

# Management of our organisation

41st Annual Report 2018-19

Legal Services Commission of South Australia  
[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

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

# Corporate Governance 2018-19

## Governing legislation

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

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

The Director is responsible to the Commission for the provision of legal assistance in accordance with the Act. Accordingly, the Director oversees the daily management of the Commission. A panel of persons, with appropriate qualifications and experience, hears appeals against decisions of the Director.

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

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

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

The *Legal Profession Reference Committee* consists of–

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

## The Commission

The Act provides that the Commission consists of–

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

## Corporate Governance 2018-19

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

During 2018-19 the Commission comprised–

- Michael Abbott AO QC LLB—Chairperson, appointed 12 December 2013
- Alan Herald FCA—appointed 6 December 2012, retired 30 April 2019
- Alison Lloyd-Wright BA (Hons), LLB—appointed 12 December 2013
- Catherine Nelson LLB—appointed 29 May 2014
- Debra Contala FCPA—appointed 1 May 2019
- Gabrielle Canny LLB—appointed Director 2 August 2012.

The Commissioners determine the broad policies and strategic priorities of the organisation. In the 2018-19 financial year 11 Commission meetings were held. The Commission is advised on specific matters by a number of committees. In 2018-19 these included the–

- Accommodation Committee
- Audit, Compliance and Risk Committee
- Budget Committee
- Funding Guidelines and Panels Review Committee
- ICT Steering Committee
- Legal Profession Reference Committee
- Panels Appeal Committee
- Staffing and Remuneration Committee.

### Audit, Compliance and Risk Committee

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

The Committee considers–

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

Key risk indicators have been developed to monitor risks against likelihood and impact. Regular reports on risk assessment, and the action taken, are provided to the Committee.

