. We also promote our services by participation in public events which this year included Closing the Gap Day, NAIDOC Week, the UN 16 Days of Activism against Gender-based Violence, Autism Inclusion Day, and Law Week.

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

National Legal Aid (NLA) represents the Directors of the eight State and Territory Legal Aid Commissions in Australia. The Legal Aid Commissions are independent

statutory bodies that provide legal assistance services to the public, with a particular focus on the needs of people who are economically or socially disadvantaged. NLA provides an effective forum for national cooperation on legal assistance projects which can benefit the nation as a whole. Our Director served as the rotating Chair of National Legal Aid in 2014–15 and has been Chair of NLA's Family Law Working Group, Dispute Resolution and Child Support working groups for 10 years.

In May 2024, the final report of the Review of the NLAP Agreement was released. The NLAP Agreement governs the Commonwealth funding of legal assistance service providers around Australia. Legal Services, along with other Legal Aid Commissions, worked closely with the reviewer. The review will inform future funding arrangements ahead of the expiry of the current NLAP Agreement on 30 June 2025.

Legal Services collaborated with other Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services and Community Legal Centres to develop and launch *With You*, a trauma-informed, rights-based organisation toolkit, which will empower the legal assistance sector to develop services that promote safety, dignity and empowerment for people who experience poor mental health, mental distress and/or suicidality.

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

Legal Services provides integrated services as part of its domestic violence legal assistance and in family law matters. We use the services of social workers and financial counsellors to assist clients to resolve their problems in a holistic manner. We administer a Commonwealth-funded Mental Health Program

where mental health social support workers provide risk assessments, safety planning, and connection to community services for clients with mental health conditions who are receiving legal assistance. In 2023–24, we expended \$217,600 on engaging interpreters to assist clients.

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

In 2023–24 we offered six law students Summer Clerkship roles, encouraging applications from Aboriginal and Torres Strait Islander law students and those that identify as living with disability. We have revised our Practical Legal Training (PLT) program in accordance with the South Australian Graduate Diploma in Legal Practice Providers' updated requirements and will offer three 3-week placements for up to six graduates per placement block each year, from 2024–25. This year we also offered a week of work experience to three secondary school students based in the Adelaide office.

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

This year Legal Services provided free webinars to community workers to keep them up to date on important legal issues which might impact on their communities. Legal Services supports community workers to advance their knowledge about the law and legal assistance. Two of the free webinars we provided were: *Legal Responses to Coercive Control* and *Credit and Debt Law*.

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. The Director is responsible 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 Commissioner holds office for three years and at the end of the term of appointment is eligible for reappointment.

During 2023–24 the Commissioners were:

- **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, victim-survivors of domestic violence and people with disability.
- **Debra Contala** FCPA, appointed 1 May 2019. Debra has extensive experience in corporate financial management, audit 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.
- **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 operations. She is a member of National Legal Aid, a coalition of Australian legal aid Directors. She represents Legal Services on a number of community and educational boards.

The Commissioners determine the broad policies and strategic priorities of the organisation. In the 2023–24 financial year, 10 meetings were held. Commissioners are advised on specific matters by a number of committees established under section 12 of the Act. In 2023–24 these committees included the Audit, Compliance and Risk Committee and the Budget Committee.

Section 11A of the Act provides for the establishment of a Legal Profession Reference Committee to advise Commissioners in relation to:

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

The Legal Profession Reference Committee consists of:

- the Chairperson
- the Director
- a Legal Services employee
- two members nominated by the Law Society, and
- two members nominated by the South Australian Bar Association.

The Legal Profession Reference Committee met twice in 2023–24.

Audit, Compliance and Risk Committee

The Audit, Compliance and Risk Committee assists Legal Services 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 2023–24 financial year.

Employees

As at 30 June 2024, 241 people were employed by Legal Services to carry out its statutory functions. This is an increase of 19 from the same time last year. Similarly to last year, 74% of all staff (180 employees) are female.

Each staff member is appointed on such terms and conditions as are determined by Legal Services and approved by the Commissioner for Public Sector Employment. A legal practitioner employed by Legal Services is required to hold a current practicing certificate and 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:

- 20% of staff (48) worked part time
- 49% of staff (119) took advantage of flexi time, and
- 60% of staff (145) 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 continuing professional development (CPD) scheme 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 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.

We held our biennial Conference in September 2023. An impressive lineup of high calibre guest speakers from South Australia and around the country were on hand to deliver sessions on a range of diverse legal issues. The 'Justice in Peril' Conference was very well-attended by our staff along with members of the broader legal profession.

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
- bystander intervention training.

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

The bystander intervention training was also mandatory for all staff and focused on the importance of raising awareness of and being an active bystander in the workplace, providing practical guidance on what to do if negative behaviours are witnessed and how to intervene safely.

Cultural awareness workshops were mandatory for all staff and focused 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 biannual employee self-reflection, manager review and face-to-face discussion between the employee and their manager. This process is documented in the Legal Services online HR platform called 'myCareer'.

