

Director's Report 2010-11

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Hamish Gilmore, Director.

The Commission finished the year with an operating surplus for both Commonwealth and State funds.

The turnaround from a State deficit in 2009-10 is attributable to three major factors—continued increased State appropriation, a greater attribution of early intervention services to Commonwealth expenditure and an unexpected increase in receipts from Legal Practitioner Act sources.

For the first time in many years applications for grants of aid have decreased for Commonwealth matters (largely family law) by -5.0% on 2009-10 and for State matters (largely crime) by -6.5% on 2009-10.

This reduction in demand was not anticipated and has also contributed to the surplus achieved on both accounts through lower expenditure at 30 June 2011. Early indications are that this trend has continued into 2011-12 and investigations into establishing reasons for these declines are under way.

National Partnership Agreement

In June 2010 the State Government entered into a new National Partnership Agreement on Legal Assistance Services (NPA) with the Commonwealth Government. This agreement puts much greater emphasis on increasing prevention, early intervention and education for legal matters, but still preserves advice and representation services. Key performance indicators and formal reporting arrangements have been clarified through the course of this first year of the four year agreement.

As a consequence of this agreement, Commissions around Australia decided to adopt, through their own resolution, the guidelines which were formally known as the Commonwealth Guidelines for the determination of who would get aid from the limited Commonwealth funds available.

A consultative committee called the South Australian Legal Assistance Forum has been formalised and comprises representatives from most legal assistance service providers as well as representatives from the State and Commonwealth Attorneys General Departments.

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The renegotiation of the Commonwealth State agreement was also marked by a re-determination by the Commonwealth of the funding allocation between the States and Territory. The outcome has been that the big eastern states received a significant increase in funding and the smaller States and Territory ended with a lesser share than previously. South Australia received a marginal increase above CPI adjustment which is sadly much less than we hoped for.

Infrastructure

Budget bids to the State Government for funds to facilitate a major computer system upgrade and a long overdue accommodation improvement were unsuccessful.

In view of the risks associated with not upgrading our major operating system, now well over 10 years old, the Commission has resolved to proceed with an upgrade in this and next year by reallocation of priorities and through running down reserves.

A consultant, KDN Services, has been engaged to project manage this development and South Australia is collaborating with Legal Aid Queensland and Legal Aid Western Australia to upgrade LA Office to a 'net' capable system. This will enable the Commission to consider adopting electronic business transactions i.e. electronic applications and payments to lawyers, something most other States have been doing for some years.

Congratulations—

Awards and Appointments

I would like to offer my heartiest congratulations to our in-house counsel, Mr Greg Mead SC and Mr Paul Muscat SC, both of whom were appointed Senior Counsel in the course of the year. Never before has the Commission been fortunate enough to have two silk on its staff. My congratulations also go to our Commissioner David Meyer on receiving the Law Society's Brian Withers' Award for services to the Law Society and the legal profession. David's receipt of this award follows that of our Chairman, Ms Deej Eszenyi who received the Brian Wither's Award in 2009-10.

Legal Aid Review

On 10 February 2011 the Attorney-General John Rau announced a Legal Aid Review. This review is to concentrate on the optimum delivery of representation in the Criminal Jurisdiction. The terms of reference can be found in *Appendix 10* of this report.

The Commission welcomed the review and staff have been actively engaged providing extensive data and explanations of process and policy to the Review Committee.

Commission Conference

On 13th May 2011, the Commission held its first weekend conference since 2007.

The conference was held at Whalers' Resort at Victor Harbor and provided an opportunity for Commissioners, staff and private legal practitioners to gather as a group and hear from the Chairman and Director about the current directions for the organisation.

On the Friday night conference attendees participated in the Commission's highly successful legal education initiative

Expect Respect. The keynote speaker, his Excellency, the Lieutenant Governor, Mr Hieu Van Le spoke of his experiences in coming to Australia as a 'boat person', relating those experiences to the issues faced by our many multicultural clients and of the significance of the rule of law in a civilized community. A variety of legal information sessions and workshops were conducted covering such topics as electronic crime, addiction and the family court and the impact of social networks on youth.

The after-dinner speaker was the very entertaining Mr William Penn Boucaut SC. The conference provided a valuable opportunity for exchange of ideas, to increase our current knowledge base and to reflect on the Commission's future challenges.

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Walk for Justice

In May this year I had the pleasure of joining staff and colleagues who were taking part in an early morning 'Walk for Justice'. Funds raised by those participating in the Walk were directed to JusticeNet SA, an independent, not-for-profit organisation that facilitates access to justice in South Australia through the co-ordination of pro-bono legal services.

Child Support and Facebook

In line with recommendations in the 2008-09 client survey, the Commission's Child Support Unit (CSU) launched a Facebook profile in April 2011. The Facebook wall has been used to promote the services of the CSU and the Commission generally and clients are able to contact the Unit by confidential email. There has been an encouraging response with an increasing number of clients saying they learnt about the Commission's service from the internet.

The Year Ahead

Challenges for the year ahead will include:

- Increasing our prevention and early intervention services in accordance with NPA objectives.
- Improving our collaboration and partnerships with other legal service providers to maximize efficiency and accessibility of those services in the community.
- Responding to recommendations from the Legal Services Commission Review.
- Bedding down our upgraded computer system.
- Resolving a financially viable plan for the Commission's future Head Office accommodation.

I would like to thank the Commission, the staff and the private profession for their ongoing commitment and effort in seeking to provide accessible justice to the community in South Australia.

Hamish Gilmore

Director