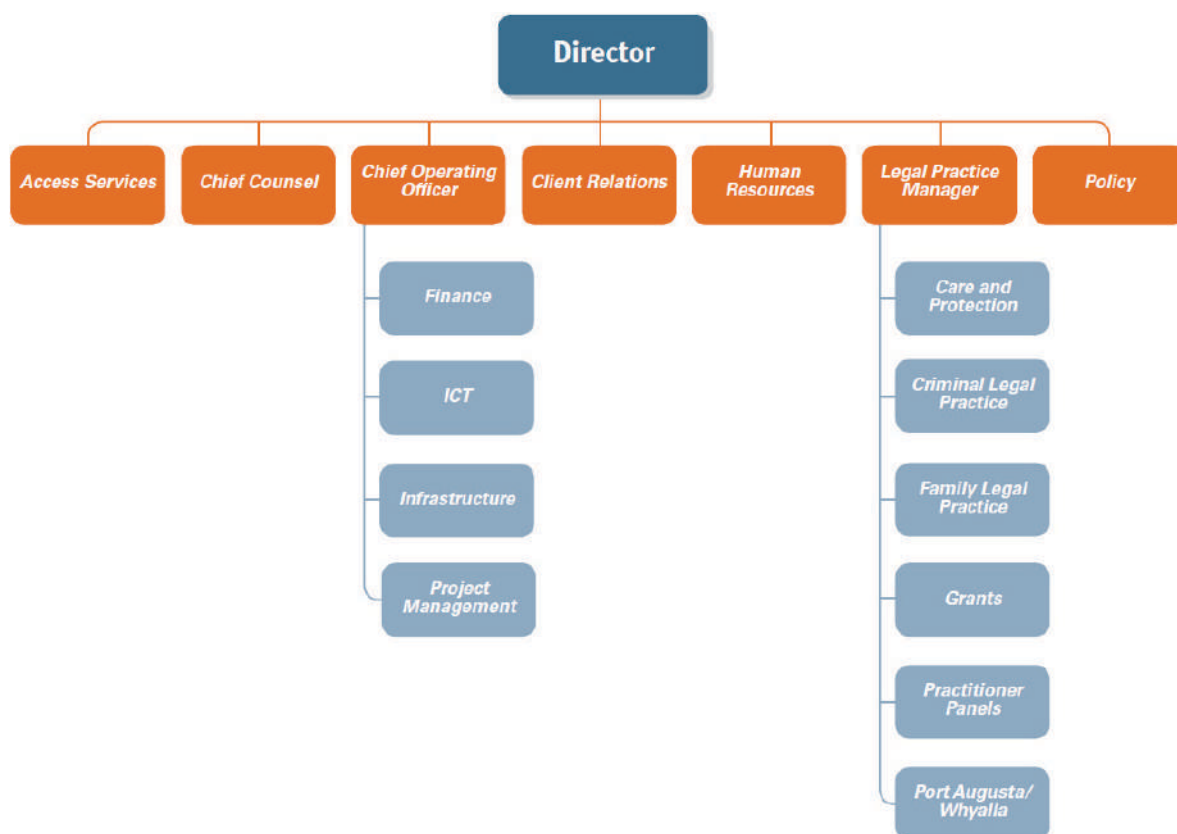
## Corporate Governance 2018-19

The financial management of the Commission is in accordance with applicable Australian Accounting Standards, the Treasurer's Instructions and Accounting Policy Statements. To minimise the potential for fraud, a risk register, a financial management compliance program and accounting procedures and policies are maintained and regularly reviewed in conjunction with the external auditors and the Audit, Compliance and Risk Committee.

No instances of fraud were recorded for the 2018-19 financial year.

### Organisational Structure

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



# Staff 2018-19

As at 30 June 2019, the Commission employed 181 people (both legal and non-legal) to carry out its functions under the Act. This is a reduction from 216 at the same time last year and is a consequence of funding cuts that impacted from 1 July 2018. Consistently with last year, nearly 75% of all staff are female.

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

Employees have access to a broad range of flexible working arrangements that support work/life balance. This financial year, 19% of staff worked part time and 50% of staff took advantage of flexi time. Paid parental leave entitlements were accessed by 6 staff members.

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

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

## Employee numbers, status and gender at 30 June 2018

Number of employees	Total
Persons	181
Full-time equivalent	170.99

Gender	% Persons	% FTE's
Male	23.76	25.03
Female	76.24	74.97

Number of persons during 2018-19 financial year who	Total
separated from the Commission	61
were recruited to the Commission	23

Number of persons at 30 June 2019	Total
on leave without pay from the Commission	3

## Staff 2018-19

076

### Number of employees by salary bracket

Salary bracket	Male	Female	Total
\$0-\$59 999	2	36	38
\$60 000 – \$74 999	9	45	54
\$75 000 – \$94 999	8	32	40
\$95 000 – \$99 999	2	1	3
\$100 000 +	22	24	46
<b>Total</b>	<b>43</b>	<b>138</b>	<b>181</b>

### Status of employees in current position

FTEs	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	22.80	11	9	0	42.80
Female	91.45	33.74	3	0	128.19
<b>Total</b>	<b>114.25</b>	<b>44.74</b>	<b>12</b>	<b>0</b>	<b>170.99</b>

PERSONS	Ongoing	Short-term contract	Long-term contract	Casual	Total
Male	23	11	9	0	43
Female	99	36	3	0	138
<b>Total</b>	<b>122</b>	<b>47</b>	<b>12</b>	<b>0</b>	<b>181</b>

## Staff 2018-19

### Executives by gender, classification and status

Classification	Tenured		Untenured		Male		Female		Total
	Male	Female	Male	Female	Total	% Exec	Total	% Exec	
Executive A	0	0	2	1	2	66.66%	1	33.33%	3
Executive B	0	0	2	1	2	66.66%	1	33.33%	3
Executive C	0	0	0	1	0	0%	1	100%	1
Executive D	0	0	1	0	1	100%	0	0%	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>5</b>	<b>62.5%</b>	<b>3</b>	<b>37.5%</b>	<b>8</b>

077

### Average days leave per full time equivalent employee

Leave Type	2014-15	2015-16	2016-17	2017-18	2018-19
Sick leave	7.18	5.98	6.68	8	8.64
Family carer's leave	0.80	1.02	1	1.02	1.21