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 and safety and Return to Work

Workplace injury claims	2022-23	2023-24	% change (+/-)
Total new workplace injury claims	Nil	Nil	
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	2023-24	% 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 2023-24, the premium cost was 0.55% of total salary remuneration. This amounted to \$131,554 for the 2023-24 financial year.

Employees as at 30 June 2024

Number of employees	Total
Persons	241
Full-time equivalent	227.96

Gender	% Persons	% FTE
Male	25.31% (61)	26.10% (59.50)
Female	74.69% (180)	73.90% (168.46)

Number of persons during the 2023–24 financial year who:

separated from the organisation – 48

were recruited to the organisation – 60

Number of persons at 30 June 2024 on leave without pay – 8

Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0 – \$59,999	1	8	9
\$60,000 – \$74,999	8	61	69
\$75,000 – \$94,999	21	68	89
\$95,000 – \$99,999	1	2	3
\$100,000 – \$125,000	17	20	37
\$125,000 – \$150,000	6	14	20
Over \$150,000	7	7	14
Total	61	180	241

Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	42.90	10.60	6.00	0.00	0.00	59.50
Female	114.33	48.13	6.00	0.00	0.00	168.46
Total	157.23	58.73	12.00	0.00	0.00	227.96
Persons	Ongoing	Short-term contract	Long-term contract	Casual	Trainee	Total
Male	44	11	6	0	0	61
Female	125	49	6	0	0	180
Total	169	60	12	0	0	241

Executives by gender, classification and status

Classification	Tenured		Untenured		Male		Female		Total
	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	1	1	1	8.33%	1	8.33%	2
Executive B	0	0	0	0	0	0.00%	0	0.00%	0
Executive C	0	0	0	0	0	0.00%	0	0.00%	0
Executive D	0	0	0	0	0	0.00%	0	0.00%	0
SAES1	0	0	4	3	4	33.34%	3	25.00%	7
SAES2	0	0	1	2	1	8.33%	2	16.67%	3
Total	0	0	6	6	6	50.00%	6	50.00%	12

Average days leave per full time equivalent employee

Leave Type	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
Sick leave	8.64	6.63	7.26	7.64	7.83	9.02
Family carer's leave	1.21	1.03	1.15	1.33	1.47	1.42

Aboriginal and Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 – \$59 999	0	9	0.00%
\$60 000 – \$74 999	1	69	1.45%
\$75 000 – \$94 999	0	89	0.00%
\$95 000 – \$99 999	0	3	0.00%
\$100 000 – \$125 000	2	37	5.41%
Over \$125 000	0	34	0.00%
Total	3	241	1.25%

Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 – 19	0	0	0	0.00%
20 – 24	2	13	15	6.23%
25 – 29	10	28	38	15.77%
30 – 34	13	28	41	17.01%
35 – 39	8	18	26	10.79%
40 – 44	6	17	23	9.54%
45 – 49	7	22	29	12.03%
50 – 54	4	19	23	9.54%
55 – 59	5	18	23	9.54%
60 – 64	4	11	15	6.23%
65+	2	6	8	3.32%
Total	61	180	241	100.00%

Cultural and linguistic diversity

Employees	Male	Female	Total	% of employees
Number of employees born overseas	15	39	54	22.40%

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	0.42%
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	3	4
Flexi time	22	97	119
Compressed weeks	0	2	2
Part-time	6	42	48
Job share	0	0	0
Working from home agreement	26	97	123

Support Services

Information and communication technology

Technology is used to support the delivery of services to clients and staff. The significant ICT achievements in 2023–24 include:

- establishment of a cyber security team to enable increased focus on delivering a safe cyber environment for clients and staff
- implementation of a Power App to support FDR Conferencing
- an upgrade of meeting rooms to facilitate the use of Microsoft Teams
- implementation of Intune to enable effective management of Windows devices
- upgrades of infrastructure and systems to maintain currency and security.

- updating the Records Management Policy
- finalising the new Records Disposal Schedule
- upgrading Content Manager (EDRMS) to the latest supported version
- integrating Microsoft Teams with Content Manager (EDRMS) and supporting the business in implementing Teams sites
- finalising an Information Asset Register
- developing a framework for GDS 21 (destruction of source documents after digitisation)
- providing records management and Content Manager (EDRMS) training and support
- developing and maintaining records management and Content Manager (EDRMS) training materials
- providing mailroom and digitisation services
- providing access to archived records and preservation of archived records
- identifying opportunities to improve current recordkeeping processes.

Records management

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

During 2023–24 we focused on:

- delivering a 5-year Records Management Strategy
- integrating Content Manager (an Electronic Document and Records Management System (EDRMS)) and the in-development Grants and Practice Management System (GPMS)

Library

Our library continues to provide expert legal research assistance to in-house 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 the 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 186 queries from the public, compared with 185 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 186 queries this financial year, 29 were complaints relating to the delivery of services. This is 12 more complaints than in the 2022–23 financial year, equating to 0.02% of the 125,792 services* provided to members of the public.