### Number of employees by age bracket and gender

Age Bracket	Male	Female	Total	% of Total
15 - 19	0	0	0	0
20 - 24	1	2	3	1.66
25 - 29	4	12	16	8.84
30 - 34	8	13	21	11.60
35 - 39	4	13	17	9.39
40 - 44	6	23	29	16.02
45 - 49	4	19	23	12.71
50 - 54	3	24	27	14.92
55 - 59	4	18	22	12.15
60 - 64	8	13	21	11.60
65+	1	1	2	1.10
<b>Total</b>	<b>43</b>	<b>138</b>	<b>181</b>	<b>100</b>

### Aboriginal and/or Torres Strait Islander employees

Salary bracket	Aboriginal employees	Total employees	% Aboriginal employees
\$0 - \$59 999	0	38	0
\$60 000 - \$74 999	1	54	0.55
\$75 000 - \$94 999	0	40	0
\$95 000 - \$99 999	0	3	0
\$100 000 +	2	46	1.11
<b>Total</b>	<b>3</b>	<b>181</b>	<b>1.66%</b>

## Staff 2018-19

### Cultural and linguistic diversity

Employees	Male	Female	Total	% of Agency
Number of employees born overseas	6	25	31	17.12%

### Total number of employees with disabilities according to Commonwealth DDA definition

Employees	Number
Male	0
Female	1
<b>Total</b>	<b>1</b>
% of Agency	0.5%

### Type of disability where specified

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

### Voluntary flexible working arrangements by gender

Leave type	Male	Female	Total
Purchased Leave	0	0	0
Flexitime	11	79	90
Compressed weeks	0	2	2
Part-time	1	34	35
Job share	0	0	0
Working from home	0	0	0

	2018-19
Performance Review discussions	51%



## Work health, safety and return to work

Work place injury claims	2018-19	2017-18	% change
Total new workplace injury Claims	2	4	-50%
Fatalities	Ni	Nil	o
Serious injured workers*	Ni	Nil	o
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 10000FTE)	Nil	Nil	o

\* 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	2018-19	2017-18
Number of notifiable incidents pursuant ( <i>WHS Act 2012</i> , Part 3)	Nil	Nil
Number of provisional improvement, improvement and prohibition notices ( <i>WHS Act 2012</i> , ss 90, 191, and 195) Nil	Nil	Nil

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

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

For workers compensation purposes the Commission has been assessed as a low risk employer and accordingly pays a low workers compensation premium. For 2018-19, the premium cost was 0.42% of total salary remuneration. This amounted to \$78 933 for the 2018-19 financial year.

# Support Services 2018-19

## Information and communication services

The Commission supports operational and client needs through the use of appropriate technology. The significant achievements of 2018-19 include–

- integration of the Electronic Document and Records Management System (EDRMS) and improvement of business process to maximise the benefit of the system and increase the use of digital only documents
- upgrading of business systems to maintain currency
- increased use of analytics to improve the reporting and business analysis capability to Commission members and management, and
- piloting of speech recognition dictation across the legal practices of the Commission.

The Commission is leading a national project, on behalf of National Legal Aid, for the development of an online dispute resolution 'App' for separating couples. The App is an Artificial Intelligence based solution, designed to reduce the need for families to go through the traditional family court pathway when separating. As promoted by the Commonwealth Attorney-General, it is an innovative approach to address the increasing number of family law matters awaiting resolution and the increase in the median time taken to reach trial. It has the potential to assist the 70% of families that primarily resolve their family disputes themselves to achieve a better settlement.

The App can be downloaded to a user's smart phone. It employs a machine-learning model, using legal precedents to develop parenting plans and suggest an equitable division of family assets based on information entered by separating couples. It takes users through the process in a simple but structured way, using everyday language to explain complex legal terminology. It will also incorporate technology that supports positive engagement, by detecting rude or aggressive language. The App should be publicly available in 2020.

### Records management

The Commission is required to comply with the *State Records Act 1997* which mandates the care, management and disposal of official records. Focus on achieving 100% compliance with the *State Records Act 1997* has continued during 2018-19, with–

- continued implementation of the five year records management strategy
- completion of the Electronic Document and Records Management System (EDRMS) implementation project, deploying Content Manager and providing training to all Commission employees, and
- the development of new and updated business procedures to align with changes arising from the Content Manager project.

### Library

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

# Complaints 2018-19

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

This financial year the client relations coordinator received 562 queries from the public, as compared to 575 last financial year. The majority of these matters related to whether there was an entitlement to legal aid and why aid was refused.