Most complaints were resolved by providing a full explanation of our processes and procedures.

During 2023–24, 28 complaints were made in relation to private legal practitioners, equating to 0.19% of the 14,957 services provided to members of the public by the private profession. This was 2 fewer complaints than were received in the 2022–23 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 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 in-house representation services granted in the 2023–24 financial year.

Client Relations Contacts 1 July 2023 – 30 June 2024

Client Relations Contacts									
Reason for contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all contacts
Refusal of aid	2	0	0	30	6	2	0	40	21.51
Entitlement to legal aid	0	0	0	63	2	1	0	66	35.48
Child representation	0	0	0	2	0	0	0	2	1.08
Service provision	0	4	0	16	1	7	1	29	15.59
Statutory charge	0	0	0	3	0	0	0	3	1.61
Private practitioner service	0	0	0	24	3	1	0	28	15.05
Discrimination	0	0	0	1	0	0	0	1	0.54
Conditions of aid (other than statutory charge)	0	0	0	1	0	0	0	1	0.54
Cap	0	0	0	0	0	0	0	0	0.00
Complaint to MP, Ombudsman etc	0	0	0	0	0	1	0	1	0.54
Other	0	0	0	3	7	2	3	15	8.06
TOTAL	2	4	0	143	19	14	4	186	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, 24Legal 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 on our website.

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 am and 5 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 2023–24 financial year, nine applications for information were received. One application was transferred in full. In two of the applications, full release of the requested material was provided and in another two of the applications partial release of the requested material was provided. Four applications were 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 two times during the financial year. There was one internal review and the decision was confirmed.

One contract containing approved confidentiality clauses was 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

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

In 2023–24 the State Government provided funding of \$30.0 million. The State Government also provided \$0.7 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 \$18.3 million in 2023–24, an increase from \$18.0 million in 2022–23. In addition, the Commonwealth Government provided \$9.5 million in funding grants tied to particular services or projects.

A further \$17.0 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 2023–24 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 2023–24 the Legal Services Commission recovered \$1.4 million in statutory charges. Charges were imposed on 159 matters, a slight increase from the 158 charges imposed in 2022–23.

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 2023–24 was \$65.0 million, up from \$60.7 million in 2022–23. Of the total, private legal practitioner payments was \$28.3 million, up from \$27.1 million in 2022–23.

Legal Services completed the 2023–24 financial year with a consolidated comprehensive result of \$15.5 million surplus.

Commonwealth government funding as at 30 June 2024

Financial year	2019–20 \$'000	2020–21 \$'000	2021–22 \$'000	2022–23 \$'000	2023–24 \$'000
Core funding	17,161	17,445	17,719	17,997	18,297

State government funding as at 30 June 2024

Financial year	2019–20 \$'000	2020–21 \$'000	2021–22 \$'000	2022–23 \$'000	2023–24 \$'000
Core funding	250 ¹	23,953	48,626 ²	640 ³	25,451

¹For 2019–20 the State government paid \$22,940,000 of the grant in advance during the 2018–19 financial year. During 2019–20 the State government did not pay in advance for the 2020–21 financial year.

²During 2021–22 the State government paid \$24,000,000 in advance for the 2022–23 financial year.

³For 2022–23 the State government paid \$24,000,000 of the grant in advance during the 2021–22 financial year.

Consultant disclosure

The following is a summary of external consultants engaged by Legal Services during the 2023–24 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	\$25,157 (combined total excl GST)

Consultancies with a contract value above \$10,000 each

Consultancy	Purpose	\$ Actual payment
Cindy Flower Consulting	Consulting and advisory services for the GPMS project.	\$39,838 (total excl GST)

Contractors

The Legal Services Commission published contract details in accordance with the State Government's Contract Disclosure Policy. The information is available through the SA Tenders and Contracts website – tenders.sa.gov.au.

INDEPENDENT AUDITOR'S REPORT



Government of South Australia

Audit Office of South Australia

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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 2024.

In my opinion, the accompanying financial report gives a true and fair view of the financial position of the Legal Services Commission of South Australia as at 30 June 2024, its financial performance and its cash flows for the year then ended in accordance with relevant Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987* and Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012* and Australian Accounting Standards – Simplified Disclosures, including:

- a. giving a true and fair view of the financial position of the Legal Services Commission as at 30 June 2024, 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 2022.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2024
- a Statement of Financial Position as at 30 June 2024
- a Statement of Changes in Equity for the year ended 30 June 2024
- a Statement of Cash Flows for the year ended 30 June 2024
- 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 issued under the provisions of the *Public Finance and Audit Act 1987* and *Australian Charities and Not-for-profits Commission Act 2012* and Australian Accounting Standards – Simplified Disclosures, 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 that is free from material misstatement, whether due to fraud or error.

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

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

Auditor's responsibilities for the audit of the financial report

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 25 of the *Legal Services Commission Act 1977*, I have audited the financial report of the Legal Services Commission of South Australia for the financial year ended 30 June 2024.

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

A handwritten signature in black ink, appearing to read 'D. O'Donohue', with a long horizontal flourish extending to the right.

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

30 September 2024



Legal Services Commission of South Australia

**Financial Statements
for the year ended
30 June 2024**

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
30 September 2024



Annmarie Lumsden
Director
30 September 2024



Peter Slattery
Chairperson
30 September 2024

Legal Services Commission of South Australia

Statement of Comprehensive Income

for the year ended 30 June 2024

	Note	2024 \$'000	2023 \$'000
Income			
Commonwealth-sourced grants and funding	2.1	27 834	26 965
SA Government grant, subsidies and transfers	2.2	30 638	5 275
Legal Practitioners Act 1981 revenues	2.3	16 998	11 143
Statutory charges		2 075	2 598
Interest	2.4	1 001	518
Costs recovered and contributions	2.5	347	314
Other income	2.6	1 577	1 771
Total income		80 470	48 584
Expenses			
Employee related expenses	3.3	24 931	22 561
Private Practitioner services	4.4	28 267	27 126
Supplies and services	4.1	10 003	9 280
Depreciation and amortisation	4.2	1 648	1 538
Other expenses	4.3	120	146
Total expenses		64 969	60 651
Net result		15 501	(12 067)
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		15 501	(12 116)

The accompanying notes form part of these financial statements.

Legal Services Commission of South Australia

Statement of Financial Position

as at 30 June 2024

	Note	2024 \$'000	2023 \$'000
Current assets			
Cash and cash equivalents	6.1	27 908	11 483
Receivables	6.2	6 259	6 554
Other financial assets	6.3	8 552	8 129
Total current assets		42 719	26 166
Non-current assets			
Property, plant and equipment	5.1	4 158	4 903
Intangible assets	5.4	457	824
Statutory charge debtors	6.4	11 464	11 136
Total non-current assets		16 079	16 863
Total assets		58 798	43 029
Current liabilities			
Legal payables		1 578	1 674
Payables	7.1	577	366
Financial liabilities	7.2	10	3
Employee related liabilities	3.4	1 680	1 672
Other current liabilities	7.3	233	233
Total current liabilities		4 078	3 948
Non-current liabilities			
Financial liabilities	7.2	16	1
Employee related liabilities	3.4	3 590	3 233
Other non-current liabilities	7.3	700	934
Total non-current liabilities		4 306	4 168
Total liabilities		8 384	8 116
Net assets		50 414	34 913
Equity			
Retained earnings		50 414	34 913
Total equity		50 414	34 913

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 2024

	Asset revaluation surplus \$'000	Retained earnings \$'000	Total Equity \$'000
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
Net result for 2023-24	-	15 501	15 501
Total comprehensive result for 2023-24	-	50 414	50 414
Balance at 30 June 2024	-	50 414	50 414

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 2024

	Note	2024 \$'000	2023 \$'000
Cash flows from operating activities			
<i>Cash inflows</i>			
Receipts from State Government funding		30 638	5 275
Receipts from Commonwealth-sourced grants and funding		27 834	26 965
Legal Practitioners Act 1981 receipts		16 034	7 777
Costs recovered and contributions		302	342
Statutory charge receipts		1 839	1 298
Interest received		925	486
GST recovered from the ATO		3 751	3 362
Other receipts		2 449	405
Cash generated from operations		83 772	45 910
<i>Cash outflows</i>			
Employee related payments		(24 566)	(22 987)
Payments for supplies and services		(11 019)	(10 673)
Private Practitioner services		(31 197)	(29 606)
Cash used in operations		(66 782)	(63 266)
Net cash provided by/(used in) operating activities		16 990	(17 356)
Cash flows from investing activities			
<i>Cash outflows</i>			
Purchase of property, plant & equipment and intangibles		(565)	(969)
Net cash used in investing activities		(565)	(969)
Net increase in cash and cash equivalents		16 425	(18 325)
Cash and cash equivalents at the beginning of the period		11 483	29 808
Cash and cash equivalents at the end of the period	6.1	27 908	11 483

The accompanying notes form part of these financial statements.

NOTES TO THE FINANCIAL STATEMENTS

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

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

	2024 \$'000	2023 \$'000
National Legal Assistance Partnership Agreement	18 297	17 997
Federal Circuit & Family Court Case Management	1 827	1 770
Family Advocacy and Support Service	1 160	1 135
Property Mediation	1 019	671
Family Violence and Cross-Examination of Parties Scheme	928	974
Women's Domestic Violence Unit	880	865
Online Dispute Resolution System	820	1 090
Disability and Carer Support Program	679	635
Lighthouse funding	678	669
Women's Legal Assistance	473	461
Migration Legal Assistance	346	-
Mental Health	242	236
Protection Visa Subclass 866 Assistance	140	-
Defence Royal Commission	128	97
Child Sexual Abuse Prosecutions	119	118
Workplace Sexual Harassment	92	90
National Legal Advisory Service for the Disability Royal Commission	6	157
Total Commonwealth-sourced grants and funding	27 834	26 965

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 \$25.13m (2023: \$23.34m) of the above grants. For accounting purposes, the obligations under the funding arrangements do not sit with the Commission. The Commonwealth has provided funding to the State for legal assistance services and were originally received by the State and then paid from Department of Treasury and Finance Administered Items. Amounts from the Commonwealth are received via the Attorney-General's Department.