Of the 562 queries, 53 were complaints relating to Commission services, equating to 0.04% of the \*119 402 services provided to members of the public by the Commission. This was a decrease of 15 from the 68 complaints in relation to Commission services in the 2017-18 financial year. Most complaints were resolved by providing a full explanation of the Commission's processes and procedures.

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

During 2018-19, 24 complaints were made in relation to private legal practitioners, equating to 0.2% of the 11 816 services provided to members of the public by the private profession. This was an increase from 11 complaints in the 2017-18 financial year. Most of these complaints were resolved by clarifying the role of a private legal practitioner acting on a grant of legal aid and by informing the complainant that unsatisfactory service provision is dealt with by the Legal Profession Conduct Commissioner.

## Client Relations Contacts 1 July 2018- 30 June 2019

Reason for contact	Protection Application	FDR	Child Support	Family	Criminal	Civil	General	Total	% of all Contacts
Refusal of aid	5	3	2	78	35	9	0	<b>132</b>	23.49
Entitlement to legal aid	1	4	2	157	21	1	0	<b>186</b>	33.10
Child representation	0	0	0	8	0	0	0	<b>8</b>	1.42
Commission service	0	4	3	26	12	8	0	<b>53</b>	9.43
Statutory charge	0	0	0	7	4	0	0	<b>11</b>	1.96
Private practitioner service	0	4	0	9	9	1	1	<b>24</b>	4.27
Discrimination	0	0	0	0	0	1	0	<b>1</b>	0.18
Conditions of aid (other than statutory charge)	0	0	0	9	1	0	0	<b>10</b>	1.78
Cap	0	0	0	3	0	0	0	<b>3</b>	0.53
Complaint to MP, Ombudsman etc	0	0	0	4	1	2	0	<b>7</b>	1.25
Other	0	1	2	35	58	27	4	<b>127</b>	22.60
<b>Total</b>	<b>6</b>	<b>16</b>	<b>9</b>	<b>336</b>	<b>141</b>	<b>49</b>	<b>5</b>	<b>562</b>	<b>100%</b>

# Legislative Compliance 2018-19

## Freedom of Information

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

- **A description of the structure and function of the agency**

This information can be found in this report in the sections headed *Snapshot—Who we are and what we do* and *Corporate Governance*.

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

The Commission provides legal representation to applicants who meet the Commission's means, merit and guidelines tests. Additionally, Commission staff provide free legal information and advice and a free duty lawyer service to all members of the public. The public can also access online legal information through an online Legal Chat platform and the Commission's 24Legal decision trees. Free publications on legal issues, an online Law Handbook and various community legal education programs are also available. Commission staff regularly provide input into legislative changes and government reviews.

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

Many Commission staff are members of community organisations, both legal and non-legal. This community engagement promotes two way communication and feedback. Members of the public are invited to participate in the formulation of policy and the delivery of functions by completing a Feedback Form available at [http://www.lsc.sa.gov.au/cb\\_pages/feedback.php](http://www.lsc.sa.gov.au/cb_pages/feedback.php).

- **Documents usually held by the Commission**

The Commission has a computerised record management system and database that records details of accounts, clients, legal aid cases and legal advice and duty lawyer attendances. During 2017-18 an EDRMS was introduced. Legal aid files created since the implementation of the EDRMS are maintained on that system. Hard copy files are maintained for each external grant of aid file created prior to the EDRMS and for all in-house files. The location of these files is recorded in the computerised record management system. Management and administrative files created prior to the implementation of the EDRMS are also maintained in hard copy, with their location recorded on a manual system.

## Legislative Compliance 2018-19

- **Access to documents**

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

In the 2018-19 financial year, nine applications for information were processed under the FOI Act. Full release of the requested material was provided in seven of the applications. In two of the applications only partial release of the material was possible because the Commission did not possess the requested information or documents. During the reporting period one Internal Review occurred - the original decision was confirmed. No contracts containing approved confidentiality clauses were executed this year.

### **Whistleblowers Protection Act 1993**

There were no occasions during the financial year in which public interest information was disclosed to the responsible officer under the *Whistleblowers Protection Act 1993*.