In addition, the Commission received \$2.70m (2023: \$3.62m) 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 (2023: \$nil).

2.2. SA Government grants, subsidies and transfers

	2024 \$'000	2023 \$'000
SA Government grant	25 451	640
Women's Domestic Violence Court Assistance Service funding	847	1 210
Expensive Cases - reimbursement	652	2 340
Drug Court funding	194	189
Disability Information and Legal Assistance	150	150
VSP reimbursement from the Department of Treasury and Finance	-	395
Operation Ironside	3 344	351
Total SA Government grants, subsidies and transfers	30 638	5 275

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

The State Government contributed funding of \$25.45m for 2023-24 (2023: \$0.64m). Most of the State Government funding for 2022-23 was received in the preceding year.

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

The State Government provided \$0.65m (2023: \$2.34m) 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.

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.

	2024 \$'000	2023 \$'000
Statutory Interest account	8 453	5 668
Interest on Legal Practitioners Trust Account	8 545	5 475
Total section 56 Legal Practitioners Act 1981 Revenue	16 998	11 143

2.4. Interest revenues

	2024 \$'000	2023 \$'000
Short-term deposits with SAFA	804	518
Operating account with ANZ	197	-
Total interest revenues	1 001	518

2.5. Costs recovered and contributions

	2024 \$'000	2023 \$'000
Costs recovered	59	85
Contributions	288	229
Total costs recovered and contributions	347	314

2.6. Other income

	2024 \$'000	2023 \$'000
Unrealised investment gain	423	328
Migrant protection visa to permanent residency support funding	366	448
Safe Families funding	285	285
Return to Work SA funding	136	127
Specialist Legal Services for Afghanistan Evacuees	-	103
Other	367	480
Total other income	1 577	1 771

3. Board, committees and employees

3.1. Key management personnel

Key management personnel of the Commission in 2023-24 include the Director, Commissioners, Chief Operating Officer, Chief Legal Officer, Legal Information and Advice Manager, Communications & Engagement Directorate Manager and Human Resources Manager.

Total compensation for key management personnel was \$1.57m in 2023-24 and \$1.58m in 2022-23.

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 \$0.04m in 2023-24 and \$0.09m in 2022-23. 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 2024 financial year were:

Peter Slattery	Chairperson
Gabrielle Canny *	Ex officio
Stephanie Halliday *	
Debra Contala	
Jane Abbey	

*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

	2024 No.	2023 No.
The number of members whose remuneration received or receivable falls within the following bands:		
\$0 - \$19 999	4	5
\$20 000 - \$39 999	1	1
Total number of members	5	6

The total remuneration received or receivable by members was \$48 000 in 2024 (\$48 000 in 2023). Remuneration of members includes sitting fees, superannuation contributions, salary sacrifice benefits, fringe benefits and related fringe benefits tax.

3.3. Employee related expenses

	2024 \$'000	2023 \$'000
Salaries and wages	19 568	17 737
Targeted voluntary separation packages	-	395
Long service leave	854	385
Annual leave	1 912	1 700
Skills and experience retention leave	93	99
Employment on-costs - superannuation	2 329	2 069
Commission members' fees	43	43
Workers' compensation	132	133
Total employee related expenses	24 931	22 561

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

	2024 No.	2023 No.
The number of employees whose remuneration received or receivable falls within the following bands:		
\$160 001 to \$166 000 *	4	2
\$166 001 to \$186 000	6	6
\$186 001 to \$206 000	3	3
\$206 001 to \$226 000	1	3
\$226 001 to \$246 000	1	-
\$246 001 to \$266 000	1	1
\$266 001 to \$286 000	1	-
\$286 001 to \$306 000	-	2
\$306 001 to \$326 000	1	-
\$346 001 to \$366 000	-	1
\$366 001 to \$386 000	1	-
Total	19	18

* This band has been included for the purpose of reporting comparative figures based on the executive base level remuneration rate for 2022-23.

The total remuneration received by these employees for the year was \$3.99m (2023: \$3.80m).

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 nil (2023: 4).

	2024 \$'000	2023 \$'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 related liabilities

	2024 \$'000	2023 \$'000
Current		
Annual leave	1 192	1 162
Long service leave	236	233
Skills and experience retention leave	85	116
Employment on-costs	167	161
Total current employee related liabilities	1 680	1 672
Non-current		
Long service leave	3 409	3 078
Employment on-costs	181	155
Total non-current employee related liabilities	3 590	3 233
Total employee related liabilities	5 270	4 905

Long-term employee benefits are measured at present value and short-term employee benefits are measured at nominal amounts.

Long service 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 expected timing and amount of long service leave payments is determined through whole-of-government actuarial calculations, which are based on actuarial assumptions on expected future salary and wage levels, experience of employee departures and periods of services. These assumptions are based on employee data over SA Government entities. The discount rate is reflective of the yield on long-term Commonwealth Government bonds. The yield on long-term Commonwealth Government bonds has increased from 2023 (4%) to 2024 (4.25%).

This increase in the bond yield results in a decrease in the reported long service leave liability.

The current portion of employee related liabilities reflects the amount for which the Commission does not have right to defer settlement for at least 12 months after reporting date. For long service leave, the amount relates to leave approved before year end that will be taken within 12 months, expected amount of leave to be approved and taken by eligible employees within 12 months, and expected amount of leave to be paid on termination to eligible employees within 12 months.

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 are 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.

As a result of an actuarial assessment performed by the Department of Treasury and Finance, the proportion of long service leave taken as leave has changed from the 2023 rate (43%) to 44% and the average factor for the calculation of employer superannuation cost on-costs has also changed from the 2023 rate (11.1%) to 11.5%. These rates are used in the employment on-cost calculation. The net financial effect of the changes in the current financial year is an increase in the employment on-cost of \$0.02m and employee benefits expense of \$0.02m. The impact on future periods is impracticable to estimate.

4. Expenses

4.1. Supplies and services

	2024 \$'000	2023 \$'000
Information technology expenses	3 572	3 297
Accommodation	3 456	3 367
Telecommunications	366	356
Legal fees and disbursements	294	294
Periodicals and subscriptions	278	310
Interpreter fees	218	178
Travel	212	138
Office supplies and consumables	179	184
Practising certificates and membership	175	156
Internal audit and governance	130	105
Audit fees - Auditor-General's Department	83	81
Consultancy fees	65	52
Other	975	762
Total supplies and services	10 003	9 280

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.	2024 \$'000	No.	2023 \$'000
Below \$10 000	5	25	12	40
\$10 000 or above	1	40	1	12
Total	6	65	13	52

4.2. Depreciation and amortisation

	2024 \$'000	2023 \$'000
Plant and equipment	317	266
Accommodation and leasehold improvements	959	902
Right-of-use vehicles	5	4
Intangible assets	367	366
Total depreciation and amortisation	1 648	1 538

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

	2024	2023
	\$'000	\$'000
Statutory charge bad debts and impairment loss on receivables	108	63
Bad debts	12	15
Loss on revaluation of assets	-	68
Total other expenses	120	146

4.4. Private Practitioners services

	2024	2023
	\$'000	\$'000
Private Practitioners services	28 267	27 126
Total Private Practitioners services	28 267	27 126

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.

	2024 \$'000	2023 \$'000
<u>Accommodation and leasehold improvements</u>		
Accommodation and leasehold improvements	7 220	7 075
Accumulated depreciation	(4 553)	(3 594)
Total accommodation and leasehold improvements	2 667	3 481
<u>Plant and equipment</u>		
Plant and equipment	4 358	3 793
Accumulated depreciation	(3 183)	(2 866)
Total plant and equipment	1 175	927
<u>Right-of-use vehicles</u>		
Right-of-use vehicles	31	11
Accumulated depreciation	(5)	(7)
Total right-of use vehicles	26	4
<u>Library</u>		
Library	144	144
Total library	144	144
<u>Work in progress</u>		
Work in progress	146	347
Total work in progress	146	347
Total property, plant and equipment	4 158	4 903

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.

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 2023-24

	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	3 481	927	4	144	347	4 903
Acquisitions	-	-	31	-	509	540
Depreciation	(959)	(317)	(5)	-	-	(1 281)
Transfer between asset classes	145	565	-	-	(710)	-
Disposals	-	-	(4)	-	-	(4)
Carrying amount at the end of the period	2 667	1 175	26	144	146	4 158

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

	2024 \$'000	2023 \$'000
Computer software		
Computer software	4 079	4 079
Accumulated amortisation	(3 622)	(3 255)
Total computer software	457	824

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 2023-24

	Computer software \$'000	Total \$'000
Carrying amount at the beginning of the period	824	1 190
Amortisation	(367)	(366)
Carrying amount at the end of the period	457	824

6. Financial assets

6.1. Cash and cash equivalents

	2024 \$'000	2023 \$'000
Short-term deposits with SAFA	27 558	9 521
Cash on hand	350	1 962
Total cash and cash equivalents	27 908	11 483

6.2. Receivables

	2024 \$'000	2023 \$'000
<u>Current</u>		
<u>Trade receivables</u>		
From SA government entities	84	543
From non-SA government entities	6	12
Client debtors	230	170
Impairment loss on receivables	(20)	(20)
Total trade receivables	300	705
<u>Accrued revenue</u>		
Accrued interest receivable from SA government entities	100	37
Accrued bank interest receivable (Interest items split)	13	-
Legal Practitioners Act 1981 debtors	4 580	3 616
Grant revenue receivable from government entities	-	884
Total accrued revenue	4 693	4 537
<u>Statutory receivables</u>		
GST input tax recoverable	606	548
Total statutory receivables	606	548
<u>Prepayments</u>		
Trade prepayments	660	764
Total prepayments	660	764
Total current receivables	6 259	6 554

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

	2024 \$'000	2023 \$'000
Current		
Investment with Funds SA at fair value	8 552	8 129
Total current investment	8 552	8 129

6.4. Statutory charge debtors

	2024 \$'000	2023 \$'000
Statutory charge debtors	11 594	11 266
Impairment loss on Statutory charge receivables	(130)	(130)
Total statutory charge debtors	11 464	11 136

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 related liabilities are disclosed in note 3.4.

7.1. Payables

	2024 \$'000	2023 \$'000
Current		
Trade payables	494	285
Accrued expenses	83	81
Total current payables	577	366
Total payables	577	366

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

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

7.2. Financial liabilities

		2024 \$'000	2023 \$'000
Current			
Lease liabilities	5.3	10	3
Total current financial liabilities		10	3
Non-current			
Lease liabilities	5.3	16	1
Total non-current financial liabilities		16	1
Total financial liabilities		26	4

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

7.3. Other liabilities

		2024 \$'000	2023 \$'000
Current			
Accommodation incentive		233	233
Total current other liabilities		233	233
Non-current			
Accommodation incentive		700	934
Total non-current other liabilities		700	934
Total other liabilities		933	1 167

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

	2024 \$'000	2023 \$'000
Within one year	23 746	22 976
Total expenditure commitments	23 746	22 976

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

	2024 \$'000	2023 \$'000
Within one year	3 496	3 851
Later than one year but not longer than five years	9 826	13 238
Later than five years	133	262
Total expenditure commitments	13 455	17 351
Representing:		
Accommodation	12 720	16 222
Electronic Document and Record Management System (EDRMS)	708	1 124
ROU vehicles	27	5
Total expenditure commitments	13 455	17 351

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.

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APPENDIX

The background is a solid blue color with two large, curved, overlapping shapes. 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, overlapping the lighter shape.

State Expensive Criminal Cases Funding Agreement

DATED 19th DAY OF August 2020

DEED OF VARIATION

BETWEEN

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

AND

THE LEGAL SERVICES COMMISSION

CROWN SOLICITOR
Level 17, 10 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
5. COSTS OF THIS DEED.....	3

ANNEXURE Copy of Principal Agreement

DEED OF VARIATION dated 19 day of August 2020

BETWEEN:

THE HONOURABLE WICKIE 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 158 Gawler Place, Adelaide, 5000, in the State of South Australia ("Commission")

BACKGROUND:

- A. The Attorney-General and the Commission entered into a deed dated 29 January 2003 and described as the Expensive Criminal Cases Funding Agreement ("Principal Agreement").
- B. The Principal Agreement was varied by a deed of amendment entered into by the Attorney-General and the Commission dated 2 December 2004.
- C. The Attorney-General and the Commission have agreed to further vary certain terms and conditions of the Principal Agreement on account of amendments to the Criminal Law (Legal Representation) Act 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 Expensive Criminal Cases Funding Agreement, as varied by the deed of amendment between the Attorney-General and the Commission dated 2 December 2004.
 - 1.1.3 All words and expressions defined in the Principal Agreement shall have the same meanings in this Deed.
 - 1.1.4 The Attorney-General and the Commission agree that the matters referred to in the Background under this Deed are true and correct in

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

2. VARIATION OF THE PRINCIPAL AGREEMENT

- 2.1 The Principal Agreement is varied by adding the following clause after clause 5.1:
 - "5.1A Nothing in clause 5.1 shall be taken to require the Attorney-General to approve a case management plan or a proposal to vary a case management plan if the plan relates to more than 1 trial unless the trials are related trials and in accordance with section 16(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 6(3) of the Act."
- 2.3 Clause 6.2.3 of the Principal Agreement is varied by deleting the words "costs of legal assistance" and replacing them with the words "legal assistance costs for each assisted person to whom the case management plan relates."
- 2.4 Clause 6.2.5(a) of the Principal Agreement is varied by adding the words "after the date on which the case management plan is submitted for approval (regardless of whether such 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 6(4) of the Act, all obligations pursuant to the case management plan will cease to exist and the Commission may seek reimbursement of the legal assistance costs for each assisted person to whom the case management plan relates prior to the termination of that assistance."

3. CONFIRMATION OF THE PRINCIPAL AGREEMENT

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

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

4. OPERATION OF THE DEED

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

5. COSTS OF THIS DEED

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

EXECUTED AS A DEED

SIGNED by THE HONOURABLE

VICKIE CHAPMAN,

ATTORNEY-GENERAL FOR THE STATE
OF SOUTH AUSTRALIA in the presence of:

[Signature]

Witness
[Signature]

[Print Name: JOYCE CARNEY]

THE COMMON SEAL OF THE LEGAL

SERVICES COMMISSION

was hereunto affixed in the presence of:



[Signature]

Chairperson/Commissioner

[Print Name: Cathryn Ann Nelson]

[Signature]

Commissioner/Director

[Print Name: Debra Cantata]

DATED 2nd DAY OF December 2004

DEED OF AMENDMENT

BETWEEN

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

-AND-

THE LEGAL SERVICES COMMISSION
("Commission")



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

TABLE OF CONTENTS

1. DEFINITIONS AND INTERPRETATION.....	1
2. RECITALS.....	2
3. OPERATION OF AMENDMENTS.....	2
4. AMENDMENT TO CLAUSE 6.....	2
5. COSTS AND STAMP DUTY.....	2
6. CONFIRMATION OF PRINCIPAL AGREEMENT.....	3

ANNEXURE A THE PRINCIPAL AGREEMENT

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.

THIS DEED is made the SEVENTH day of DECEMBER 2004 at Adelaide

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 Expendive 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.

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:)

[Signature]
Witness
[Print Name: Susan Orce]

THE COMMON SEAL of THE LEGAL)
SERVICES COMMISSION)
was hereto affixed in the presence of:)

MARGARET CAROLINE JACOBS)
Chairperson)
COMMISSIONERS)
[Print Name:]

[Signature]
Director
[Print Name: HELEN JAMES GIBSON]

[Signature]
Director/Superintendent)
[Print Name: LESLIE JOHN HASKETT]

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)
COMMISSIONER OF STATE TENDER

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.

[Signature]
29/1/2002

COPY

AGREED TERMS:

1. DEFINITIONS

In this Agreement unless a contrary intention is evident:

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

2. INTERPRETATION

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

MJA
21/11/2002

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- 2.1.3 a reference to a clause number is a reference to all of its sub-clauses;
- 2.1.4 a reference to a clause, sub-clause, schedule or annexure is a reference to a clause, sub-clause, schedule or annexure of this Agreement;
- 2.1.5 a word in the singular includes the plural and a word in the plural includes the singular;
- 2.1.6 a word importing a gender includes any other gender;
- 2.1.7 a reference to a person includes a partnership and a body corporate;
- 2.1.8 a reference to legislation includes legislation repealing, replacing or amending that legislation; and
- 2.1.9 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings.

2.2 This Agreement incorporates the attached schedule.

3. TERM

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

4. AGREEMENT OPERATES AS A DEED

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

5. APPROVAL OF A CASE MANAGEMENT PLAN

- 5.1 For the purposes of section 18 of the Act, the Attorney-General shall approve a case management plan or a proposal to vary a case management plan if it complies with this Agreement.
- 5.2 Approval is effected by the Attorney-General returning a signed copy of the approved plan or approved variations to the plan to the Commission.

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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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21/11/2002

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

10. CONFIDENTIALITY

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

11. AUDIT

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

12. NO ASSIGNMENT

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

13. SURVIVAL

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

M.A.A.
21/11/2002



the Attorney-General that the assisted person has agreed to the Attorney-General's being released from his or her obligations of confidentiality.

14. COUNTERPARTS

This Agreement may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by facsimile.

15. ENTIRE AGREEMENT

15.1 This Agreement contains the entire agreement between the parties with respect to its subject matter.

15.2 This Agreement supersedes any prior agreement, understanding or representation of the parties on the subject matter.

16. PROPER LAW

The laws in force in South Australia, including law with respect to capacity to contract and manner of performance, apply to this Agreement.

17. JURISDICTION OF COURTS

The courts of South Australia have exclusive jurisdiction to determine any proceeding in relation to this Agreement.

18. MODIFICATION

Any modification of this Agreement must be in writing and signed by an authorised representative of each party.

19. SEVERANCE

If any provision or part of a provision of this Agreement is invalid or unenforceable in any jurisdiction:

M.A.
21/11/2002



19.1 the provision must be read down for the purposes of the 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:)

M.A.

Helen Wotton
Witness
[Print Name: HELEN WOTTON]

THE COMMON SEAL of THE LEGAL)

SERVICES COMMISSION)

was hereto affixed in the presence of:)

Brian Withers
Chairperson
[Print Name: BRIAN WITHERS]



SCHEDULE 1
COPY

Contents of Defence Proposal

A defence proposal shall contain the following material:

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

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21/11/2002
CSO 21537
15 November 2002

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- (c) to proof distant expert witnesses other than by telephone, video, fax, 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.

[Signature]
29/1/03
MJA
21/11/2002
CSO 21537
15 November 2002

